

LOCAL RULES OF COURT

COLUMBIANA COUNTY COURT OF COMMON PLEAS



GENERAL DIVISION DOMESTIC RELATIONS DIVISION

Revised and Effective
as of May 22, 2020

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Chapter 1

General Information

Rule 1.01 Authority

These Rules are adopted pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio (Rules of Superintendence) and are consistent with and compliment other rules promulgated by the Ohio Supreme Court, including the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, and the Rules of Superintendence.

Rule 1.02 Hours of Court

The Court is generally in session daily, Monday through Friday, from 8:00 a.m. to 4:00 p.m. The Court shall be in session at such other times and hours as any Judge or Magistrate may determine to meet special situations or conditions.

Rule 1.03 Court Security

A. Purpose

Appropriate levels of security must exist in the Court to protect the integrity of court procedures and the rights of individuals before it, to deter those who would take violent action against the Court, its employees, attorneys, or litigants, to sustain the proper decorum and dignity of the Court, and to assure that Court facilities are secure for all those who visit and work at the Court.

B. Authority

The Court shall be responsible for security measures to achieve the purpose of this Rule on the Second Floor of the Courthouse where it operates. The Columbiana County Board of Commissioners shall be responsible for security measures to achieve the purpose of this Rule for the remainder of the Courthouse building. The Columbiana County Court of Common Pleas, Juvenile Division, shall be responsible for security measures to achieve the purpose of this Rule in the separate building in which it operates.

Rule 1.04 Court Attire and Conduct

All persons must be dressed appropriately before entering a courtroom. No attorney, person representing themselves, party, witness, or spectator, shall be permitted to appear in a courtroom or offer testimony while dressed in shorts, "flip flops," "tank tops," or other similar clothing.

All persons who appear before the Court or who attend a proceeding shall maintain the decorum of the Court throughout the proceeding. Any failure to comply may result in a continuance of the Court proceeding or other sanction that is appropriate under the circumstances.

Rule 1.05 Contact Information

Columbiana County Court of Common Pleas, General Division and Domestic Relations Division (Court):

Columbiana County Courthouse
105 South Market Street, Lisbon, Ohio 44432
Telephone: 330-424-7777
Facsimile: 330-424-1739

Columbiana County Clerk of Courts (Clerk):

Columbiana County Courthouse
105 South Market Street, PO Box 349, Lisbon, Ohio 44432
Telephone: 330-424-7777
Facsimile: 330-424-3960
Internet Website: www.ccclerk.org

Rule 1.06 Citation, Effective Date, Access, and Applicability

A. Citation

These Rules shall be known as the "Local Rules of Court, Columbiana County Court of Common Pleas, General Division and Domestic Relations Division" and shall be cited as "Loc. R. Ct. _____."

B. Effective Date

1. These Rules were revised and are effective May 22, 2020. These Rules completely replace and supersede any prior version. If any change is made to any of these Rules after May 22, 2020, or if additional Rules are adopted, the web version will include a revised date at the bottom of the page to indicate that the version being viewed is the most current version.

2. The Court reserves the right to alter, modify, or repeal these Rules as it deems necessary and/or suspend their operation for reasons including the declaration of a public emergency.

C. Rules Access

These Rules can be accessed through the website of the Clerk or through the website of the Columbiana County Law Library: www.columbianacountylawlibrary.org.

D. Rules Applicability

When applicable, these Rules apply to all Civil, Criminal, and Domestic Relations cases in the Columbiana County Court of Common Pleas, General Division and Domestic Relations Division.

Rule 1.07 Forms

The various forms mentioned in these Rules are found in the Appendix as indicated.

Rule 1.08 Violation

For any abuse, violation, or other disregard of these Rules, other applicable rules, or any Court Order, the Court reserves the right to impose sanctions according to law, including payment of attorney fees, and/or payment of costs.

Chapter 2

Pleadings and Other Documents

Rule 2.01 Format and Signature

A. All pleadings and other documents to be filed with the Clerk shall be legibly typewritten or printed on one-sided letter size (8 ½" x 11") paper. The Clerk shall not accept for filing any pleading or other document that does not comply with applicable Ohio Rules, these Rules, or any order of the Court.

B. Every pleading or other document to be filed with the Clerk shall be signed and include the contact information of the attorney or person representing themselves in accordance with Rule 11 of the Ohio Rules of Civil Procedure, which is fully incorporated by reference through this Rule.

C. If any of the contact information of an attorney or person representing themselves changes while the case is pending, the revised information shall be reported to the Clerk, through filing a written notice on paper or electronically through email to clerk@ccclerk.org. A sample written notice is found at **Appendix A**.

Rule 2.02 E-mail Notice of Assignment

A. The e-mail address provided to the Clerk by an attorney or person representing themselves shall be considered the address for the purpose of any notice of assignment for any proceeding, including any scheduling conference, telephone conference, pre-trial, motion hearing, trial, or other matter coming before the Court. An attorney or person representing themselves shall be held accountable for appearances accordingly.

B. It is the sole responsibility of an attorney or person representing themselves to provide to the Clerk any change of e-mail address for which assignment notices are sent.

Rule 2.03 Privacy

A. For the purpose of this Rule, "court record" and "case document" have the same meaning as in Rule 44(B) of the Rules of Superintendence, which is fully incorporated by reference through this Rule.

B. In all court records and case documents, every person shall omit personal identifiers in compliance with Rule 45(D) of the Rules of Superintendence, which is fully incorporated by reference through this Rule.

C. The personal identifiers that shall be omitted, include all of the following:

- Social Security Numbers of any person, except for the last four digits;
- Dates of Birth for any person, except for the year of birth;
- Financial information, including, but not limited to, debit card, charge card, or credit card numbers or accounts and bank or checking account numbers;

- Employer and Employee identification numbers;
- A juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim";
- Other information protected by law.

D. A person seeking to include complete personal identifiers in a court record or case document, shall first file a motion requesting permission from a Judge or Magistrate to do so.

E. If a Judge or Magistrate grants the motion, it might be necessary to submit the court record or case document to the Court under seal, or to file it with the Clerk under seal, and/or or submit or file a redacted copy for the public record.

F. The responsibility for omitting personal identifiers rests solely with the person submitting or filing the court record or case document.

G. The Clerk will not review any court record or case document for compliance with this Rule or remove personal identifiers from any court record or case document, unless otherwise ordered by the Court.

H. The requirements of this Rule apply to a court record or case document, whether submitted or filed electronically or on paper.

Rule 2.04 Case Designation Form

The electronic or paper filing of every civil complaint shall be accompanied by a Case Designation Form. A sample Case Designation Form is found at **Appendix B**. The Case Designation Form can also be obtained at the Clerk's Office. It is the obligation of the attorney or person representing themselves to properly complete the Case Designation Form for filing with the Clerk.

Rule 2.05 Service By Clerk

If the Clerk is requested to perform service of a pleading or other document, an adequate number of copies shall be provided by the attorney or person representing themselves.

Rule 2.06 Filing by Facsimile

The Court and the Clerk do not accept filing by facsimile transmission.

Rule 2.07 Electronic Filing (E-Filing)

A. Notice

Subject to the provisions of this Rule, filing with the Clerk may be accomplished through electronic filing (E-Filing). All persons desiring to utilize electronic filing must pre-register and be approved by the Clerk. The requirements for pre-registration and approval can be found at the Clerk's website: www.ccclerk.org.

B. Definitions

1. Original Document: the electronic document received by the Court.
2. PDF: Portable Document Format - documents saved as this type have the [.pdf] extension.
3. DOC: Microsoft Word Documents - documents saved as this type have the [.doc] extension.
4. Source Document: the document created and maintained by a User that is electronically transmitted to the Clerk for filing.
5. Submission: a document or other data electronically transmitted over the public Internet to the Clerk for filing.
6. Effective Date and Time of Filing of a Document: means the date and time stamped by the Clerk on the electronically transmitted document.
7. Electronic Filing: the process of electronically transmitting a digitized source document over the public Internet to the Clerk for filing and refers, as indicated by the context, to the means of transmission or to a document so transmitted. Electronic filing does not include a facsimile transmission.
8. Electronic Mail (email): Messages sent by or received by a person through an electronic service system utilizing the public Internet.
9. User: A person approved by the Clerk who electronically transmits a digitized source document over the public Internet to the Clerk for filing.

C. Electronic Filing Policy

1. Applicability

All documents may be electronically filed with the Clerk, subject to the provisions of these Rules.

2. Application of Rules and Orders

Unless otherwise modified by approved stipulation or Court order, these Rules and all applicable Ohio Rules, including Rule 5(E) of the Ohio Rules of Civil Procedure, Rule 12(B) of the Ohio Rules of Criminal Procedure, and the Rules of Superintendence, which are fully incorporated by reference through this Rule, shall apply to all electronically filed documents.

3. Regulation of Electronically Submitted Documents

a. Any electronically submitted document must be signed by an attorney admitted, in good standing, and licensed to practice law in the State of Ohio or person representing themselves.

b. The signature on an electronically submitted document shall be considered that of the attorney or person representing themselves under Rule 11 of the Ohio Rules of Civil Procedure.

c. No User shall authorize any person to electronically submit on that User's behalf any document to the Clerk for filing, except the User's employee or a service provider retained to assist the User in electronic filing.

d. If it is established that any document was electronically submitted without authority, upon motion, a Judge or Magistrate may order the document stricken.

4. User Account Assignment

a. Upon receipt of a properly completed and signed Online Access User Agreement Form, the Clerk shall set up an electronic User account and assign a User-id and initial password to be used for electronically submitted documents. A sample Online Access User Agreement Form is found at **Appendix C**.

5. Hours of Operation

a. The Clerk shall receive electronically submitted documents 24 hours per day, seven days per week, regardless of whether or not the Clerk's Office is actually open.

b. An electronically submitted document will be deemed filed when time stamped by the Clerk. Time at the Court (Eastern Standard) governs, rather than the time zone from which the submission is made. Accordingly, all electronic submissions should be made in adequate time to permit processing in the event of an imminent deadline.

c. All electronically submitted documents shall receive a confirmation date and time acknowledgement as set forth in this Rule.

6. Document Format

a. Documents must be electronically submitted in PDF or DOC formats and as an attachment to the Web Portal.

7. Fees

a. The Clerk shall charge the User normal filing fees and deposits, which will be collected through the User's credit card at the time the electronic submission is processed. Pursuant to § 301.28(E) and (F) of the Ohio Revised Code, a surcharge for credit card use may be assessed in an amount to be determined by the Clerk. Any document electronically submitted will not be filed until all required fees have been paid.

b. A current filing fee and deposit schedule of the Clerk is found at **Appendix D**.

c. The Clerk will not accept personal checks or other forms of payment for filing fees and deposits required with electronic filing.

d. The Clerk will document the receipt of required fees and deposits on the docket.

e. The Clerk will not maintain electronic billing or debit accounts for any User.

