

# **Rules of Court**

**Columbiana County, Ohio**



**General Division**  
**Domestic Relations Division**

## TABLE OF CONTENTS

### **PREAMBLE**

### **ALL DIVISIONS**

Rule 1.0	Case Management.....	3
Rule 1.1	Notice of Motion and Briefs.....	3
Rule 1.2	Withdrawal of Counsel.....	3
Rule 1.3	Court Files .....	3
Rule 1.4	Transcripts .....	4
Rule 1.5	Conduct of Clients/ Witnesses.....	4
Rule 1.6	Jurors .....	5
Rule 1.7	Filming and Recording of Trial .....	5
Rule 1.8	Exhibits and Reporters Notes .....	6
Rule 1.9	Court Appointments .....	6

### **CIVIL**

Rule 2.0	Civil Scheduling Conference and Pretrial .....	7
Rule 2.1	Discovery Procedure.....	8
Rule 2.2	Filing of Pleadings, Motions and Documents .....	8
Rule 2.3	Leave to Plead .....	8
Rule 2.4	Security for Costs .....	8
Rule 2.5	Judgment Entries .....	9
Rule 2.6	Legal Descriptions and Order of Sales .....	9
Rule 2.7	Voluntary Dismissal .....	9
Rule 2.8	Arbitration .....	10
Rule 2.9	Try By Time .....	10

### **DOMESTIC RELATIONS**

Rule 9.0	Documents to be Filed with Pleading.....	10
Rule 9.1	Temporary Orders in Domestic Relations Cases.....	11
Rule 9.31	Statutory Notices .....	12
Rule 9.4	Uniform Local Companionship Plan.....	12
Rule 9.41	Uniform Long Distance Companionship Schedule.....	15
Rule 9.42	Transitional Schedule for Companionship .....	16
Rule 9.5	Psychological Evaluations .....	17
Rule 9.6	Guardian Ad Litem .....	18
Rule 9.7	In Camera Interview of Children .....	18
Rule 9.71	Appraisals.....	19
Rule 9.8	Status Conference.....	19
Rule 9.9	Pretrials .....	19
Rule 9.91	Trials .....	20
Rule 9.11	Judgment Entries/Decrees .....	20
Rule 9.15	Contempt for Unpaid Medical Bills.....	21
Rule 9.16	Attorney Fees .....	21

### **MISC**

Rule 10	Notary Public .....	21
Rule 11	Court Security .....	22
Rule 12	Name and Citation.....	22
APPENDIX TO RULE 2.0	.....	23
APPENDIX A TO RULE 2.2	.....	24
APPENDIX B TO RULE 2.2	.....	25
APPENDIX C TO RULE 1.7.....	.....	26

## **PREAMBLE**

On the topics contained herein, the purpose of these local rules is to supplement various Ohio Rules including, but not limited to the Ohio Rules of Criminal and Civil Procedure and the Ohio Rules of Superintendence.

## **ALL DIVISIONS**

### **Rule 1.0 Case Management**

The goal of this Rule is the prompt, but fair, disposition of litigation. This goal can only be accomplished by early and continuing judicial control and management of each case assigned to the Judge's docket. These Rules establish a general framework for management of cases, leaving to the discretion of the individual Judge the use of these procedures or of additional procedures to accomplish the goal of this Rule. The Rules are intended to supplement and compliment the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Rules of Superintendence, and other controlling statutes.

### **Rule 1.1 Notice of Motion and Briefs**

- (A) Copies of authorities including unreported cases shall not be attached or presented as an attachment to briefs 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 services available.
- (B) DECISION- All non-emergency Motions shall be decided on and after 14 days from the date of filing without oral hearing, unless otherwise ordered by the Court.

### **Rule 1.2 Withdrawal of Counsel**

Withdrawal of attorney of record shall be only upon motion and approval of the Court. The name and other pertinent contact information of any successor attorney shall be included in the judgment entry of withdrawal. Upon allowance of withdrawal by the Court, such withdrawing counsel shall serve a copy of the judgment entry on the client and the opposing party or counsel by regular U.S. mail.

### **Rule 1.3 Court Files**

- (A) POSSESSION- No person except a Judge of the Court or member of the court staff, or someone on the Judge's written order, shall be permitted to take papers from the files of the Court out of the custody of the Clerk. Pleadings and papers while in use in the trial of a case shall be considered in the custody of the Clerk.

- (B) COPIES- It shall be the duty of the Clerk, when requested by the attorney of any party to any suit then pending, to make and furnish to the attorney a copy of any paper or pleading on file in his office pertaining to such suit, and the fees of the Clerk for making such copies shall be taxed in such cases.
- (C) PRIVACY- In order to minimize identity theft, protect privacy and comply with Federal Laws concerning the use of Social Security Numbers (SSN), the following shall not be displayed by the Clerk of Courts Office on the Clerk's web site.
- 1.) The SSN of any party in any action
  - 2.) Financial Affidavits
  - 3.) The address and date of birth of petitioner in any action for Domestic Violence Protection Order or Civil Stalking Protection Orders
  - 4.) Any filing in a UFISA action
  - 5.) The employer name and address in any Domestic Relations action
  - 6.) The name of the alleged victim in any document filed in any criminal case where a charge is brought under Ohio Revised Code Chapter 2907 – Sex Offenses or Section 2919.22 – Endangering Children.
  - 7.) Any document or action that the Court orders not to be displayed.

