

RULE NUMBER 16

CASE MANAGEMENT FOR DOMESTIC RELATIONS CASES

1.PURPOSE: The purpose of this rule is to establish a system for the speedy resolution or disposition of all domestic relations cases, which will also achieve and promote the fair and impartial administration of justice. The rules that follow in this division supersede all previous rules and shall apply to all domestic relations matters. Other local rules of the Court shall apply to domestic relations when not inconsistent with the rules of this division.

VENUE

Unless prior leave of court has been obtained, no petition for dissolution of marriage involving children shall be accepted for filing in this Court where neither petitioner has been a resident of Hardin County, Ohio for at least ninety (90) days immediately preceding the filing of the petition.

PARTIES TO ACTION

Unless otherwise necessary and/or permitted by the Court, the only persons appearing for hearings, pretrials, status conferences, in camera interviews, or other scheduled matters shall be the parties, their attorneys if any, the Guardian Ad Litem if applicable, and witnesses who are necessary for a just adjudication of the matters at issue.

AFFIDAVIT OF INCOME AND EXPENSES

Parties shall not be required to attach pay stubs, tax returns, or W-2 forms to the Uniform Domestic Relations forms adopted by the Supreme Court of Ohio when filing any domestic relations pleading.

Proof of or verification of income shall continue to be exchanged by the parties in keeping with Local Rule listing documents to be furnished without formal discovery requests. (Appendix I)

DISSOLUTION OF MARRIAGE

All petitions for dissolution shall be commenced by the filing of the following document(s):

1. Petition with separation agreement.
2. Uniform Domestic Relations forms adopted by the Supreme Court of Ohio,
3. Support worksheet, if applicable.
4. IV-D application, if applicable, with proof of filing with Child Support Enforcement Agency, hereinafter CSEA. 5. Case designation sheet. (See Appendix A)

DIVORCE PLEADINGS

All complaints for divorce shall be commenced by the filing of the following document(s):

1. Complaint,
2. Uniform Domestic Relations forms adopted by the Supreme Court of Ohio,
3. Support worksheet, if applicable,
4. IV-D application, if applicable, with proof of filing with CSEA
5. Motion for temporary orders, if requested and notice of hearing.
6. Case designation sheet. (See Appendix A) All answers and counterclaims shall be filed with accompanying document(s):
 1. Answer and/or counterclaim,
 2. Uniform Domestic Relations forms adopted by the Supreme Court of Ohio,
 3. Support worksheet, if plaintiff's is incorrect,
 4. Motions for temporary orders, if not requested by plaintiff, and notice of hearing,
 5. IV-D application, if not filed by plaintiff, with proof of filing with CSEA.

TEMPORARY STANDING ORDERS

All parties to an original domestic relations action are subject to the reciprocal and initial restraining orders set forth in Appendix H from the date service of summons is completed.

Such order must be strictly complied with under penalty of Contempt of Court.

Counsel representing the plaintiff in any divorce, or legal separation action shall furnish his/her client with a copy of the DOMESTIC RELATIONS ADMONISHMENT. The Clerk of Courts shall attach a copy of the domestic relations admonishment to the summons for service upon the Defendant. In the event that a plaintiff is unrepresented by counsel, or the defendant has waived service of a copy of summons, a copy of the domestic relations admonishment shall be handed to the party(s) filing the action and mailed to the other party.

Any party may file a motion to modify this standing order for good cause shown and will be granted a hearing on same within thirty (30) days of service upon the opposing party.

TEMPORARY ORDERS

Requests for temporary orders shall be set for hearing within forty-two (42) days of the date of filing. A continuance may be granted to either party for good cause shown.

Notice of hearing must be served with the initial pleadings pursuant to Ohio Rules of Civil Procedure.

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

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

The Court shall allow two (2) hours hearing time for any temporary orders hearing with one (1) hour of time being allocated to each party.

EX PARTE COMMUNICATION WITH COURT

Except in emergency circumstances, or as otherwise provided by law, an attorney shall not communicate, or cause another to communicate, as to the merits of any litigation with any Judge or Magistrate, until final disposition, without adequate notice to opposing counsel and unrepresented adverse parties.

EX PARTE ORDERS

Ex parte orders are discouraged and will not be issued except in exigent circumstances.

The Court may issue emergency ex parte orders when it appears to the Court, by motion and affidavit, and upon hearing, that 1) a child is about to suffer irreparable harm by reason of abuse, bodily injury, or domestic violence by the other party 2) a parent is unavailable due to hospitalization, incarceration or other emergency and 3) a violation by either parent of any of the provisions contained in numbered paragraph four (4) of the Domestic Relations Admonishment.

The non-moving party may, pursuant to Civil Rule 75(N)(2) request an oral hearing to modify such ex parte temporary order, which the Court shall schedule within twenty-eight (28) days of the request.

DISCOVERY

In every original divorce or legal separation action, the parties shall, within forty-two (42) days of service of the complaint, whether or not requested through formal discovery, exchange all information and documents contained in Appendix I of these rules.

This rule shall be applicable to all motions for post decree relief involving financial matters.

PRETRIAL AND FINAL PRETRIAL CONFERENCE

The purpose of the pretrial conference shall be to achieve amicable settlement of the controversy and in the event settlement is not possible, to limit the issues so as to expedite trial, or hearing of the action. All parties are required to be present at all pretrial conferences.