8. Filing Acceptance or Rejection Cycle

a. A confirmation number will be assigned to each electronically submitted document when it is received in its entirety by the Clerk's receiving device.

b. The confirmation number and the date and time of the filing will be displayed on the My Filings screen of the User's computer upon successful electronic submission of the document.

c. Upon successful processing of the electronically submitted document by the Clerk, an electronic mail message containing the confirmation number and case number assigned, if any, will be sent to the User.

d. The User will be notified by an electronic mail message if the electronically submitted document is rejected for filing for any reason.

e. If an electronically submitted document is rejected for filing due to technical errors and the User wishes to have a corrective document relate back to the date and time of the rejected document, the User must file a motion with the Court seeking such relief.

f. The Clerk shall retain an electronically submitted document that is rejected for filing for a period of one year from the date of the electronic submission, and it may then be destroyed without further notice to the User.

g. Any User who elects to electronically submit a document to the Clerk is solely responsible for any delay, disruption, interruption, or failure in transmission and/or readability of the document. Each User accepts all risk that an electronically submitted document may not be received, filed, properly filed, or accepted by the Clerk.

9. Electronic Time Stamping

a. Upon successful completion of submission and acceptance by the Clerk, each electronically submitted document will receive a separate electronic time stamp.

b. The electronic time stamp will include the date and time that the Clerk accepted the User's entire electronic submission as well as the case number of the filing, if any.

c. If the Clerk recognizes a processing error, the Clerk will contact the User in an effort to remediate the issue.

d. After a document is electronically time stamped and accepted into the system, it cannot be altered by the User.

10. Disposition and Maintenance of Source Documents

a. An electronically filed document shall be accepted as the original filing, if the User complies with all of the requirements of this Rule.

b. The User is not required to file a paper copy with the Clerk of any electronically filed document, but must maintain in the User's records, and have available for production upon request by the Court, the Clerk, or counsel, the source document of any document electronically filed.

c. A User shall maintain each source document until the final completion of the case, including during the time in which an appeal could be filed or until any appeal is completed.

11. Service of Electronically Filed Documents

a. Electronically filed documents shall be served in accordance with Rule 5 of the Ohio Rules of Civil Procedure and/or Rule 49 of the Ohio Rules of Criminal Procedure, which are fully incorporated through reference in this Rule.

b. Once an attorney or person representing themselves has entered an appearance, the attorney or person representing themselves shall furnish their email

address, and service thereafter on such person shall be made electronically when possible.

12. Attachments and Exhibits

a. Attachments and exhibits to an electronically submitted document shall also be submitted electronically.

b. Large attachments or exhibits that cannot be submitted electronically must be submitted in paper copy for service on all other parties.

13. Signatures

a. If an original document requires a signature of a non-attorney, the User shall scan the original document and then submit it to the Clerk electronically.

b. An electronically submitted document requiring an attorney's signature shall be signed in the following manner: "/(attorney name)/." The correct format for an attorney signature is as follows:

- /Ohio Attorney/
- Attorney's name (typed)
- Ohio Supreme Court Number
- Attorney for (Plaintiff/Defendant)
- Address
- Telephone Number
- Facsimile Number
- Email Address

c. For documents requiring two or more signatures, such as stipulations, journal entries, agreed judgment entries, or separation agreements, the following procedure applies: (1) The User shall confirm that the content of the document is acceptable to all persons required to sign the document; and (2) The User will indicate the agreement of other counsel or person representing themselves at the appropriate place in the document, usually on the signature line.

d. If the User elects to file the document electronically the signatories shall be indicated, for example, as /Jane Doe/, /John Smith/, etc.

e. Any person that disputes the authenticity of a signature on an electronically filed document containing multiple signatures must file an objection to the document or a motion to strike within ten (10) days of receiving the notice of electronic filing.

14. Technical Failures

a. The Clerk may, at any time, deem its website at www.ccclerk.org subject to a technical failure if the website is unable to accept electronic submissions continuously

or intermittently. If known in advance, the period of any system outage will be posted on the Clerk's website whenever possible.

b. A User who cannot submit or file a document electronically due to any problem of any nature must file a paper copy with the Clerk.

c. A User whose filing is made untimely as a result of a technical failure of the Clerk's system or website, or as a result of problems or failures in the User's system, may seek appropriate relief from the Court.

15. Correction of Docket Entries / Documents Filed in Error

a. Once filed, an electronically filed document becomes part of the docket. The Clerk alone is authorized to make any corrections or changes to the docket.

b. The electronic filing system does not permit a User to make changes to any document or the docket once the transmission has been accepted by the Clerk.

c. If an electronically submitted document is filed in error, a User should not attempt to re-submit the document.

d. As soon as reasonably possible after an error has been discovered, the User should contact the Clerk with the case number and document number for which the correction or change is being requested.

e. A Judge or Magistrate may approve an appropriate judgment entry indicating that an electronically filed document was submitted in error and the Clerk will advise the User if the document may be re-filed.

f. If an electronically filed document is filed in error (e.g., a document includes the wrong case number), a Judge or Magistrate may order the document stricken.

g. As soon as reasonably possible after an error has been discovered, the Clerk shall notify the User of the error and if the document needs to be re-submitted.

h. The Clerk will not delete the relevant docket text but will note in the docket the deletion or change, the reason for the deletion or change, and that the User has been so notified. (e.g., Stricken from record per JE dated 1/1/2000).

D. Non-Compliance

The Clerk reserves the right in its discretion to deny any person the use or continued use of the E-Filing system, for reasons including that person's non-compliance with these Rules or any other rule governing the use of the E-Filing system, equipment incompatibility issues that are not corrected, or due to any misuse of the E-Filing system.

Rule 2.08 Public Access to Court Records and Case Documents

- A. Direct or remote public access to court records and case documents shall be as provided in Rule 45 of the Rules of Superintendence, which is fully incorporated by reference through this Rule.
- B. Members of the public can obtain copies of or review electronically filed documents in the same manner as documents filed on paper at the Clerk's website at <http://www.ccclerk.org>. The Clerk provides access to some documents online. If not available online, electronically filed documents may be reviewed in the office of the Clerk.
- C. Public access to electronically filed public documents will be available at the Clerk's website as soon as the Clerk has processed the document.
- D. If the Clerk's website is unavailable or is not provided, or if the Clerk is prohibited by the Court or by any law from making the document available at the Clerk's website, the document will be available for review at the office of the Clerk, either by computer terminal or in paper form.
- E. If a court record or case document is sealed or expunged, is filed under seal, or is otherwise not subject to public viewing, it is unavailable for public disclosure or review.
- F. No person, except a Judge or Magistrate of the Court, a member of the court staff, or someone on the Judge's written order, shall be permitted to remove a court record or case document from a file or take a file out of the custody of the Clerk. While used during the trial of a case, every court record and case document shall be considered in the custody of the Clerk.

Rule 3.01 Security for Costs

A. Deposit for Costs

1. The Clerk of Courts shall require an advance deposit for security for costs before filing a civil case or proceeding as allowed by law, pursuant to a schedule of costs as authorized by the Courts. The Clerk shall maintain a current copy of this schedule open to the public. The amount of the deposit or security shall not be increased without the authority of the Court and until after thirty (30) days notice of such increase has been posted in the Clerk's office or on the Clerk's website, except as allowed by law.

2. A current filing fee and deposit schedule of the Clerk is found at Appendix D.

B. Additional Deposit for Costs

1. Where there are three or more defendants in a civil case upon which service is requested, or when service by publication is requested, or at anytime while a case is pending, the Clerk may request the deposit of additional funds in an amount sufficient to cover the anticipated additional costs.

2. On its own Order or request of the Clerk, and if satisfied that the current deposit is insufficient, the Court may require it to be increased so as to secure all costs that may accrue.

C. Bill for Costs

In all civil cases or matters in which costs are taxed to a particular party, the Clerk shall send a bill for the costs to the attorney for a party and to the party or to a person representing themselves. The costs shall be paid within thirty (30) days of the mailing of the bill unless an appeal is filed, or as the Court might otherwise order.

Rule 3.02 Attorney Withdrawal

1. Withdrawal from representation of an attorney of record shall be only upon motion and approval of the Court, and in accordance with the Ohio Rules of Professional Conduct, including Rule 1.16, which is fully incorporated by reference through this Rule.

2. The attorney seeking permission to withdraw from representation shall provide a proposed judgment entry including the name and other pertinent contact information of any successor attorney. Upon allowing withdrawal by the Court, the withdrawing attorney shall serve a copy of the judgment entry by regular U.S. mail on their client, any opposing party or their counsel, or upon any person representing themselves.

Rule 3.03 Jurors

A. Juror Draw

1. In order to provide a sufficient number of jurors for the annual term of the Court, a juror draw shall be held at least two times a year and at such other times as the Jury Commission or the Court may require. The Jury year begins annually on January 1 and is completed annually on December 31. The Jury Commission shall draw jurors for the Court, The Columbiana County Court of Common Pleas Probate and Juvenile Divisions, and for the Columbiana County Municipal Court.

B. Questionnaires

1. The Jury Commission Clerk shall forward a questionnaire to each prospective juror summoned for jury service, whether as a trial juror or grand juror. The juror summoned shall complete, sign, and return the questionnaire to the Jury Commission Clerk.

2. Juror questionnaires may be provided to attorneys or a person representing themselves for use during the jury selection process and shall be returned to the Bailiff not later than at the end of the trial, unless otherwise ordered by the Court.

3. No person shall copy a juror questionnaire, share the information on a questionnaire with a non-party, or use the information on a questionnaire for any purpose other than the jury selection process. No person shall use any information from a questionnaire to contact a juror either before or after the proceeding without the permission of the Court. Juror questionnaires that are not made part of the trial record shall be shredded upon the completion of the service of the juror.

C. Trial Jurors

1. Trial jurors shall serve for a period of one (1) week. If seated for a trial, a juror shall serve until the trial is concluded.

2. A sufficient number of jurors shall be assigned for jury duty each week, as necessary and as requested by the Court, and shall be shared by both courtrooms.

3. The Jury Commission shall meet monthly on a date selected by the Commission and draw sufficient jurors to provide the necessary number of jurors for at least a four (4) week period beginning approximately eight (8) weeks after the draw, so as to allow for adequate time to notify the jurors, to receive juror questionnaires, and to receive and review any request to be excused from service.

4. The Jury Commission Clerk shall randomly assign the jurors selected for service to a particular week.

5. The Jury Commission, upon approval by the Court, may alter the number of jurors selected, the length of time between the selections and the date of service, and the method of assigning jurors for a particular week.

6. The Bailiff of each courtroom shall provide each juror seated for a trial with an identification badge to be prominently displayed by the juror during their service as a juror, and used pursuant to the Bailiff's instructions.

Rule 3.04 Filming and Recording of Court Proceedings

A. The filming and recording of Court proceedings shall be in accordance with Rule 12 of the Rules of Superintendence, which is fully incorporated by reference through this Rule.