#### **Rule 1.4                      Transcripts**

- (A) ORDERING OF TRANSCRIPT AND FEE: Any party, or counsel for a party, requesting to order a transcript of proceedings prepared by an official court reporter of this court shall be referred to the official court reporter who will prepare the same in accordance herewith. The party, or counsel, requesting the transcript shall arrange for the payment of the same with the court reporter, who may require an advanced deposit. Compensation to the official court reporter shall be in accordance with the separate orders of the Court. The transcript of the proceedings shall not be filed by the official court reporter until all compensation due for the preparation of the same is paid in full. Upon full payment of this fee, the transcript shall be provided. Copies of the transcript shall be provided electronically at no cost.
- (B) FILING: Once a transcript of a proceeding is filed with the Clerk, it must be preserved in its original format to prevent the possibility of alteration and destruction. Such transcripts may not leave the possession of the Clerk, except by review of a judge or member of the Court staff. Failure to comply may render the transcript invalid as a correct and certified copy for purposes of the record and may subject any party violating this rule to the payment of costs and expenses of another official transcript.
- (C) FORMAT: The format of the transcript of proceedings prepared by an official court reporter shall be done on computer aided software programs of Case Catalyst or Eclipse with 25 lines per page; first line indent being at 2.50 inches; left indent of 3.20 inches; right indent of 7.50 inches; font in "Courier New" in size 12. An index to the proceedings shall be included in all original and electronic transcripts but transcript exhibits shall only be attached to the original transcript and not to electronic transcripts.

#### **Rule 1.5                      Conduct of Clients/ Witnesses**

Counsel shall advise clients and witnesses to avoid wearing inappropriate attire for a proceeding before the Court and to maintain the decorum of the Court and be properly attired when appearing before the Court. Failure to comply with the proper conduct and courtroom attire may result in a continuance of the Court proceeding or other sanctions.

**Rule 1.6** **Jurors**

(A) JURY DRAW

- (i) In order to provide a sufficient number of jurors for the annual term of Court, juror drawing shall be held at least two times a year and such other times as the commission or the Court may require. The Jury year begins each year on January 1. The Jury Commission shall draw jurors for the Court of Common Pleas General, Probate, and Juvenile Divisions, and for the Columbiana County Municipal Court.

(B) QUESTIONAIRES

- (i) The Jury Commission Clerk shall forward to each juror summoned for jury service, whether as a trial juror or grand juror, a questionnaire to be filled out and returned by the juror.
- (ii) Jury questionnaires may be provided to counsel for the parties for use during the jury selection process but shall be returned to the Bailiff at the end of the trial. No person shall copy the questionnaires, share the information on the questionnaire with a non-party, or use the information on the questionnaires for any purpose other than selection of the jury. No person shall use any information from the jury questionnaire to contact a juror either before or after the trial 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 jurors' service. Failure to comply with this Rule may result in sanctions as the Court deems necessary.

(C) TRIAL JURORS

- (i) Trial jurors shall serve for a one (1) week period and if seated for a trial shall serve until the trial is concluded.
- (ii) A sufficient number of jurors shall be assigned for jury duty each week, as requested by the Court, and shall be shared by both Courts.
- (iii) 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, as to allow for adequate time to notify the jurors and to receive excuses.
- (iv) The Jury Commission Clerk shall randomly assign the jurors selected for service to a particular week.
- (v) 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.
- (vi) The Bailiff of each Courtroom shall provide each juror with an identification badge to be prominently displayed by the juror while on jury duty, and used pursuant to the Bailiff's instructions.

**Rule 1.7** **Filming and Recording of Trial**

(A) LOCATION LIMITATIONS-

- (i) Audio pickup by microphones for all media purposes shall be accomplished from existing audio systems present in the Courtroom. Microphones shall be located only at the Trial Judge's bench, witness stand, jury rail, or other places as determined by the Court. Microphones shall be visible, secured, but unobtrusive.
- (ii) One television camera shall be positioned on a tripod in an area providing reasonable access for coverage as determined by the Trial Judge. The television broadcast or still camera

operators shall assume a fixed position, either sitting or standing, and are not permitted to move about in order to obtain photographs or broadcasts of Courtroom session. Media operators shall act so as not to call attention to themselves through further movement and sudden moves, pans, tilts, or zooms are prohibited.

**(B) GENERAL RESTRICTIONS-**

- (i) Television cameras, microphones, and taping equipment shall not be placed in, moved during, or removed from the Courtroom except prior to commencement, after adjournment of the session, or during a recess. No television film magazines, rolls or lenses, still camera film, or audio portable tape cassettes shall be changed within a Courtroom except during a recess.
- (ii) There shall be no audio pickup or broadcast of conference conducted in a Courtroom between counsel and clients, co-counsel, or the Trial Judge and counsel.
- (iii) The Trial Judge shall prohibit photographing or televising by any means the victims of sexual assaults and undercover police officers. The Trial Judge shall retain discretion to limit or prohibit photography or televising of any juror, victim, witness, counsel, or counsel's work product, upon objection.

(C) FORM- Media persons wishing to videotape or take photos of a Court proceeding shall fill out and obtain the Judge's signature before setting up equipment in the Courtroom. The form may be obtained from the Court Bailiff and is also attached as Appendix C to Rule 1.7.