Pretrial conferences shall be held, at the discretion of the Judge or Magistrate in all cases involving a contested issue. If all matters are settled at pretrial conference, a final uncontested hearing will take place immediately. If all matters are not resolved, the case shall be set for a final pretrial conference and/or trial, or final hearing.

At the time of the pretrial conference, the attorneys shall be prepared to:

1. Narrow the legal issues in controversy.
2. Admit to facts not in dispute.
3. Stipulate to the genuineness of documents and other exhibits to be introduced at trial.
4. Advise the Court on the need and time required for additional discovery.
5. Exchange witnesses expected to be called at trial. Any motion for psychological evaluations, the appointment of a Guardian Ad Litem, Conciliation, Mediation, or DNA testing, etcetera shall be made no later than the date of the first scheduled pretrial, unless leave to file said request is granted by the Court.

PRETRIAL BRIEF

In all contested matters, a pretrial memorandum shall be filed and served upon all parties, and the Guardian Ad Litem, if one has been appointed, with a courtesy copy to the Judge or Magistrate assigned to hear the case no later than seven (7) days prior to the date set for final pretrial conference and shall include the following.

1. A brief summary of the case.
2. A list of witnesses and what they will testify to.
3. A proposed property settlement.
4. Whether custody and spousal support are issues and why.
5. Discovery required.
6. The anticipated trial time required. Parties are required to give full, detailed, written disclosure, and absolute cooperation on all discovery requests unless protective orders are obtained and/or required. Parties violating this rule will be subject to sanctions limiting the presentation of claims and evidence, payment of attorney fees, dismissal of the action and any

other sanction permitted by law.

FINAL AND CONTESTED HEARINGS

No contested matter shall be set for hearing on the merits until such time as the case has been set for pretrial unless waived by the Court.

A final pretrial will be scheduled within thirty (30) days prior to the date set for final trial, or hearing, at which time the pretrial brief shall be filed in accordance with Rule these rules.

If a party is going to testify in that party's case in chief, thereby affording the opposing party an opportunity for cross-examination, the Court will only permit the calling of that party on cross-examination in the opposing party's case in chief, for good cause shown.

STIPULATIONS

Stipulations and private agreements of counsel or parties concerning the progress or management of any matter, not made in open court, will not be recognized unless the same are reduced to writing and signed by the parties thereto.

CONSENT JUDGMENT ENTRIES

The Court shall not accept a consent Judgment Entry unless the same is approved by all parties of record and their respective counsel.

In the event a party is not represented by counsel, the Court may require a hearing on same which shall be attended by all parties and their attorneys.

JUDGMENT ENTRIES

All judgment entries shall contain the approval of same by both parties and/or their attorneys.

All judgment entries of child support shall have included therein, or attached thereto, a child support worksheet and a copy of Domestic Relations Exhibit A.

All judgments that include the incorporation of a separation agreement in the entry shall have attached a copy of the separation agreement or other document which is incorporated.

All judgment entries shall dispose of court costs.

When appropriate, judgment entries shall recite waiver by the parties of such decision by the Magistrate.

TEMPORARY CHILD AND SPOUSAL SUPPORT ARREARAGE SHALL BE DEEMED WAIVED UNLESS IT IS RESERVED IN THE FINAL DECREE.

It is the obligation of counsel to insure that a file stamped copy of each entry dealing with child or spousal support filed by the Clerk of Courts is transmitted to the CSEA.

The Clerk's office maintains a file box for such entries which is checked daily by the CSEA. You may either:

1. Deliver the CSEA copy personally;
2. Place the CSEA copy in the file box in the Clerk's office;
3. Make sufficient copies with distribution indicated in the lower left hand corner and request the Clerk's office to place the entry in the box when file stamped.

TIMELY FILING OF ENTRIES

All judgments, decrees and orders shall be prepared by prevailing counsel, or by the party directed by the Court, accurately reflecting the Court's decision, and submitted to opposing counsel within seven (7) days of the hearing. Opposing counsel shall approve or reject the entry within seven (7) days, and if approved, forthwith submit the same to the Court.

If opposing counsel fails to approve the same within the seven days, prevailing counsel shall submit the entry to the Court without the approval of opposing counsel. If opposing counsel rejects the entry, he/she shall prepare an entry in accordance with his objections and submit it to prevailing counsel and the Court together with the rejected entry.

If conflicting entries are submitted, the Court may:

1. Sign the entry that it deems a proper statement of the Court's decision or,
2. The Court may prepare its own entry without submitting the same to counsel for approval or,
3. The Court may schedule the matter for hearing. If no entry is furnished to the Court within the time provided, the Court may dismiss the action for want of prosecution or make such other Order as the Court deems appropriate under the circumstances.

POST DECREE MOTIONS

All motions for modification for child support, spousal support, parenting time and allocation of parental rights and responsibilities shall be commenced by the filing of the following document(s):

1. Motion.
2. Memorandum or affidavit in support.
3. Uniform Domestic Relations forms adopted by the Supreme Court of Ohio
4. Support worksheet, if both parties income figures are readily available, or reasonably ascertainable.

5. Case designation sheet.

At the time of filing, the moving party, in addition, to the deposit required by the Clerk of Courts for filing such motion shall pay any unpaid court costs due and owing by same.

No motion for reallocation of parental rights and responsibilities shall be heard by the Court until a pretrial is conducted on the motion, unless waived by the Court.

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

MOTION FOR CONCILIATION

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

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