1. The current form requesting permission to film or record Court proceedings may be obtained from Court Security and is found at **Appendix E.**

Rule 3.05 Transcripts

A. Request and Payment of Fee

1. Any request for a transcript of a proceeding shall be made to the appropriate official court reporter of the Court. The person requesting a transcript shall arrange for payment of the cost of its preparation with the official court reporter, who may require an advance deposit. Payment to the official court reporter shall be in accordance with the page rate schedule separately established by the Court. A copy of the current page rate is found at **Appendix F.**

2. Once completed, the cost for the preparation of the transcript is due and payable to the official court reporter. Upon full payment, copies of the transcript shall be provided electronically at no additional cost.

B. Filing and Exhibits in Domestic Relations Cases

1. An original transcript of a proceeding will not be filed with the Clerk until full payment is made or adequate arrangements have been made for full payment as determined by the Official Court Reporter.

2. Once filed with the Clerk, the original transcript of a proceeding is a court record or case document and must be preserved in its original format to prevent the possibility of alteration and/or destruction. Once filed, the original transcript of a proceeding shall remain in the possession of the Clerk, except for review by a Judge,

Magistrate, or member of the Court staff. Any failure to comply may render the original transcript invalid as a correct and certified copy for purpose of the record and may subject any party violating this Rule to paying the cost of preparing another original transcript.

3. If an appeal is filed in a domestic relations case and a transcript of the proceedings has already been filed with the Clerk, the attorney or person representing themselves filing the appeal shall notify the Official Court Reporter to transmit the exhibits to the Court of Appeals.

C. Format

1. The format of a transcript of a proceeding prepared by an Official Court Reporter shall be done on computer aided software programs of Case Catalyst or its equivalent, with no fewer than 25 typed lines on standard 8 1/2 x 11 paper, no fewer than 9 or 10 characters to the typed inch, left hand margin to be set at no more than 1 3/4 inches, right hand margin to be set at no more than 3/8 inch, each question and answer to begin on a separate line, each question and answer to begin no more than five spaces from the left hand margin with no more than 5 spaces from the Q and A to the text, and carry-over Q and A lines to begin at the left hand margin.

Rule 3.06 Court Records Management and Retention

A. Destruction of Exhibits, Depositions, or Transcripts

1. Exhibits, Depositions, or Transcripts may be destroyed in accordance with Rule 26 of the Rules of Superintendence, which is fully incorporated by reference through this Rule.

Rule 3.07 Court Appointments

A. List

1. The Court shall maintain lists, as detailed in this Rule, of appointees from which appointments shall be made. The person responsible for selecting an appointee shall do so at random.

2. All prospective appointees shall have an equal opportunity to receive appointments considering the skill and expertise of appointee in the designated area of appointment, the management of the appointee's current caseload, and the difficulty of the particular matter.

3. Appointments shall be on a case by case basis from the members of the bar association at large or such other persons as the Court deems necessary.

B. Qualifications

The Court by other Rules has set qualifications for the various appointees and will from time to time determine by Court Order or Rule other qualifications for other appointees.

C. Domestic Relations

1. Each Domestic Relations Magistrate shall keep the Domestic Relations appointee list, which shall include lists of the following for appointment: counsel available for appointment to Contempt or Sentence reviews and other matters as deemed necessary by the Magistrates; Arbitrators; Mediators; Guardian Ad Litem; Professionals for forensic psychological evaluations and/or alcohol and drug dependency evaluations; and Qualified Appraisers, when directed by the Court.

Chapter 4

Civil Case Management

Rule 4.01 General

A. General

1. The goal of civil case management is the prompt but fair management of the matters that come before the Columbiana County Court of Common Pleas, General Division and Domestic Relations Division. This goal can only be accomplished by early and continuing judicial control and management of each case assigned to the docket of a Judge or Magistrate. These Rules establish a general framework for managing cases, leaving to the discretion of the individual Judge or Magistrate the use of any specific procedure available to accomplish the goal of this Rule.

Rule 4.02 Extension of Time to Plead or Respond

An attorney or party representing themselves may file a motion for an extension of time to plead or respond for an additional thirty (30) days. Absent good cause shown, the Court will not grant a third leave to plead without a written motion explaining the necessity of obtaining such third leave to plead and the reasons why a responsive pleading could not be filed earlier. In all proposed judgment entries granting a leave to plead, an attorney or party representing themselves shall state the number of leaves to plead previously granted.

Rule 4.03 Scheduling and Pretrial Conferences

A. General

The Court may hold conferences in all civil cases for the purpose of achieving the objectives of Ohio Rules of Civil Procedure Rule 16, which is fully incorporated by reference through this Rule. The guidelines for such conferences include the following:

1. The conferences shall be held at such time and place as the Court shall direct. Notice of the time and place of any conference shall be given by ordinary mail, electronic, or telephonic means, to attorneys of record and any person representing themselves who are not in default.

2. Unless a conference is conducted by telephone, the personal presence of all parties, trial counsel, and any person representing themselves is required at all conferences, including a final pretrial conference, unless specifically excused by the Court. If any party is a corporation or other legal entity, an authorized representative of that party must personally appear at the conference, unless specifically excused by the Court. If an insurance company is involved in a case, an authorized representative of the insurance company with complete settlement authority must personally appear at the conference, unless specifically excused by the Court. Any unexcused failure to appear could result in the imposition of sanctions that are appropriate under the circumstances.

3. Upon request, trial counsel and any person representing themselves shall provide the Court with a copy of any written demand or offer of settlement.

4. Statements of any person made during a conference shall not be binding, unless expressly made so by written agreement or if so reflected in any Court order.

Rule 4.04 Discovery

A. Filing

1. The filing with the Clerk of discovery requests and responses shall be governed by Civ. R. 5(D), which is fully incorporated by reference through this Rule.

2. Certificates of Notice of service of requests for discovery and responses shall be filed with the Clerk.

3. The Clerk shall accept for filing the originals of discovery requests only when filed for service with an original civil complaint. When original interrogatories are filed with a civil complaint, the Clerk shall serve the original discovery requests on a party as instructed by an attorney or person representing themselves.

4. The Clerk shall accept for filing copies of any discovery document where the document is filed in support of a motion, including a motion objecting to the discovery or responses to the discovery, seeking to compel discovery, for use in the proceeding, or as the Court may order.

Rule 4.05 Motions and Briefs

A. Copies of Authorities

Copies of authorities, including unreported cases, shall not be attached or presented as an attachment to a motion or brief if the authority or case is fully cited and is available in electronic media or on-line. The purpose of this Rule is to reduce the amount of paper being filed with the Clerk since the Court has on-line research services available for its use.

B. Decisions on Summary Judgment

Decisions on motions for summary judgment shall be made without an oral hearing and without further notice, unless otherwise ordered by the Court, in accordance with the timeline set forth in Rule 6(C) of the Ohio Rules of Civil Procedure, which is fully incorporated by reference through this Rule.

C. Decisions on Other Motions

All other non-emergency motions shall be decided on and after 14 days from the date of filing, without an oral hearing and without further notice, unless otherwise ordered by the Court.

Rule 4.06 Proposed Judgment Entries

1. At the time of filing a motion, an attorney or party representing themselves shall submit with that motion a proposed judgment entry granting the motion and setting forth the requested relief.

2. The motion shall be docketed prior to submitting the proposed judgment entry to the Judge or Magistrate. The proposed judgment entry shall contain the case caption and case number of the case. A sample case caption is found at **Appendix G**.

Rule 4.07 Voluntary Dismissal or Agreed Entry of Judgment

1. Rule 41 of the Ohio Rules of Civil Procedure is fully incorporated by reference through this Rule.

2. Any plaintiff or party in the position of a plaintiff who files a notice of voluntary dismissal pursuant to Civil Rule 41(A)(1)(a) of the Ohio Rules of Civil Procedure shall be responsible for all court costs incurred as determined by the Clerk.

3. Any stipulation of dismissal filed pursuant to Civil Rule 41(A)(1)(b) and any agreed entry of judgment shall contain a stipulation as to who shall be responsible for court costs. In the absence of a stipulation, costs shall be taxed first to the deposit and then to plaintiff.

4. In any case where a plaintiff files a notice of voluntary dismissal and a counterclaim, cross-claim, or third party complaint remains pending, no costs shall be assessed until such claim is resolved.

Rule 4.08 Re-filed Actions

If a civil case is dismissed and then re-filed, the caption of the re-filed action shall indicate that it is a re-filing, the previous case number, and the Judge previously assigned. A sample case caption is found at **Appendix G**.

Rule 4.09 Mediation

A. Uniform Mediation Act

The Uniform Mediation Act (UMA), beginning at Ohio Revised Code Chapter 2710, and Rule 16 of the Rules of Superintendence are fully incorporated by reference through this Rule.

B. For purposes of this Rule, the following definitions apply:

1. "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.

2. "Mediator" means an individual who conducts a mediation.

3. "Mediation Communication" means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

C. Cases Eligible for Mediation

1. Civil Cases

a. The Court in its discretion may encourage parties to use mediation in a civil case, including domestic relations cases, and foreclosures. A case may be submitted to mediation upon the motion of an attorney, upon the request of a party representing themselves, or upon an order of the Court. A sample mediation referral in a civil case is found at **Appendix H**.

b. If a civil case is referred to mediation, an attorney or a party representing themselves shall e-mail to the Mediator a mediation statement not later than two (2) days before the scheduled mediation. A sample mediation statement is found at **Appendix I**. An attorney or party representing themselves may submit additional or confidential information if desired or requested by the Mediator.

c. Requests to continue or cancel mediations are not favored and will be considered only if timely made and based on extraordinary circumstances.

d. Attorneys, parties representing themselves, and any insurance representative shall attend the mediation in person, unless otherwise ordered by the Court. Any unexcused non-appearance may result in sanctions that are appropriate according to law.

e. If the case settles prior to the mediation, counsel shall notify the Mediator and the Court's Bailiff immediately. If notice of settlement is not provided at least one day prior to the scheduled mediation, the mediator's fees shall be taxed as costs.

2. Foreclosure Cases

a. An attorney or party representing themselves may request mediation in a foreclosure case. A sample request for mediation in a foreclosure case is found at **Appendix J**.

D. Cases Not Eligible for Mediation

1. Mediation is prohibited in the following cases and/or circumstances: as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify, or terminate an order of protection; in determining the terms and conditions of an order of protection; and/or in determining the penalty for violation of an order of protection.

2. Nothing in this Rule shall prohibit the use of mediation in a subsequently filed domestic relations action, even though it may result in the termination of an order of protection.

E. Confidentiality

All mediation communications related to or made during the mediation process are confidential, except according to law, including as set forth in the UMA or Superintendence Rule 16.

F. Domestic Relations Mediator Training

Each domestic relations mediator shall have the training required by Superintendence Rule 16(C).

G. Fees and Costs

The Court may assess fees and costs for mediation. Unless otherwise agreed by the parties or ordered by the Court, any mediation fees shall be shared equally. The Court may waive fees and costs for an indigent party. Mediation shall not be ordered when a party is indigent, unless the mediation is available at no cost to the party.