**Rule 1.8 Exhibits and Reporters Notes**

(A) LENGTH OF TIME FOR EXHIBITS- The Court Reporters shall not retain exhibits in any case for a period exceeding twelve (12) months from the completion of trial or final hearing in any matter, unless the Court Reporter or Clerk of Courts is notified in writing that the case is on appeal. If the Court Reporter or Clerk of Courts does not receive any written confirmation concerning appeal for a period of more than six (6) months, the exhibit shall be disposed of at the direction of the Court. If a case is on appeal every twelve (12) months the attorney who officered the exhibit into evidence or the party appealing the case shall notify the Court Reporter or Clerk of Courts as to whether the appellate process has been completed or is continuing. If the party desires to have any exhibits returned then, the party or counsel shall request exhibits of the Court Reporter or Clerk of Courts and sign a receipt for the exhibits.

**Rule 1.9 Court Appointments**

(A) RECORD- The Court shall maintain lists, as detailed in Sections (B) and (C) of this Rule, of appointees from which appointments shall be made. The person responsible for selecting an appointee shall do so at random. 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. 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- The Domestic Relations Magistrates shall keep the Domestic Relations appointee list, which shall include lists of the following for appointment:

- 1.) Counsel available for appointment to contempt's
- 2.) Sentence reviews and other matters as deemed necessary by the Magistrate
- 3.) Arbitrators
- 4.) Mediators
- 5.) Guardian Ad Litem
- 6.) Organizations who provide forensic psychological evaluations
- 7.) Alcohol and drug dependency evaluations
- 8.) Qualified Appraisers, when directed by the Court

## **CIVIL**

### **Rule 2.0 Civil Scheduling Conference and Pretrial**

(A) PRETRIAL HEARING- The Court may hold a Pretrial Conference in all civil cases for the purpose of achieving the objectives of Ohio Rules of Civil Procedure Rule 16. Guidelines for a Pretrial Conference are as follows:

- (i) The pretrial shall be held at such time and place as the Court shall direct. The Court shall give ordinary notice, by mail, of time and place to all counsel or pro se parties involved.
- (ii) The presence of all parties and trial counsel is required at the pretrial unless specifically waived by the Court after a written request or unless conducted by telephone. If any party is a corporation, or other artificial legal entity, then a representative of that party, its insurance carrier, other than counsel for the party, must be present with complete authority to settle the case. If an insurance carrier is involved a representative of the carrier with full authority to settle shall attend. If a party, counsel, or insurance representative fails to appear at the pretrial conference the Court may hear evidence and decide the case or impose other appropriate sanctions, including dismissal. This Rule shall also apply to the final pretrial and/or status conference unless specifically waived by the Court.
- (iii) Upon request, the parties shall provide the Court with a copy of written demands and offers of settlement.
- (iv) Statements of the parties or their representatives made during the pretrial conference shall not be binding upon the parties unless expressly made so by written stipulation or reflected by the Court's pretrial order.
- (v) Statements of the parties or their representatives made during the pretrial conference shall not be binding upon the parties unless expressly made so by written stipulation or reflected by the Court's pretrial order.

(B) FINAL PRETRIAL HEARING- A final pretrial conference may be set by the Court. Such conference shall be governed by the pretrial conditions set forth in this Rule and/or any scheduling order, except that no additional formal pretrial statement need be submitted. Upon request, the parties shall provide the Court with a copy of written demands and offers of settlement and be prepared to discuss with the Court their final demand/offer for settlement.

(C) MEDIATION- If a case is set for mediation proceedings before the Court's mediator, not later than two days prior to the mediation, counsel shall complete a Pre-Trial Statement, which is Appendix to Rule 2.0 and submit the Statement as specified in the Court's Pretrial Order.

**Rule 2.1**                      **Discovery Procedure**

(A) ORIGINALS- Originals or copies of any discovery requests or answers to discovery requests shall not be filed with the Clerk of Courts. Certificates of Notice of service of requests for discovery or answers shall be filed. The Clerk shall accept for filing the originals of interrogatories only when filed for service with the original complaint. When original interrogatories are filed with the Complaint, the Clerk shall serve the original of the interrogatories on the defendant or defendants.

(B) COPIES- The Clerk shall accept for filing copies of any discovery documents where the documents are filed in support of a motion, including a motion objecting to the discovery or answers to the discovery, or seeking to compel discovery or for use at trial or hearing.

**Rule 2.2**                      **Filing of Pleadings, Motions and Documents**

(A) PLEADINGS- All pleadings filed by a party or counsel shall include the party's or counsel's signature, which may be electronic, the name of the party or counsel, the party represented, and the party's or counsel's address, telephone number, fax number, e-mail address and attorney registration number. Counsel of record shall keep the Court informed, in a separate notice, of current address and phone number. The Court and the clerk do not accept filing by facsimile transmission. The clerk shall not accept any pleading that does not comply with the Civil Rules, Local Rules or any orders of the Court.

(B) COMPLAINT, CROSS-COMPLAINT, COUNTER-CLAIM-Each complaint, cross-complaint, and counter-claim shall state the following:

- (i) The action in the caption of the case as listed from the types of cases in Appendix A to these Rules. The case designations are for the internal use by the Court and Clerk of Courts and do not affect the merits of any pleading. Information relative to a case designation shall appear in numerical order immediately following the pleading designation.
- (ii) When a case is a re-filing of a previously dismissed case the caption of the case shall indicate that this is a re-filing, the previous case number, and the Judge previously assigned.
- (iii) A sample case caption appears in Appendix B to these Rules.

**Rule 2.3**                      **Leave to Plead**

A party or counsel may file a motion for a leave to plead 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 pleading could not be filed earlier. In all judgment entries granting leave to plead, the party or counsel shall state the number of leaves to plead previously sought.

**Rule 2.4**                      **Security for Costs**

(A) DEPOSIT- The Clerk of Courts shall require an advance deposit for security for costs before filing of any civil action or proceedings pursuant to a schedule of costs as authorized by the Courts. The Clerk shall maintain a 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 30 days notice of such increase has been posted in the Clerk's office or on the Clerk's website, except those required by statute. On its own Order or request of the Clerk, and if satisfied that such deposit is insufficient, the Court may require it to be increased so as to secure all costs that may accrue.



(B) INDIGENCY- Where an affidavit of inability to make a deposit for costs is filed, the Court may personally examine the party who filed the affidavit and determine whether or not such affidavit is true, whether it was necessary to file the action or proceeding before the costs could be advanced or secured. In the event that the Court finds that such affidavit is untrue or unjustified, the judge may dismiss the case or continue it until the costs have been advanced or secured.

(C) ADDITIONAL COSTS- Where there are three or more defendants in an action upon which service is requested or when service by publication is requested at the outset of a lawsuit or at anytime during the pendency of the lawsuit, the Clerk of Courts may request additional costs in an amount sufficient to cover the cost of the additional service or service by publication.

(D) BILL- In all cases or matters in which costs are taxed to a particular party, the Clerk shall send a bill for the Court costs to the attorney for the party and to the party. The Court costs shall be paid within 30 days of the receipt of the bill unless an appeal is filed.

### **Rule 2.5 Judgment Entries**

The Court may request upon any party to file a proposed Judgment Entry. All judgment entries being delivered or mailed to the Courthouse for signature shall be directed to the attention to the Administrative Assistant of the respective Judge or Magistrate. The Court may then approve the entry, disapprove the entry and prepare its own, or take other appropriate action.

### **Rule 2.6 Legal Descriptions and Order of Sales**

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. 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. The Clerk of Courts shall have the right to reject any Precipe for Order of Sale and legal description the Clerk believes is not legible or clearly readable or does not comply with this rule.

### **Rule 2.7 Voluntary Dismissal**

(A) CIVIL RULE 41(A)(1)(a)- 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) shall be responsible for all court costs incurred through the Clerk of Courts.

(B) CIVIL RULE 41(A)(1)(b)- Any dismissal filed pursuant to Civil Rule 41(A)(1)(b) 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.

(C) OTHER CLAIMS- In any case where a plaintiff files a notice of voluntary dismissal, where a counterclaim, cross-claim, or third party complaint is filed, no costs shall be assessed until the counterclaim is resolved.

## **Rule 2.8                      Arbitration**

(A) COURT ORDERED- The Court may submit civil cases where the amount claimed in the complaint or cross-complaint does not exceed twenty-five thousand dollars (\$25,000.00) to arbitration. The court shall determine how the arbitration proceeds, including, but not limited to, the manner of the arbitration, appointment of an arbitrator, compensation of an arbitrator, hearing procedures, evidentiary issues, and monitoring the award.

(B) BY AGREEMENT- Parties may agree to submit themselves 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.

## **CRIMINAL**

## **Rule 2.9                      Try By Time**

The Prosecuting Attorney, within ten (10) days any arraignment, shall provide each Judge a list of the criminal case(s) arraigned and try-by times.

## **DOMESTIC RELATIONS**

## **Rule 9.0                      Documents to be Filed with Pleading**

(A) FORMS- 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:

- (i) A typed financial affidavit on the form provided by the Court or the forms 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 affidavit. 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.
- (ii) A typed parenting proceeding affidavit on a form prescribed by the Court.
- (iii) A proposed Judgment Entry.
- (iv) An IV-D application, if one has not been previously filed with the Court.

All forms needed to comply with this rule and all other Court prescribed domestic relations forms will be available on the Court website at [www.ccclerk.org](http://www.ccclerk.org).

(B) NON COMPLIANCE- The Clerk of Court shall reject all hand-written financial and parenting proceeding affidavits. The Clerk of Court 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 documents in his office pending receipt of non-attached documents.

**Rule 9.1**                      **Temporary Orders in Domestic Relations Cases**

All temporary orders filed pursuant to this Rule will be filed as a Magistrate’s Order. At the commencement of an action for divorce or legal separation, the plaintiff shall file with the complaint an entry to be approved by the Court, which entry shall order the following:

(A) PARENTAL RIGHTS- The allocation of parental rights shall be granted during the pendency of the action to the parent who in good faith has actual physical custody of the children. Where both parties are residing in the same household, a temporary parenting order need not be filed. If a temporary parenting order is granted to one party during the pendency of the divorce, then the non-residential parent shall have companionship with the minor child(ren) as set forth in the applicable standard Companionship Plan of the Court. The Court may award sanctions for abuse of this section.

(B) TEMPORARY SUPPORT- All temporary support, whether child or spousal, shall be payable through the Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218. The non-residential parent shall be ordered to pay temporary support for the minor children, which shall commence the first Friday following the filing of the Complaint. The temporary support shall be fixed in the following ways:

- 1.) If the income of both parties 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), unless modified.
- 2.) If the income of both parties is known, a child support guideline work sheet shall be completed and filed with the temporary order and support shall be in that amount.