Rule 4.10 Arbitration

A. Court Ordered

If the amount of damage claimed in a civil case does not exceed twenty-five thousand (\$25,000.00) dollars, the Court may order arbitration. The court shall appoint

arbitrator(s) and fix their compensation. The Court will also determine how the arbitration proceeds, including, but not limited to, its manner, evidentiary issues, and adopting any report or award as the order or judgment of the Court.

B. By Agreement

The parties may agree to submit a civil case to arbitration. The parties may agree to waive the right to appeal if done so in writing and approved by the arbitrator(s). In such a case the report and award of the arbitrator(s) shall be final and non-appealable.

Rule 4.11 Legal Description and Order of Sale

1. The legal description and a copy of the prior deed must be approved and stamped by the Columbiana County Engineer's Office Map Department and have the Property Description Form completed.

2. Any precipe for an Order of Sale shall have a clear and legible description of the real estate to be sold, the original approval stamped legal description, and the property description form from the Columbiana County Engineer's Map Department.

3. The Clerk shall have the right to reject for filing any precipe for Order of Sale or legal description the Clerk believes is not legible or clearly readable or does not comply with this Rule.

Chapter 5

Criminal Case Management

Rule 5.01 Try By Time

Within ten (10) days of an arraignment, the Prosecuting Attorney shall provide the Bailiff of each Court a list of each criminal case arraigned and the applicable try-by date.

Chapter 6 Domestic Relations Case Management

Rule 9.0 Documents to be Filed

A. Forms

1. Upon the filing of an action for divorce, dissolution, legal separation, motions relative to the issues of child or spousal support, and/or any action relative to the issuing of parenting, the following supporting documents must be filed by the party filing the complaint, petition, or motion:

a. A typed financial affidavit on the form provided by the Court or the Affidavit of Income and Expenses AND Affidavit of Property promulgated by the Ohio Supreme Court. In an action for a post decree modification of issues of support, pages three and four may be omitted from the financial affidavit and an Affidavit of Property is not required. Each party with any required pleading must file the financial affidavit or if no pleading is required, prior to the hearing where issues of child/spousal support or parenting will be determined.

b. A typed parenting proceeding affidavit on a form prescribed by the Court.

c. A proposed Judgment Entry.

d. A IV-D application, if one has not been previously filed with the Court.

e. All forms needed to comply with this Rule and all other Court prescribed domestic relations forms are found starting at Appendix K.

B. Non-Compliance

The Clerk shall reject all hand-written pleadings, motions, financial and parenting proceeding affidavits and other documents. The Clerk shall reject any filing that is not accompanied by a required financial affidavit and/or a required parenting proceeding affidavit. The Clerk shall not hold any document pending receipt of non-attached documents.

Rule 9.1 Temporary Orders in Domestic Relations Cases

A. All temporary orders filed pursuant to this Rule will be filed as a Magistrate's Order. At the time of filing of a divorce or legal separation, the attorney for the plaintiff or person representing themselves as a plaintiff shall file with the complaint a proposed judgment entry to be approved by the Court, which entry shall order the following:

1. Parental Rights

a. The allocation of parental rights shall be granted while a case is pending to the parent who in good faith has actual physical custody of a child at the time of filing, unless otherwise ordered by the Court. The purpose of this provision is to maintain stability for the child. Where both parents are residing in the same household, a temporary parenting order need not be filed. If a temporary parenting order is granted to one parent while the case is pending, the non-residential parent shall have companionship with the child as set forth in the applicable standard Companionship Plan of the Court, unless otherwise ordered by the Court.

2. Temporary Support

a. All temporary child or spousal support shall be payable through the Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. The non-residential parent of a minor child shall be ordered to pay temporary support starting the first Friday following the filing of the Complaint. The amount of temporary support child support shall be as follows:

(1) If the income of both parents is not known, for one (1) minor child the sum of fifty dollars (\$50.00) per week; for two (2) minor children the sum of ninety dollars (\$90.00) per week; for three (3) or more minor children the sum of one hundred twenty-five dollars (\$125.00) per week, until further order.

(2) If the income of both parents is known, a child support guideline worksheet shall be completed and filed with the temporary order and child support shall be in that amount, until further order.

3. Immediate Exclusion Without Notice

a. Only in an unusual and extreme emergency situation will the Court grant an order immediately excluding one party from the marital home. In such a situation, a motion for immediate exclusion must be supported by an appropriate affidavit and the Court may require the party seeking such exclusion to appear and testify under oath before granting the order. A motion for immediate exclusion shall be scheduled for a hearing within fourteen (14) days after it is granted.

4. Restrictions

a. Each temporary order shall contain language restraining all parties to the case from annoying or harassing the other, either directly or indirectly, and prohibiting disposition of marital assets.

5. Attachment

a. The appropriate Uniform Companionship Plan shall be attached to every temporary order issued by the Court upon filing of a divorce, dissolution or legal separation, or other case or proceeding where companionship would be an issue.

B. Remedy

1. If any party feels aggrieved by a temporary order, desires a temporary order with regard to spousal support or allowance for expenses, or desires modification of temporary child or spousal support order, the party may file an appropriate motion with the Clerk. Motions regarding temporary matters will be given precedence on the hearing schedule. If the party is seeking modification of temporary child support, a child support worksheet and a financial affidavit must be attached to the motion.

2. If the Court grants the motion, any modification may be retroactive to the date the temporary order was filed.

Rule 9.4 Uniform Local Companionship Plan

A. The Uniform Local Companionship Plan can be found at **Appendix K-1.**

Rule 9.41 Uniform Long Distance Companionship Schedule

A. The Uniform Local Long Distance Companionship Plan can be found at **Appendix K-2.**

Rule 9.42 Uniform Transitional Schedule for Companionship

A. The Uniform Transition Schedule for Companionship Plan can be found at **Appendix K-3.**

Rule 9.5 Psychological Evaluations

A. Request/Order

1. The Court may order the parties, a minor child, or others, to submit to a psychological evaluation. The Court will consider ordering a psychological evaluation when parenting of a minor child is at issue.

2. A psychological evaluation shall be ordered at the cost of the requesting party or pursuant to Court order. The deposit for a psychological evaluation shall be made directly to the Counseling Center of Columbiana County in such amount as the Court directs, presently to be in the sum of two hundred sixty (\$260.00) dollars per person evaluated.

B. Psychologist

1. If the parties cannot agree to a disinterested psychologist, the Director of the Counseling Center of Columbiana County shall name a psychologist for the evaluation. Neither counsel nor the parties shall attempt to influence or otherwise interfere with a neutral determination by the psychologist and shall not contact the psychologist, except in reference to the type of evaluation requested and to provide basic case information or scheduling information. Neither counsel shall provide the psychologist with a history of the case or any other factual matters concerning the case. Neither party shall provide a written statement or other history to the psychologist unless requested to do so by the psychologist.

C. Evaluations

1. The report of a psychological evaluation shall not be made public, but a copy of a report may be read as permitted by the Court.

2. The report of the psychologist shall be admissible upon direct exam for any party requesting admission.

D. Testimony

1. Any party who desires to call a psychological evaluator as a witness shall notify the witness fourteen (14) days prior to the hearing at which the witness is expected to testify and shall arrange for pre-payment of any fees for testifying that the witness requires in order to attend.

2. If a party is indigent, the Court may waive the pre-payment of fees, if the witness agrees to appear without pre-payment. This provision applies only to those psychological evaluators appointed by the Court and does not apply to any witness hired by any party.

Rule 9.6 Guardian Ad Litem (GAL)

A. Appointment

1. A GAL shall be selected and appointed solely by the Court. Appointment of a GAL from the list of qualified candidates will not be on a rotating basis.

2. In appointing a GAL, the Court will consider the complexity of the issues, the parties (including geographic location), counsel or any person representing themselves, and any child involved as well as the experience and demeanor of qualified candidates.

B. Information Provided

1. Within fourteen (14) days of the GAL's appointment, counsel or a person representing themselves shall provide the GAL with a written statement which shall include, but not necessarily be limited to, the following: 1) the nature of the issues in the case; 2) names, addresses and telephone numbers of any individuals who may have relevant information relating to the issues in the case; and 3) a list of those tasks deemed practicable and advisable for the GAL to undertake in order to provide the Court with relevant information and an informed recommendation as to the child(ren)'s best interests.

C. Notice to GAL

1. Counsel and/or any person representing themselves shall serve the GAL with copies of all pleadings and documents filed with the Court. The Court shall provide notice of all hearings to the GAL.

D. Compensation

1. A GAL will be compensated at the rate of \$75.00 per hour for all services rendered. A GAL shall submit to the Court a written motion for payment of services rendered. The motion shall be served upon all parties or their counsel if they are represented.

E. GAL Responsibilities and Training

1. A GAL will be trained and fulfill the responsibilities set forth in Rule 48 of the Rules of Superintendence, which is fully incorporated by reference through this Rule.

F. Filing of Reports

1. A GAL shall prepare a written report, including recommendations to the Court, no later than seven (7) days before the final hearing. The report 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, these Rules, and in the Court's Order of Appointment. The GAL's written report shall be considered confidential, shall be filed under seal with the Court but not the Clerk, and shall be retained in the Magistrate's Office and not filed with the Clerk.

G. Access to GAL Report

1. At the time a GAL report is filed, the GAL will also make their report available to counsel of record, and notify any person representing themselves that the report has been filed with the Magistrate's office. A person representing themselves may view the

report by contacting the Magistrate's office during normal business hours and making the necessary arrangements.

2. Counsel may review the GAL report with their client but are strictly prohibited from permitting a party to obtain a copy of a GAL report. No party will be permitted to obtain a copy of the report.

3. No one shall discuss the contents of a GAL's report with a child or within the child's presence and/or hearing, directly or indirectly, or permit another person to discuss the GAL's report with a child of a party or within the presence or hearing of a child.

H. Admission of GAL Report

1. The GAL report shall be accepted into evidence as the GAL's direct testimony, and the GAL may be subject to cross-examination by any party.

I. Comments or Complaints

1. Comments or complaints regarding the performance of a GAL shall be in writing and submitted to the Magistrate's Administrative Assistant.

Rule 9.7 In Camera Interview of Child

1. In all cases where an in-camera interview of a minor child has been requested, the Court shall make a record of the interview, which shall be sealed and opened only by the Court or upon order of the Court.

2. Attorneys may have access to the transcript of a child's interview only upon written motion and order of the Court. Under no circumstances shall the parents have access to the record of the interview, even if the record has been transcribed for purposes of appeal or objections.

Rule 9.71 Appraisals

A. Procedure and Notice

1. If a party desires an independent appraisal of property, whether real, personal, or intangible, they shall notify opposing counsel or person representing themselves and the Court in writing no later than thirty days after the status conference.

2. If a party does not request an independent appraisal of real property, the Court shall accept as the fair market value of the real property the value listed on the tax duplicate of the Columbiana County Auditor's Office.

3. The parties may enter into an agreement to utilize joint appraisers, which shall be in writing and signed by the parties and counsel and any person representing themselves and presented to the Court not later than at trial.