(C) EX PARTE EXCLUSIONS- Only in unusual and extreme emergency situations will the Court grant an order excluding one party from the marital home ex parte. In such situations, motions for ex parte exclusions must be supported by appropriate affidavit and the Court may require the party seeking such exclusion to appear and testify under oath before granting the order. An exclusion order shall be heard within fourteen (14) days after it is granted.

(D) RESTRICTIONS- Each temporary order shall contain language restraining all parties to the action from annoying or harassing the other, either directly or indirectly, and prohibiting disposition of marital assets. Counsel shall serve a copy of the order on the parties.

(E) ATTACHMENT- 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 actions or proceeding where companionship would be an issue.

(F) REMEDY- 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, the aggrieved party may file an appropriate motion and such motions for temporary matters will be given precedence on the hearing schedule. If the aggrieved party is seeking modification of temporary child support, a child support worksheet and a financial affidavit must be attached to the modification request. Any modification granted by the Court may be retroactive to the date the order was filed.

**Rule 9.2**                      **Repealed- Effective 1-13-14**

**Rule 9.3**                      **Repealed- Effective 1-1-07**

**Rule 9.31**                      **Statutory Notices**

(A) RELOCATION NOTICES- Pursuant to ORC §3109.051(G) the parties are hereby notified as follows: If the residential parent intends to move to a residence other than the last listed 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)-(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 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: Pursuant to 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.

**Rule 9.4**                      **Uniform Local Companionship Plan**

Children need a positive relationship with both parents and this information is designed to assist in making that possible. Parents and other responsible persons are encouraged to work together in all matters pertaining to the welfare of the children.

(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- Parents should respect a teenager’s need to spend time with peers and in organized activities and less time with each parent, especially on the weekends and summer holidays. Quality of time is more important than a rigid schedule.

- (i) 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.
- (ii) WEEK B- Tuesday and Thursday afternoon 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.

(C) HOLIDAYS- For all other holidays not listed below, the parents 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 one day period, the parties shall divide the days as equally as possible in order 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, the parent whose weekend it is shall have the option of extending their weekend companionship to include the extra day.

<b>HOLIDAY</b>	<b>EVEN # YEARS</b>	<b>ODD # YEARS</b>	<b>SCHEDULE</b>
New Years	Mother	Father	1/1 at 9:00 A.M. to 1/1 at 6:00 P.M.
Martin Luther King	Father	Mother	Sunday 6:00 P.M. to Monday 6:00 P.M.
Presidents Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Easter	Father	Mother	Saturday 8:00 P.M. to Sunday 6:00 P.M.
Memorial Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Fourth of July	Father	Mother	4:00 P.M. to July 5 <sup>th</sup> 9:00 A.M.
Labor Day	Mother	Father	Sunday 6:00 P.M. to Monday 6:00 P.M.
Halloween	Father	Mother	5:00 P.M. to 9:00 P.M.
Thanksgiving	Mother	Father	Wednesday 6:00 P.M. to Friday 6:00 P.M.
Christmas Eve	Father	Mother	12/23 Noon to 12/24 9:00 P.M.
Christmas Day	Mother	Father	12/24 at 9:00 P.M. to 12/26 at 6:00 P.M.
Mother's Day	Mother	Mother	10:00 A.M. to 9:00 P.M.
Father's Day	Father	Father	10:00 A.M. to 9:00 P.M.

(D) TWO-WEEK PERIOD- Each parent shall be entitled to two weeks of consecutive, uninterrupted parenting time each year. These 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.

(E) SUMMER VACATION- The summer vacation is defined as commencing the day after the children get out of school and continuing seven (7) days before school begins. If the parents are unable to agree as

to the summer schedule, the non-residential parent may be entitled to the first half of the summer with the following conditions:

- (i) Each parent receives weekday companionship the same as afforded to the non-residential parent during the school year.
- (ii) The alternating weekends continue during the summer companionship without interruption, unless the two weeks of consecutive uninterrupted parenting time occurs during the summer.

(F) **SPRING BREAK & CHRISTMAS BREAK-** The parent who has Easter parenting time shall also have spring break that year. One half of Christmas break every year shall be spent with each parent. Alternating weekends and weekdays shall not be included in the calculation of the Christmas and spring breaks.

(G) **BIRTHDAYS-** The mother shall have the child, and all children of the marriage, on the child's birthday in even number years. The father shall have the child, and all children of the marriage, on the child's birthday in odd number years. If the child is in school on that day, the time will be from 5:00 P.M. to 9:00 P.M. If the child is not in school on that day, the time will be from 9:00 A.M. to 9:00 P.M. The child and all children of the marriage shall spend each parent's birthday with that parent unless otherwise ordered by the court or agreement of the parties.

(H) **TRANSPORTATION-** In absence of an agreement between the parties or a 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 parties may provide transportation if the parent is unavailable. Any person transporting a child shall use the proper child restraint seat and seat belts as required by law. If a child is required by law to ride in a car seat and each parent does not have the required seat, the parents shall transfer the car seat with the child as companionship changes occur. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of child(ren).

(I) **LATENESS-** The child(ren) and/or parent has no duty to wait for more than 30 minutes for the other parent to arrive for parenting time. If a parent is more than thirty (30) minutes late picking up the child(ren) for a particular parenting time, the time is forfeited. An exception shall be made if the tardiness of the parent is for just cause (ie. Work schedule) and the parent waiting receives both prompt notice and a reasonable estimated arrival time. If a parent is more than thirty (30) minutes late in returning the child, without calling to make arrangements and without just cause, the parent may be subject to contempt.

(J) **UNAVAILABILITY-** If either parent will be unavailable during his/her scheduled parenting time, he/she shall offer that parenting time to the other parent first. Unavailable means that the parent will be gone from his/her home overnight. Make up time shall be given if the child(ren) or non-residential parent is not available 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.

(K) **CONTACT-** Each parent shall have reasonable telephone contact with the child(ren). Reasonable is defined as one time per day. A parent shall not restrict the child(ren) from using the phone for purposes of contacting the other parent.

(L) **EXTRACURRICULAR ACTIVITIES-** Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. Each parent must take the best interests of the child(ren) into account when entering the child(ren) into such activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities in which the children participate, provide schedules for each activity (a formal given schedule or

handwritten schedule if no formal schedule provided), the name and contact information of the activity leader, and a copy of the school calendar. The non-residential shall provide any such available information to the residential parent to assist the residential parent in making the schedule. Failing to do so by either party may result in a finding of contempt with appropriate sanctions. It shall be the responsibility of the parent who has the children at the time of the activity to provide the physical and economic cost of transportation to these activities.

**(M) SPECIAL CIRCUMSTANCES:**

- (i) **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.
- (ii) **TRAVEL OF CHILD-** Whenever the child(ren) travels with either parent, the parent shall provide an itinerary of the travel dates and destinations and if possible a telephone number where the child or traveling parent can be reached. A child under the age of 12 is not permitted to travel without a parent or without a sibling age 18 or older, unless both parents otherwise agree in writing.
- (iii) **EMERGENCY MEDICAL TREATMENT-** In the event that the child is in need of emergency medical treatment, it shall be the responsibility of either party to obtain treatment for the child and immediately notify the other parent.
- (iv) **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 or the parent. If an address or phone number cannot be provided, then the name and number of an available third party who would/can reach the child or inaccessible parent in the event of an emergency shall be provided.

**Rule 9.41 Uniform Long Distance Companionship Schedule**

Specific items in the Journal Entry take precedence over this schedule. The Court, if needed, may make changes or modifications. The parties may agree, in writing, to additional terms or to vary the terms below. Support payments are not affected by the schedule unless ordered by the Court.

(A) **CHRISTMAS-** Christmas vacation will be divided in half and alternated annually between the parents. The Mother will have the first half of the break in odd numbered years and the father will have the first half of the break in even numbered years. Christmas break shall begin the day school is out and shall terminate the day before school resumes. If the child is not of school-age and does not have any school-aged siblings, Christmas break shall begin the day school is out in the public school district where the residential parent resides and shall terminate the day before school resumes in the public school district where the residential parent resides.

(B) **SPRING BREAK-** If any child is of school age, the break begins the Friday school is out to the day before school resumes. If the child and/or all siblings are not school-aged, the break begins the Saturday before Easter to the Saturday after Easter. The Mother shall have the children during even numbered years and the father shall have the children during odd numbered years.

(C) **SUMMER VACATION-** Each parent will get the child(ren) for one half of the school's summer vacation. Unless the parties agree otherwise, the non-residential parent shall get the child(ren) for the first half of the summer in even-numbered years and the residential parent shall get the child(ren) for the first half of the summer in odd-numbered years. A general itinerary shall be provided to the other parent if the

child will spend more than two days away from that parent's home. If it is necessary for a child to attend summer school to pass to the next grade level, attendance is mandatory.

(D) 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.

(E) ADDITIONAL COMPANIONSHIP- 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. If the non-residential parent is in the area of the residential parent, the non-residential parent must be permitted companionship with the child(ren) if the parent gives at least a 2-day notice of his/her arrival. The residential parent must notify the non-residential parent at least two days in advance if he/she will be in the area of the non-residential parent, and companionship must be permitted.

(F) MOTHER'S DAY / FATHER'S DAY- Each Mother's Day and Father's Day can always be spent with the appropriate parent.

(G) MOVING- If the residential parent intends to relocate to a new residence, that parent shall cause a Notice of Intent to Relocate to be filed with the Court as provided by Revised Code §3109.51(G).

(H) 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 parents are unable to reach an agreement regarding transportation, and unless otherwise provided by a 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. If a parent is unavailable to transport the child(ren), a responsible, licensed adult known to both parties may provide transportation. A person transporting a child(ren) shall use the proper child restraint seat and/or seat belts as required by law. If a car seat is required and each parent does not have the required seat, the parents shall transfer the car seat with the child as companionship exchanges occur. No person shall consume alcohol or use illegal drugs immediately prior to or during the transportation of a child(ren).

(I) COMMUNICATION- Each parent must keep the other informed of his/her current address and telephone number at all times. 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. 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 parent no less than every Sunday evening of each and every week.

#### **Rule 9.42                      Transitional Schedule for Companionship**

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 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 visitation 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 visitation 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 visitation 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.

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

### **Rule 9.5 Psychological Evaluations**

(A) REQUEST / ORDER- The Court may order the parties and minor children to submit to psychological evaluation. Psychological evaluation shall be considered by the Court where parenting of minors is at issue. Psychological evaluations shall be made at the cost of the requesting party or pursuant to any Court order. The deposit for the 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 dollars (\$260.00) per person evaluated.

(B) PSYCHOLOGIST- 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) REPORTS- Psychological reports shall not be made public, but a copy of the report for the parties may be provided to their respective counsel upon request to the Court. The reports may be reviewed by counsel only upon request to the Court, excepting that evaluations of the opposing party shall not be

permitted to be viewed by the individual client without specific order of the Court. The report of the psychologist shall be admissible upon direct exam for any party requesting admission.