B. What Shall Be Appraised

1. Real, Personal, and Intangible property shall be appraised, including, but not limited to: real property; household goods; furnishings; jewelry; antiques; heirlooms; pensions and retirement accounts; and property which does not have a readily ascertainable value.

2. The NADA Blue Book value or Kelly Blue Book value for automobiles will be accepted in lieu of appraisal, provided the automobile is not an antique or of some special valuation.

3. An item of property does not need to be appraised if the parties have agreed in writing and stipulated to its value.

Rule 9.8 Status Conference

A. Purpose

1. The purposes of a status conference include determining areas of agreement or disagreement, establishing child support in accordance with the child support guidelines, and establishing a timetable for discovery and trial.

B. Current Income

1. Parties shall bring proof of current income to the status conference in order to determine child support.

C. Releases For Pensions or Retirement Plans, or Deferred Compensation Accounts

1. While at the status conference, the parties shall execute and exchange any and all releases that may be necessary to value pensions, retirement plans, or deferred compensation accounts.

Rule 9.9 Pre-trial

A. Purpose

1. The purposes of a pre-trial include exploring settlement of all or some of the contested issues and to expedite trial of the case if a complete settlement is not achieved.

2. To achieve the purpose of this Rule, at the time of the pre-trial, counsel and any person representing themselves shall be prepared to:

- a. Narrow the disputed legal issues;
- b. Admit to undisputed facts;
- c. Stipulate to the authentication of documents and other exhibits to be introduced at trial; and
- d. Exchange reports of expert witnesses, if not already done.

B. Settlement

1. At least five days prior to pre-trial, the parties shall exchange written settlement proposals. Additional or counter-proposals may be exchanged at any time prior to trial and in accordance with any scheduling or trial order.

C. Documents

1. The parties shall bring the following items to the pretrial:
 - a. Certificates of attendance of parenting classes, if they have been ordered to attend parenting classes;
 - b. Proof of current income from all sources;
 - c. Proof of cost of health insurance coverage;
 - d. Proof of child support actually paid for child(ren) not in this case;
 - e. Proof of spousal support actually being paid;
 - f. Copies of last three year income tax returns;
 - g. List of current monthly expenses;
 - h. Copies of all deeds to real estate and a copy of auditor's tax appraisals;
 - i. Copies of titles to all vehicles and copies of the NADA or Kelly Blue Book value of each vehicle;
 - j. Most recent plan summary of all pensions and/or profit sharing plans, retirement plans, or deferred compensation accounts;
 - k. Copies of most recent plan summary of all pensions and/or profit sharing plans, retirement plans, or deferred compensation accounts;
 - l. Copies of most recent statements for all bank accounts, IRA's, stock accounts, mortgages, credit card accounts and all other debts;
 - m. Copies of all life insurance policies and valuation;
 - n. Documentation of property claimed as separate property; and
 - o. Documentation of value of antiques, collectables, or collections.

Rule 9.91 Trials

A. Exhibits

1. All exhibits shall be marked and exchanged with opposing counsel or any person representing themselves at least seven (7) days prior to trial, with a copy of all exhibits provided to the Court not later than the date of trial.

2. A Plaintiff shall use numbers and a Defendant shall use letters to mark exhibits.

Rule 9.10 Repealed, Effective January 13, 2014

Rule 9.11 Judgment Entries/Decrees

A. Contents

1. All judgment entries that grant a divorce, legal separation, dissolution, parenting, set child support, or modify child support shall include the following:

- a. The effective date of the order so that arrearages can be calculated;
- b. Current name and address of Obligor and Obligee;
- c. The amount of any support order, which is going to be effective;
- d. A statement that the Court reserves the power to modify the matters of child support, companionship, and parenting.

B. Attachments

1. All judgment entries that grant a divorce, legal separation, dissolution, parenting, set child support, or modify child support shall be accompanied by the following:

- a. An extra copy of every judgment entry where parenting or support has been ordered or modified shall be submitted to the Clerk of Courts for the Child Support Enforcement Agency;
- b. A child support guideline worksheet pursuant to §3113.215(E) of the Ohio Revised Code;
- c. A copy of the Court's standard order concerning companionship where the same has been ordered by the Court;
- d. The appropriate Uniform Companionship Plan shall be made a part of any final order of the Court wherein parenting of a minor child had been an issue, whether resolved among parties or not;

C. Columbiana County Child Support Enforcement Agency (CSEA)

1. The Clerk shall serve a copy of all entries regarding child and spousal support upon the CSEA by placing said entry in the CSEA basket located in the Clerk's office within three days of filing the judgment entry.

Rule 9.12 Repealed, Effective January 13, 2014

Rule 9.13 Repealed, Effective January 13, 2014

Rule 9.14 Repealed, Effective January 13, 2014

Rule 9.15 Contempt for Unpaid Medical Bills

A. Motion

1. A motion alleging contempt for unpaid medical bills shall be accompanied by a fully executed "Explanation of Medical Bills" form which can be found at **APPENDIX K-4**.

2. Copies of medical bills in dispute shall not be attached to the Motion but such bills shall be submitted as evidence at the hearing, with all personal identifiers removed as required by these Rules.

Rule 9.16 Attorney Fees

A. Amount

1. The amount of \$500.00 shall be deemed to be reasonable, necessary, and appropriate for attorney fees for representation in cases upon which a finding of contempt has been made.

2. Any request for attorney fees in excess of \$500.00 shall require the presentation of evidence according to law, absent a stipulation by the parties.

Chapter 7

Miscellaneous

Rule 10.00 Notary Public. Repealed, effective September 20, 2019. See Ohio Revised Code, Chapter 147.

Rule 17.00 Courthouse and Courthouse Grounds: Persons Subject to Search, Weapons, and Dangerous Ordnances (Effective January 19, 2012).

- A. Any person entering the Columbiana County Courthouse (Courthouse), or on Courthouse grounds or parking lot is subject to search by any law enforcement official.
- B. No person shall possess or have under control a deadly weapon or dangerous ordnance while in the Courthouse or on the grounds or parking lot, except law enforcement officials, probation officers, and others authorized by the Court. The Sheriff of Columbiana County or any law enforcement official shall have the right to search and apprehend any person in violation of this Rule and shall promptly bring the person before a judge of the Court of Common Pleas for appropriate action.
- C. Violation of this Rule may result in criminal prosecution and/or contempt of Court.
- D. "Weapon" and "Dangerous Ordinance" as used in this Rule shall correspond to the definitions in Ohio Revised Code § 2923.123(E). This Rule prohibits licensed concealed weapons in the Courthouse as authorized by Ohio Revised Code § 2923.123(E).

IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO

-vs-

Plaintiff

Defendant

)
)
)
)
)
)
)

CASE NO. _____

JUDGE: _____

CHANGE OF CONTACT INFORMATION

I notify the Court / Counsel that the following contact information for me has changed effective now.

Date

Signature



Common Pleas Court of Columbiana County, Ohio

DESIGNATION FORM TO BE USED TO INDICATE THE CLASSIFICATION OF THE CAUSE

Plaintiff _____

Vs. _____

Defendant _____

Case Number: _____

Date: _____

Has this case been previously filed and dismissed? Yes No

Case #: _____ Judge: _____

Is this case related to any new cases now pending or previously filed? Yes No

Case #: _____ Judge: _____

CIVIL CLASSIFICATIONS: Place an (X) In ONE Classification Only.

Professional Torts:

- 1311 Medical Malpractice
- 1315 Dental Malpractice
- 1316 Optometric Malpractice
- 1317 Chiropractic Malpractice
- 1312 Legal Malpractice
- 1313 Other Malpractice

Product Liability:

- 1330 Product Liability

Other Torts:

- 1310 Motor Vehicle Accident
- 1314 Consumer Action
- 1350 Misc. Tort

Workers Compensation:

- 1550 Workers Compensation
- 1531 Workers Comp. Asbestos

Foreclosures:

Utilize Separate Foreclosure Designation Form

Commercial Docket:

- 1386 Commercial Docket
- 1387 Commercial Docket with Foreclosure

Administrative Appeals:

- 1540 Employment Services
- 1551 Other

Other Civil:

- 1500 Replevin/Attachment
- 1382 Business Contract
- 1384 Real Estate Contract
- 1388 Consumer Debt
- 1390 Cognovit
- 1391 Other Contracts
- 1490 Foreign Judgment
- 1491 Stalking Civil Protection Order
- 1501 Misc. Other
- 1502 Petition to Contest Adam Walsh Act
- 1503 Certificate of Qualification for Employment

Amount of Controversy:

- None Stated
- Less than \$25,000
- Prayer Amount _____

Parties have previously attempted one of the following prior to filing:

- Arbitration
- Early Neutral Evaluation
- Mediation
- None

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

Firm Name (Print or type) _____

Attorney of Record (Print or Type) _____

Address _____

Supreme Court # _____

Address _____

Email Address _____

Phone _____

Signature _____

Columbiana County Clerk of Courts Online Access System User Agreement

In order to register for an account with the Columbiana County Clerk of Courts ("Clerk") for access to the Clerk's system for purposes of viewing case documents and filing electronically ("e-filing"), you must accept the terms of the following User Agreement. Failure to accept these terms and provide the information required herein will result in you being denied access to e-filing and document viewing (hereafter referred to collectively as "online access").

Each attorney who has been approved to use the Clerk's online access system agrees to be solely responsible for the security and use of his or her user name and password. Any online access from the Clerk's system utilizing that user name and password shall be deemed to be made by the owner of the user name and password.

As an authorized user of Clerk's online access system, you agree to comply with the Administrative Orders and/or Local Rules of the Court governing e-filing and confidentiality as are then in effect in the applicable court at the time of each filing.

Service of pleadings and other documents filed electronically using the online access system shall be governed by Administrative Orders and/or Local Rules governing e-filing in effect on the date of the filing of the pleadings or documents to be served. In accordance with those rules and orders, all attorneys registered and approved to file documents electronically may be served with notices and copies of documents filed subsequent to a Complaint or Third-Party Complaint in electronic format. By accepting the terms of this User Agreement, you are consenting to receive notices and copies of documents electronically via e-mail, and waive the right to receive by first class mail notice of any document filed electronically subsequent to the Complaint or Third-Party Complaint. You are solely responsible for ensuring that the Clerk has your current and valid email address.

Each authorized user of the Clerk's online access system agrees not to use the system to engage in criminal activity or to commit fraud or identity theft. Each authorized user of the Clerk's online access system also agrees not to upload or submit prohibited content into the system. As used in this agreement, "prohibited content" includes, but is not limited to, the following examples of items, with the sole exception that this type of material may only be submitted when such material is a sworn exhibit to a case:

- Documents, articles, links or other materials that promote racism, bigotry, hatred or physical harm of any kind against any group or individual;
- Documents, articles, links or other materials that are or could be harmful to minors, exploit persons under 18 years of age in a sexual or violent way, or solicit personal information from anyone under 18 years of age;
- Documents, articles, links or other materials that harass or advocate harassment of another person or are abusive, threatening, or obscene;

- Documents, articles, links or other materials that involve the transmission of "junk mail," "chain letters," unsolicited mass mailing or "spamming;"
- Documents, articles, links or other materials that promote or contain information known to be false;
- Documents, articles, links or other materials that promote or encourage illegal activities or conduct, or provide instructional information about illegal activities such as making or buying illegal weapons, violating someone's privacy, or providing or creating computer viruses;
- Documents, articles, links or other materials that display pornographic materials or images of any kind; and
- Documents, articles, links or other materials that solicit passwords or personal identifying information from other users for commercial or unlawful purposes.

Redaction:

Rules 44 and 45 of the Rules of Superintendence for the Courts of Ohio provide that parties and their attorneys should not include, or must redact where inclusion is necessary, certain personal identifiers in order to protect personal privacy. Rule 44(H) defines personal identifiers to mean "social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as 'CV' for 'child victim.'" Other personal identifiers, such as driver's license numbers, medical records, or other items may also be entitled to redaction. Personal identifiers shall be omitted or redacted from all case documents filed electronically through the online access system unless otherwise ordered by the Court.

By accepting this User Agreement, the user accepts sole responsibility for redacting personal data identifiers on all documents filed electronically by him or her through the online access system. The Clerk will not review documents for compliance with this rule or redact documents.

Payment Policy:

Some e-filings will require payment of filing fees. For e-filings that require payment of filing fees, the user will be required to pay the filing fee using a credit card at the time of filing. The filing fee amount will be confirmed at time of filing. Use of e-filing constitutes your consent to charge the credit card you supply with the standard fees based on the type of filing and the information you provide with the filing.

Access to Case Documents:

Each authorized user will also have online access to view and copy case documents filed in cases in which that attorney is counsel of record. Any abuse of this privilege will be cause to forfeit your individual log-in and online access to the Clerk's system. The user acknowledges that there may be confidential case documents that may not be available through the online access system.

Violations:

Each authorized user understands and agrees that, in the event the user violates the provisions of this User Agreement, the user's online access may be terminated at the sole discretion of the Court and/or the Clerk. Each authorized user also understands and consents to the removal of any prohibited content from the system at the discretion of the Court and/or the Clerk.

Waiver of Warranties and Release of Liability:

While every effort is made to assure the data within the Clerk's system is accurate and current, it must be accepted and used by the recipient with the understanding that no warranties, expressed or implied, concerning the accuracy, reliability or suitability of this data have been made.

Each authorized user agrees that, under no circumstances, including negligence, shall anyone involved in the creating and maintaining of the Clerk's online access be liable for any direct, indirect, incidental, special, or consequential damages or lost profits that result from the use or inability to use the Clerk's system, website, and/or any other website linked to the Clerk's website. The website and online access system will have periodic maintenance and outages, both scheduled and unscheduled. Online access, including ability to e-file, will be unavailable during these instances. In the event the online access system is unavailable for any reason, the Columbiana County Clerk of Courts assumes no responsibility to restore the online access system within any predetermined period of time.

By accepting this User Agreement, each authorized user agrees to hold Columbiana County, including its officials and employees, harmless from any and all losses, damages, liability, omissions, or claims which may arise directly or indirectly from information obtained from the online access system or use of the system itself.

I hereby certify that I have read the above information and agree to abide by the requirements and terms as stated in this agreement.

Signature of Attorney: _____ Date: _____

Printed Name: _____ Supreme Court No: _____

Law Firm/Company: _____

Email Address: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax Number: _____

COLUMBIANA COUNTY CLERK OF COURTS OFFICE
NEW ADVANCE DEPOSIT SCHEDULE

Security for Costs**EFFECTIVE JULY 1, 2019****CIVIL FEES**

All Civil Complaints and/or Petitions, Cognovits	\$ 250.00
Additional fee for Foreclosure cases for Sheriff processing	\$ 300.00
Fee for Jury Demand(once ordered by court)	\$ 500.00
Notice of Appeal of Arbitrator's Decision	\$ 250.00
For Arbitration Fee	\$ 350.00
Answer and Cross or Third Party Complaint with Request	\$ 60.00
Publication for Service	\$ 600.00
Publication (Upon the Filing of an Order of Sale)	\$ 600.00
Additional fee for reactivation (Alias, Pluries, etc.)	\$ 100.00
Appraiser's Fees (Upon the Filing of an Order of Sale)	\$ 200.00
To File a Certificate of Judgment (Other Court)	\$ 40.00
To File a Certificate of Judgment from this Court	\$ 45.00
To Make a Certificate of Judgment for Transfer	\$ 5.00
Release of Judgment	\$ 5.00
Notice of Appeal to the 7th District Court of Appeals	\$ 125.00
Execution (Foreign and from Other Courts)	\$ 85.00
Execution (Certificate of Judgment previously filed)	\$ 45.00
Proceedings in Aid of Execution	
Debtor's Exam	\$ 45.00
(each additional defendant)	\$ 5.00
Precipe for Execution	\$ 295.00
For Filing a Garnishment Action	\$ 60.00
Precipe for Writ of Possession, Order of Possession, Writ of Restitution	\$ 200.00
Out of County Service - Sheriff Fees	\$ 50.00
Motion for Expungement	\$ 150.00
DOMESTIC RELATIONS FEES	
Dissolution of Marriage, Divorce, Alimony, Micellaneous DR Cases	\$ 300.00
All Post Decree Motion Filings	\$ 100.00
Filing a Qualified Domestic Relations Order	\$ 50.00
Publication for Service	\$ 600.00
Answer and Cross or Third Party Complaint with Request	\$ 60.00
Out of County Service - Sheriff Fees	\$ 50.00

APPLICATION FOR FILMING AND RECORDING OF TRIALS

TO: _____, Judge of the Court of Common Pleas of Columbiana County, Ohio

RE: _____ -vs- _____

CASE NUMBER: _____

In accordance with Superintendence Rule 12, and Loc. R. Ct. 3.04,

(Name of person requesting permission)

(Name, Address and Telephone Number of Agency)

request(s) permission to _____ broadcast, _____ televise, _____ record, _____ videotape, or _____ photograph _____

in the Courtroom during the trial of this matter.

(Date)

(Signature)

*****:*****

The above Application is _____ this _____ day of _____, 20 _____.

FILED
COLUMBIANA COUNTY
COURT OF COMMON PLEAS

MAY - 7 2015

ANTHONY J. DATTILIO
CLERK
(CAPY)
AD

IN THE COMMON PLEAS COURT
COLUMBIANA COUNTY, OHIO

Misc. Journal
2015 MJ 64

IN RE: ORDER OF COMPENSATION: FEES FOR EXPEDITED
TRANSCRIPTS FOR OFFICIAL COURT REPORTERS PURSUANT TO O.R.C.
§2301.24.

Effective immediately, it is ordered that the expedited page rate will be an amount quoted by the Official Court Reporter and agreed to by requesting counsel, *but in the absence of approval by the applicable trial judge*, shall not exceed twice the regularly established page rate of \$4.00.

All this until further order of the Court.



C. ASHLEY PIKE
Administrative Judge

Date: May 6, 2015

ORIGINAL

**IN THE COMMON PLEAS COURT
COLUMBIANA COUNTY, OHIO**

Misc. Journal
12 MJ141

**IN RE: ORDER OF COMPENSATION: FEES FOR TRANSCRIPTS FOR
OFFICIAL COURT REPORTERS PURSUANT TO O.R.C. §2301.24.**

FILED
COLUMBIANA COUNTY
COURT OF COMMON PLEAS


Effective immediately for any transcripts to be filed hereafter, it is ordered that the per page fees charged for all original civil and criminal transcripts be \$4.00.

NOV 01 2012
ANTHONY J. DATTILIO
CLERK (CEB)

Those transcripts deemed by the court reporters to be expedited shall be \$4.50.

All copies shall be furnished electronically only and at no charge.

All this until further order of the Court.


C. ASHLEY PIKE
Administrative Judge

Date: November 1, 2012



APPENDIX H

SAMPLE MEDIATION REFERRAL JUDGMENT ENTRY FORM

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

SAM SMITH, ET AL.)	CASE NO. 2020 CV 999
)	
PLAINTIFFS)	
)	
-vs-)	
)	JUDGMENT ENTRY
TOM JONES, ET AL.)	
)	
DEFENDANTS)	

This case is hereby referred to mediation which shall take place at the First United Methodist Church, 114 E. Washington St., Lisbon, Ohio (one block south of the courthouse) on _____ at _____ .m. Counsel and the parties should enter the church parking lot directly behind the structure and go up one floor into the Sunday school wing of the building. Watch for the sign "Enter Here for Mediations."

The Mediation will be conducted by the Court's Mediator, Attorney David Tobin, whose e-mail address is dave@paynelaw.net. No later than two days before the scheduled mediation, counsel for all parties shall e-mail to the Mediator a pretrial statement in a form consistent with Appendix to Local Rule 2.0 (Local Rules of Court may be found at www.columbianacountylawlibrary.org or through the link at www.ccclerk.org).

Requests to continue or cancel mediations are not favored and will be considered only if timely made and based on extraordinary circumstances.

Counsel, parties, and any insurance adjusters are directed to attend the mediation in person. Any un-excused non-appearance by any of the foregoing may result in sanctions that are appropriate under the circumstances, including payment of attorney fees and/or expenses of an opposing party, and/or payment or reimbursement of the mediator's fees.

If this case settles prior to the mediation, counsel shall notify Attorney Tobin and the Court's Bailiff immediately. If notice of settlement is not provided at least one day prior to the scheduled mediation, the mediator's fees shall be taxed as costs.

If you have any questions about mediation, please contact the Bailiff of the Court of Common Pleas at (330) 424-7777.

IT IS SO ORDERED.

Judge

Dated: _____, 2020

cc: Jane Doe, Esq.
Charles Henry, Esq.

IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO

)	CASE NO. _____
)	
Plaintiff)	JUDGE: _____
-vs-)	
)	MEDIATION STATEMENT
)	
Defendant)	

- (1) Brief description of case (e.g. pedestrian struck while crossing in crosswalk):
- (2) Brief description of injuries or damages (e.g. fractured leg or front end damage, etc.),
- (3) List items by item ascertainable damages such as medical expenses, lost wage, property damage, etc., that have been provided to you:

<u>ITEM OF DAMAGE</u>	<u>AMOUNT</u>
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
	\$ _____
TOTAL	\$ _____

- (4) Report on the status of the following:
 - Depositions;
 - Interrogatories;
 - Physical Examinations;
 - Exchange of medical reports;
 - Exchange of expert witness reports;
 - Wage or employment verification;

- (5) State any special problems with respect to trial of case:

- (6) Stipulations:

_____ Date _____ Counsel for Plaintiff/Defendant

APPENDIX J

FORECLOSURE MEDIATION REQUEST FORM

*You MUST return this form to the Clerk of Courts office at 105 South Market Street, Lisbon, Ohio, 44432, within twenty-eight (28) days of the date you receive the summons. This form does not guarantee that your case will be sent to mediation. The Court will give the opposing party a chance to respond to your request. If the opposing party objects, your case may not be mediated.