(D) PROCEDURE- If the Court orders a psychological evaluation, the requesting party shall submit a Judgment Entry within five (5) days of any oral order ordering the deposit of any necessary monies. A file stamped copy shall be sent to the Counseling Center of Columbiana County and to all counsel of record within two days of being filed. The party required to make the deposit shall do so directly with the Columbiana County Counseling Center within ten (10) days from receipt of the order and shall notify opposing counsel that said deposit was made within five (5) days of making said deposit. Within ten (10) days of the deposit being made, all counsels shall assure that their clients will make an appointment for psychological evaluation at a time of convenience with the counselor. The Court may take appropriate action by way of sanctions or use of its contempt powers for failure to pay fees as ordered.

(E) TESTIFY- 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 prepayment of any fees for testifying that the witness requires in order to attend. Such fees shall be paid in advance or the witness need not appear at any proceeding, even if subpoenaed. In cases of indigency, the court may consider waiving the prepayment of fees, if the witness agrees to appear without such fee. This applies only to those persons appointed by the Court and does not apply to any witness hired by any party.

#### **Rule 9.6                      Guardian Ad Litem**

(A) COMPENSATION- Guardians ad Litem will be compensated at the hourly rate established by the County Commissioners for court appointed counsel, and by an hourly rate established by the court for all others. The GAL may submit to the Court a written motion for payment of fees. The motion shall be served upon all parties or their counsel if they are represented. The court may, at its discretion, approve motions for payment of Guardian Ad Litem fees.

(B) DUTIES- Upon appointment, the Guardian ad Litem shall appear at all hearings unless excused by the Court. The Guardian as Litem shall prepare and file with the Court, with a copy to counsel, at least 7 days prior to any final adjudication, a written report and recommendation to the Court as to the best interests of the minor child(ren). The report shall be maintained in the non-public records of the Court and shall not be filed with the Clerk of Courts. All reports shall be labeled confidential in conspicuous lettering on the first page.

(C) REPORT- The Guardian ad Litem, party, counsel for a party or child/ren is strictly prohibited from providing a copy of the Guardian ad Litem report to the minor child/ren in a case, and will be deemed to be against the best interests of the child if such copy is given to the child(ren). Any fees associated with appointing a new Guardian ad Litem as well as the fees incurred for the original Guardian ad Litem shall be placed upon the person sharing the report with the child/ren.

#### **Rule 9.7                      In Camera Interview of Children**

In all cases where an in-camera interview of a minor child/ren has been requested, the Court shall make record of said interview, which shall be sealed and opened only by the Court or upon order of the Court. Attorneys may have access to the transcript of the child's interview only upon written motion and

judgment entry signed by 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) APPRAISER- If a party desires an independent appraisal of real estate, they shall notify opposing counsel and the court in writing no later than thirty days after the status conference. Otherwise, the value of the property as listed on the tax duplicate of the Columbiana County Auditor's Office where the property is located shall be the value accepted by the Court. The parties may enter into stipulations to retain joint appraisers, which shall be in writing and signed by the parties and counsel and presented to the Court at Trial.

(B)WHAT SHALL BE APPRAISED- All real and personal property shall be appraised, including, but not limited to: real estate, household goods and furnishings, jewelry, antiques, heirlooms, pensions, and property which does not have a readily ascertainable value. 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. Any item listed above does not need to be appraised if the parties have agreed in writing and stipulated to the value of such property.

**Rule 9.8**                      **Status Conference**

The purpose of a status conference is to determine areas in dispute, establish child support in accordance with the child support guidelines and establish a timetable for discovery.

(A) CURRENT INCOME- parties shall bring a proof of current income to the status conference in order to determine child support.

(B) PENSIONS- The parties shall execute and exchange any and all releases that may be necessary to value pensions while at the status conference.

**Rule 9.9**                      **Pretrials**

(A) PURPOSE- The purpose of the pretrial is to explore final settlement of all or some of the contested issues, and in the event settlement is not achieved, to expedite trial of the case. At the pretrial, the attorney and/or pro se litigants shall be prepared to:

- (i) Narrow the disputed legal issues;
- (ii) Admit to undisputed facts
- (iii) Stipulate to the authentication of documents and other exhibits to be introduced at trial;  
and
- (iv) Exchange reports of expert witnesses, if not already done.

(B) SETTLEMENT- At least five days prior to pretrial, the parties shall exchange written settlement proposals, Additional proposals may be exchanged at anytime prior to trial and in accordance with any scheduling or trial order.

(C) DOCUMENTS- The parties shall bring the following items to the pretrial:

- (i) Certificates of attendance of parenting classes, if they have been ordered to attend parenting classes;
- (ii) Proof of current income from all sources;

- (iii) Proof of cost of health insurance to cover minor children (difference between single coverage and family coverage)
- (iv) Proof of child support actually paid for children not in this case;
- (v) Proof of spousal support actually being paid
- (vi) Copies of last three year income tax returns
- (vii) List of current monthly expenses
- (viii) Copies of all deeds to real estate and a copy of auditor's tax appraisals
- (ix) Copies of titles to all vehicles and copies of the NADA or Kelly Blue Book value of each vehicle;
- (x) Most recent plan summary of all pensions and/or profit sharing plans;
- (xi) Copies of most recent plan summary of all pensions and/or profit sharing plans
- (xii) Copies of most recent statements for all bank accounts, IRA's, stock accounts, mortgages, credit card accounts and all other debts;
- (xiii) Copies of all life insurance policies and valuation;
- (xiv) Documentation of property claimed as separate property;
- (xv) Documentation of value of antiques, collectables, or collections

(D) NON-COMPLIANCE- Failure to comply with this rule may result in sanctions, including, but not limited to, contempt citations, dismissal of claims or restrictions on the submission of evidence.