You are strongly urged to seek legal counsel immediately. For additional information please refer to the Foreclosure Mediation Packet available at the Clerk's website.

Case Number: _____

(if applicable)

Your Name: _____

Attorney's Name: _____

Your Address: _____

Attorney's Address: _____

Day Time Phone: _____

Attorney's Phone: _____

Evening Phone: _____

Cell Phone: _____

Email: _____

Home Phone: _____

1. Is this property your home ? _____
2. Are you currently living in this property ? _____
3. Is this property your only home ? _____
4. Are you interested in trying to remain in this property ? _____
5. Are you in bankruptcy ? _____

Print the name of the person requesting foreclosure mediation:

X _____
Signature

X _____
Signature

Date: _____

*This request must be received within twenty-eight (28) days of the date you received the summons.

COURT OF COMMON PLEAS
COLUMBIANA COUNTY
DOMESTIC RELATIONS
CASE DESIGNATION FORM

PLEASE TYPE

Case No.
Judge

Please list any Pending, closed or previously filed and dismissed Domestic Relations' Case(s) between the parties, list case number and Judge: _____

I certify that to the best of my knowledge the within case is not related to any now pending or previously filed, except as noted above.

- ANNULMENT
- APPLICATION TO ESTABLISH FAMILY CASE
- APPLICATION TO ADOPT ADMINISTRATIVE ORDER
- DISSOLUTION - CHILDREN
- DISSOLUTION - NO CHILDREN
- DIVORCE - CHILDREN
- DIVORCE - NO CHILDREN

- DOMESTIC VIOLENCE
- DATING VIOLENCE
- LEGAL SEPARATION - CHILDREN
- LEGAL SEPARATION - NO CHILDREN
- UCCJEA - PARENTING REGISTRATION
- UIFSA - PATERNITY ESTABLISHMENT
- UIFSA - SUPPORT ESTABLISHMENT
- UIFSA - SUPPORT REGISTRATION

Service: Certified Mail Waiver Personal Publication FedEx

Plaintiff's Length of Residence In: Columbiana County _____ Ohio _____

PARTY 1			PARTY 2		
FULL NAME:			FULL NAME:		
ALIAS NAME:			ALIAS NAME:		
DATE OF BIRTH:			DATE OF BIRTH:		
NUMBER OF THIS MARRIAGE:			NUMBER OF THIS MARRIAGE:		
ADDRESS:			ADDRESS:		
CITY:	STATE:	ZIP:	CITY:	STATE:	ZIP:
HOME PHONE:	CELL PHONE:		HOME PHONE:	CELL PHONE:	
EMAIL:			EMAIL:		

DATE OF MARRIAGE: _____ PLACE OF MARRIAGE: _____

CHILDREN'S NAMES:	M	F	DATE OF BIRTH:	AGE

Attorney of Record (Print or Type) _____

Signature _____

Ohio Supreme Court Registration Number _____

Email Address _____

Address: _____

City: _____ State: _____ Zip: _____

Office Phone _____

Cell Phone _____

Witness: _____ Address: _____

(COURT USE ONLY)

SET FOR HEARING ____ / ____ / ____

DATE OF FINAL JOURNAL ENTRY _____

MISCELLANEOUS NOTES:

Rule 9.4 Uniform Local Companionship Plan**COLUMBIANA COUNTY GUIDELINE PARENTING SCHEDULE****1. GENERAL PARENTING PRINCIPLES**

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, and change. Most studies show and psychologists uniformly agree that the children who do best following divorce are from those families, which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child. Children, however, clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of a child, as the child grows older.

This Guideline Parenting Schedule takes into account the changing developmental needs of children. It is recognized that each situation and each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their children. In all cases, including requests for 75(M) orders, the court will strive to adopt a parenting schedule that is in the child(ren)'s best interests. Any request to deviate from the following parenting schedule shall be supported by the filing of the proper affidavits/evidence. The factors contained in ORC 3109.051(D) shall be considered in any proposed deviation from the guideline-parenting schedule. Absent a request for deviation and the filing of affidavits/evidence in support thereof, the court will impose the guidelines set forth below. A good parenting schedule developed for a family should be based upon the following considerations:

- A. The developmental needs and age of each child.
- B. The psychological attachments of each child.
- C. The way child rearing tasks were shared during the marriage.
- D. The preservation or development of a close relationship with each parent.
- E. A consistent and predictable schedule that minimizes the transition between the households, especially where young children are involved. Failure to consistently exercise parenting time may result in modification of the parenting schedule.
- F. Each child's temperament and ability to handle change.
- G. Parents' career demands and work schedules.
- H. The need for periodic review of the plan, noting trouble signs and revising as each child's needs and circumstances change.

For purposes of exercising this parenting schedule, _____ is designated the residential parent and _____ is designated the non-residential parent.

The policy of the following time allocation is to provide a schedule which is best suited for the particular age of that child(ren).

2. WEEKLY SCHEDULE

A. Birth to Six Months

The non-residential parent shall have parenting time weekly as follows: Tuesday afternoon and Thursday afternoon for a period not to exceed three hours. Alternate Saturdays and Sundays from 9:00 A.M. until 6:00 P.M. The Court will consider modifications to an overnight schedule as the child's age increases. The Schedule shall continue on a weekly basis until modified by the parties.

B. Ages Six months through 18 years

Week A: Tuesday or Wednesday afternoon consistent with the non-residential parent's work schedule and/or the child(ren)'s school schedule if school is in session, and Friday from 6:00 P.M. until Sunday at 6:00 P.M.

Week B: Tuesday and Thursday afternoons consistent with the non-residential parent's work schedule and/or the child(ren)'s school schedule if school is in session. The parenting time on Tuesday and Thursday afternoons shall consist of not less than three hours, however, shall conform with the child(ren)'s bedtimes.

Parents should respect a teenager's need to spend time with peers and in organized activities, and less time with each parent, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, it is preferable to consider the teenager's wishes, as long as the parents agree.

3. ADDITIONAL PARENTING TIME

In the event of a conflict, the following is the order of preference: 1st - holidays; 2nd - extended periods; 3rd - weekends; 4th - midweek days. The two-week uninterrupted parenting time shall take precedence over summer holidays.

A. Holidays

HOLIDAY	Even # Years	Odd # Years	Schedule
New Years	Mother	Father	1/1 at 9:00 AM to 1/1 at 6:00 PM
Martin Luther King	Father	Mother	Sunday 6:00 PM to Monday 6:00 PM
President's Day	Mother	Father	Sunday 6:00 PM to Monday 6:00 PM
Easter	Father	Mother	Saturday 8:00 PM to Sunday 6:00 PM
Memorial Day	Mother	Father	Sunday 6:00 PM to Monday 6:00 PM
Fourth of July	Father	Mother	4:00 PM to 9:00 AM on July 5th
Labor Day	Mother	Father	Sunday 6:00 PM to Monday 6:00 PM
Halloween	Father	Mother	5:00 PM to 9:00 PM
Thanksgiving	Mother	Father	Wednesday 6:00 PM to Friday 6:00 PM
Christmas Eve	Father	Mother	12/23 Noon to 12/24 9:00 PM
Christmas Day	Mother	Father	12/24 9:00 PM to 12/26 6:00 PM
Mother's Day	Mother	Mother	10:00 AM to 9:00 PM
Father's Day	Father	Father	10:00 AM to 9:00 PM

For all other holidays, including religious holidays celebrated by the family which are not included in the above list, the parties shall alternate from year to year with the mother having the even numbered years and the father having the odd numbered years on those particular holidays. For holidays that extend for more than a one-day period, the parties shall divide the days as equally as possible to permit both parties to spend that holiday time with the children.

For school districts who have Fridays or Mondays off that are not listed in the holiday schedule, that Friday or Monday, the parent whose weekend it is shall have the option of extending their weekend companionship to include the extra day.

B. Extended Time

1. Each parent shall be entitled to two weeks of consecutive, uninterrupted parenting time each year. This consecutive two weeks shall not extend the summer parenting time and may be taken during the school year if the parties agree and appropriate arrangements have been made to comply with school regulations.

2. The non-residential parent may be entitled to one half of the summer vacation each year during the summer, two weeks of which may be consecutive and uninterrupted. If the parents are unable to agree as to the summer schedule, the non-residential parent shall be entitled to the first half of the summer. The summer vacation is defined as commencing the day after the children get out of school and continuing until seven (7) days before school begins. During summer companionship, each parent receives weekday companionship as afforded the non-residential parent during the rest of the year. The alternating weekends continue during the summer companionship without interruption except for the two weeks of consecutive uninterrupted parenting time.

3. The child(ren)'s spring break from school (every other year) and one-half Christmas break (every year) shall also be spent with the non-residential parent. The school schedule where the residential parent for school purposes resides shall be used even if there are no school age children. The parent who has Easter shall have spring break in the same year.

4. Extended periods of time are to be arranged as follows: for extended time at Spring Break, by February 15th each year, for extended time in the summer, by May 15th of each year, and for extended time at Christmas, by November 1 of each year. Each parent shall notify the other parent in writing of the times desired for these extended periods.

5. Alternating weekends and weekdays shall not be included in the calculation of the Christmas and spring breaks.

6. Birthdays

In even number years the mother shall have the children for their birthdays on the following schedule: if the child is in school on that day, the time will be 5:00 p.m. to 9:00 p.m., if the child is not in school on that day, from 9:00 a.m. to 9:00 p.m. The father shall have the children in odd numbered years on the same time schedule. The parenting time for birthdays shall include all children of the marriage, not just the child celebrating his/her birthday.

The child/ren shall spend each parent' birthday with that parent unless otherwise ordered by the court or agreement of the parties.

4. MISCELLANEOUS

A. The child(ren) and/or residential parent have no duty to wait for more than 30 minutes for the non-residential parent to arrive for parenting time. The non-residential parent who is more than 30 minutes late for a particular parenting time shall forfeit that time. An exception shall be made if the tardiness of the

non-residential parent is for just cause (i.e. work schedule) and the residential parent receives both prompt notice and a reasonable estimated arrival time.

B. The non-residential parent who is more than 30 minutes late in returning the child(ren) without calling to make arrangements and without just cause may be subject to contempt.

C. If either parent will be unavailable during his/her scheduled parenting time, regardless of the age of the child(ren), he/she shall offer that parenting time to the other parent. Unavailable means that parent will be gone from his/her home overnight.

D. Make up time shall be given if the child(ren) or non-residential parent is unavailable at the scheduled time or if the residential parent denies access to the child(ren) without just cause. All make up days shall be rescheduled within 30 days.

E. If the parents are unable to reach an agreement regarding transportation, and unless otherwise provided by court order, the non-residential parent shall provide transportation at the commencement of the visitation period and the residential parent shall provide transportation at the termination of the parenting period. **A responsible, licensed adult known to both parents may provide transportation if the parent is unavailable.** Any person transporting a child(ren) shall use the proper child restraint seat and/or seat belts as required by law. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of a child(ren).

F. Each parent shall have reasonable telephone contact with the child(ren). Reasonable is defined as one time per day.

G. Car Seat: For all child(ren) required by law to ride in a car seat, the parents shall transfer the car seat with the child(ren) as companionship changes occur.

H. Extracurricular Activities: Regardless of where the child(ren) are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent who has the child(ren) at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities, school related or otherwise, in which the child(ren) participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity and the name of the activity leader (including address and telephone number if reasonably available to the residential parent). Failing to do so may result in a finding of contempt with appropriate sanctions. The residential parent shall provide the non-residential parent with a copy of the school calendar.

5. STATUTORY NOTICES

A. RELOCATION NOTICE: Pursuant to ORC 3109.051 (G), the parties hereto are hereby notified as follows:

If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with this Court. Except as provided in ORC 3109.051(G) (2), (3) and (4), a copy of such notice shall be mailed by the Court to the nonresidential parent. On receipt of the notice, the Court, on its own motion or on the motion of the non-residential parent, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the child(ren) to revise the visitation schedule for the child(ren). Said notice shall be filed 60 days prior to the relocation.

B. RECORDS ACCESS NOTICE: Pursuant to ORC 3109.051(h) and 3319.321(b) (5) (a), the parties are notified as follows: Except as specifically modified or otherwise limited by court order, and subject to ORC 2301.35(G) (2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the children and to which the residential parent is legally provided access, including school records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court.

Both parents shall have access to the children's school records. Both parents are encouraged 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 a reasonable time.

C. DAY CARE CENTER ACCESS NOTICE: Pursuant to ORC 3109.051(I), the parties hereto are hereby notified as follows:

Except as specifically modified or otherwise limited by court order, and in accordance with ORC 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the children with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

D. SCHOOL ACTIVITIES NOTICE: Pursuant to ORC 3109.051(J), the parties hereto are hereby notified as follows:

Except as specifically modified or otherwise limited by the court order, and subject to ORC 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent

to any student activity that is related to the children to which the residential parent legally is provided access.

6. SPECIAL CIRCUMSTANCES

A. Domestic Violence: The Companionship Plan may need to be adjusted when there has been domestic violence. Please refer to the most recent revision of the law or consult with an attorney regarding this special circumstance.

B. Re-establishment of Parent-Child Relationship after a Long Absence: When the visitation has not taken place for an extended period of time, both parents should consider the possible adverse effects upon the child(ren) and gradually re-introduce an appropriate access plan for the non-custodial parent. A separate schedule has been developed for this purpose. (Rule 9.42)

C. Travel with the Child(ren): Whenever the child(ren) travels with either parent, one of the following will be provided to the other parent: an itinerary of travel dates, destinations, and places where the child(ren) or traveling parent can be reached; or the name and telephone number of an available third person who would be knowledgeable of the child(ren)'s whereabouts.

D. Out of Town Access: Plans regarding out of town access are more difficult to suggest because of the effect of such facts as distance, parents' employment schedule, parents' financial ability to pay for more or less frequent trips, and the availability of child care while child(ren) are visiting from out of town. These and many other facts necessitate specific arrangements be made. In general, visits would be less often and of longer duration.

E. Travel of Child(ren) Alone: Travel alone of a child(ren) under the age of 12 years is not recommended.

F. Access to Address and Phone Number: Both parties shall provide each other with their current address and phone number unless doing so would endanger either the child(ren) or the parent. If an address or phone number cannot be provided, then the name and number of an available third party would/can reach the child(ren) or inaccessible parent in the event of an emergency should be provided.

G. Emergency Medical Treatment: In the event that the child(ren) is/are in need of emergency medical treatment, it shall be the responsibility of either party to obtain treatment for the child(ren) and immediately notify the other parent.

Appendix K-2 Uniform Long Distance Companionship Schedule

Rule 9.41 Uniform Long Distance Companionship Schedule

Liberal companionship arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Judgment Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. Support payments are not affected by the schedule unless ordered by the Court.

THE NON-RESIDENTIAL PARENT SHALL RECEIVE PARENTING TIME AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE.

IF THE PARTIES CANNOT AGREE UPON A PARENTING TIME SCHEDULE THE NON-RESIDENTIAL PARENT SHALL BE ENTITLED TO NOT LESS THAN THE FOLLOWING SCHEDULE:

1. Christmas: Christmas vacation will be divided in half and alternated annually, by half, between the parents. If the parties cannot agree, the Mother will have the first half during odd-numbered years, and the Father will have the first half in even-numbered years. Christmas vacation shall begin the day school is out and shall terminate the day before school resumes in the public school district where the residential parent resides.
2. Spring Break: In odd-numbered years school vacation (the Friday school is out to the day before school recommences, to be coincidental with the days of the school vacation and not to interfere with school) in odd-numbered years of the Saturday before Easter to the Saturday after Easter for preschoolers with no school-aged siblings.
3. Additional holidays as agreed upon by the parties.
4. Summer: One-half of the school summer vacation. Summer school necessary for the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.
 - a. If the parties cannot agree which half of the summer they prefer, in the even numbered years, the first half of the summer shall be spent at the nonresidential home, and in odd-numbered years, the second half.
 - b. A general itinerary should be provided to either parent if more than two days will be spent away from either home when the children are in that parent's care.
5. Telephone: The children must be allowed to have reasonable communication by telephone at least one time per day, with both parents, regardless of with whom the child is currently living. Reasonable shall be

defined as one time per day. The nonresidential parent shall pay for calls on the weekdays and the residential parent shall pay for calls on the weekends. The child(ren) shall call the non-residential no less than every Sunday evening of each and every week.

6. Vacations: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses and telephone numbers. "Vacation" is defined as a trip away from the parent's home. It does not include a parent's vacation time off from work where that parent spends it at home.

7. Additional Companionship:

a. A once a month weekend visit to the non-residential home will be permitted if the child's traveling time does not exceed three hours one way. The residential parent must be notified at least one week in advance.

b. Father's Day and Mother's Day can always be spent with the appropriate parent.

c. The non-residential parent shall notify the residential parent at least two days in advance of any time the non-residential parent will be in the area and wants a companionship period. Absent extra ordinary circumstances, this companionship shall occur.

d. The residential parent must notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non residential parent, and companionship must be allowed.

8. STATUTORY NOTICES

A.) RELOCATION NOTICE: Pursuant to ORC 3109.051 (G), the parties hereto are hereby notified as follows:

If the residential parent intends to move to a residence other than the last residence of court record, he/she shall file a notice of intent to relocate with this Court. Except as provided in ORC 3109.051(G) (2), (3) and (4), a copy of such notice shall be mailed by the Court to the non-residential parent. On receipt of the notice, the Court, on its own motion or on the motion of the non-residential parent, may schedule a hearing with notice to both parties to determine whether it is in the best interest of the children to revise the visitation schedule for the children. Said notice shall be filed 60 days prior to the relocation.

B.) RECORDS ACCESS NOTICE: Pursuant to ORC 3109.051(h) and 3319.321(b) (5) (a), the parties are notified as follows:

Except as specifically modified or otherwise limited by court order, and subject to ORC 2301.35(G) (2) and 3319.321(F), the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the children and to which the residential parent is legally provided access, including school records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court. Both parents shall have access to the children's school records. Both parents are encouraged 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 a reasonable time.

C.) DAY CARE CENTER ACCESS NOTICE: Pursuant to ORC 3109.051(I), the parties hereto are hereby notified as follows:

Except as specifically modified or otherwise limited by court order, and in accordance with ORC 5104.011, the non-residential parent is entitled to access to any day care center that is or will be attended by the children with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

D.) SCHOOL ACTIVITIES NOTICE: Pursuant to ORC 3109.051(J), the parties hereto are hereby notified as follows:

Except as specifically modified or otherwise limited by the court order, and subject to ORC 3119.321, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent to any student activity that is related to the children to which the residential parent legally is provided access.

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

11. Modifications: This schedule can be changed or modified by the Court if change is shown to be in the best interests of the child(ren).

12. Car Seat: For any and all child(ren) required by law to ride in a car seat, the parents shall transfer the car seat with the child(ren) as companionship exchanges occur.

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

If the parents are unable to reach an agreement regarding transportation, and unless

otherwise provided by court order, the non-residential parent shall provide transportation at the commencement of the visitation period and the residential parent shall provide transportation at the termination of the parenting period. **A responsible, licensed adult known to both parents may provide transportation if the parent is unavailable.** Any person transporting the child(ren) shall use the proper child restraint seat and/or seat belts as required by law. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of a child(ren).

The school schedule where the residential parent for school purposes resides shall be used, if there are no school age child(ren).

Appendix K-3 Transitional Schedule for Companionship

Rule 9.42 Transitional Schedule for Companionship

When the visitation has not taken place for an extended period of time, both parents should consider the possible adverse effects upon the child(ren) and gradually re-introduce an appropriate access plan for the non-custodial parent. The Court will strive to adopt a parenting schedule in all cases that is in the child(ren)'s best interest.

Any request to deviate from the following parenting schedule shall be supported by the filing of the proper affidavits/evidence. The factors contained in the ORC §3109.051(D) shall be considered in any proposed deviation from the guideline-parenting schedule.

For purposes of exercising this parenting schedule, _____ is designated the residential parent and _____ is designated the nonresidential parent.

The policy of the following time allocation is to provide a schedule which is best suited for the particular age of that child(ren).

(A) For an initial four-week period commencing Saturday/Sunday _____, the Non-Residential Parent shall visit with the child(ren) each Saturday/Sunday from 2:00 P.M. to 4:00 P.M. in the Residential Parent's home, or at such alternate time or location as is mutually agreed to by the parties.

(B) For the following four-week period, commencing _____, the Non-Residential Parent shall have companionship each Saturday/Sunday from 1:00 P.M. to 5:00 P.M. outside of the Residential Parent's presence at the Non-Residential Parent's home or that of a member of his or her family.

(C) For the following four-week period, commencing _____, the Non-Residential Parent shall have overnight companionship each Friday/Saturday night from 6:00 P.M. Friday/Saturday to 6:00 P.M. Saturday/Sunday.

(D) At the end of the above twelve-week period, the Non-Residential Parent shall have

companionship in accordance with the Court's Companionship Order. The Court reserves the right to extend the transitional time in the best interests of the child(ren).

Should the Non-Residential Parent fail to observe the schedule set forth in (A), then companionship shall not expand as set forth in (B). Should there be a failure to observe the schedule as set forth in (B), then companionship shall not expand as set forth in (C). Should there be a failure to observe the schedule set forth in (C), then companionship shall not expand as set forth in (D). In order to exercise companionship under the Court's Companionship Order, it is expected that the Non-Residential Parent will provide appropriate accommodations for the child(ren), including but not limited to a car seat and crib if needed.