**Rule 9.91                      Trials**

All exhibits shall have been marked and exchanged with opposing counsel at least seven (7) days prior to trial, with a copy of all exhibits provided to the Judge/Magistrate on the date of trial. PLAINTIFF SHALL USE NUMBERS AND DEFENDANT SHALL USE LETTERS.

**Rule 9.10                      Repealed- Effective 1-13-14**

**Rule 9.11                      Judgment Entries/Decrees**

(A) CONTENTS- All judgment entries that grant a divorce, legal separation, dissolution, parenting, set child support, or modify child support shall include the following:

- (i) The effective date of the order so that arrearages can be calculated
- (ii) Date of birth of Obligor
- (iii) Current name and address of Obligor and Obligee
- (iv) The amount of any support order, which is going to be effective
- (v) A statement that the Court reserves the power to modify the matters of child support, companionship, and parenting

(B) ATTACHMENTS- All judgment entries that grant a divorce, legal separation, dissolution, parenting, set child support, or modify child support shall be accompanied by the following:

- (i) A notice to income provider or an order to seek employment- Current version of ODHS form 4047.
- (ii) 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.
- (iii) A child support guideline worksheet (ORC §3113.215(E))
- (iv) A copy of the Court's standard order concerning companionship where the same has been ordered by the Court.
- (v) The appropriate Uniform Companionship Plan shall be made a part of any final order of the

Court wherein parenting of minor child/ren had been an issue, whether resolved among parties or not.

(C) CSEA- The Clerk of Courts 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.

**Rule 9.12**                    **Repealed Effective-1-13-14**

**Rule 9.13**                    **Repealed- Effective 1-13-14**

**Rule 9.14**                    **Repealed- Effective 1-13-14**

**Rule 9.15**                    **Contempt for Unpaid Medical Bills**

A Motion alleging contempt for unpaid medical bills shall be accompanied by a fully executed "Explanation of Medical Bills" form set forth under the "Forms" section of the Court's website. Copies of medical bills in dispute shall not be attached to the Motion but such bills shall be submitted as evidence at the hearing.

**Rule 9.16**                    **Attorney Fees**

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. Any request for attorney fees in excess of \$500.00 shall require the presentation of evidence as to the reasonableness and necessity of said fees in accordance with Ohio law.

**MISC**

**Rule 10**                    **Notary Public**

(A) NOTARY PUBLIC EXAMINATION COMMITTEE- The Court is to establish a committee consisting of a Chief Examiner, who acts as the chairman, and four examiners, all of whom are attorneys licensed to practice in the State of Ohio, in good standing, and members of the Columbiana County Bar Association. The committee term shall last five years and an annual meeting shall occur in conjunction with a Bar Association meeting, in addition to any meeting the chairman orders for the necessary and proper functioning of the committee. The Chairman shall grade all examinations, shall provide notice to successful applicants of a passed examination, and shall collect and retain fees as provided for in this Rule. The Committee's duties include: establishing an examination for notaries public, distributing notary public instructional booklets, establishing a passing grade for examinations, administering examinations, certifying applicants whom have passed the examination, collecting fees as required by this Rule, the Court, or the Ohio Revised Code. Other procedures for the proper functioning of the committee and this Rule may be agreed upon with consent of all committee members.

(B) INSTRUCTIONAL BOOKLET- The examination is prepared from the Committee's Instructional Handbook. The handbook shall be provided, for a fee, to anyone wishing to take the examination by an examiner or the Clerk of Court.

(C) EXAMINATION FEES-Applicants for the examination shall pay a fee of \$10.00 to the examiner on or before the day of the examination. The fee shall be distributed as follows: \$4.00 retained by the examiner for giving the examination, \$4.00 to the chairman for grading the examination, and \$2.00 to the chairman who places the money into an interest bearing account to be expended upon order of the Court.

(D) RENEWAL- Anyone who has previously been appointed as a notary public does not have to take any examination for renewal. All applications for renewal shall be on the form prescribed by the Office of the Governor of Ohio and presented to the Clerk of Court with documentation that the applicant for renewal has previously passed the examination or has been previously appointed a notary public.

(E) APPOINTMENT- The Court shall not issue or approve an appointment of a notary public unless the applicant is a resident of Columbiana County, Ohio and is a member of the Bar of the State of Ohio in good standing, has passed an examination pursuant to this Rule, or is exempt from such examination.

### **Rule 11                      Court Security**

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

(B) AUTHORITY- The Court of Common Pleas General Division shall be responsible for security measures to achieve the purposes defined in this Rule on the floor in which they operate, the Second Floor. The Board of Commissioners shall be responsible for security measures to achieve the purposes defined in this Rule for the remainder of the Courthouse building. The Court of Common Pleas Juvenile Division shall be responsible for security measures to achieve the purposes defined in this Rule in the separate building in which they operate.

### **Rule 12                      Name and Citation**

(A) CITATION- These Rules shall be known as the “Local Rules of Columbiana County Court of Common Pleas General and Domestic Relation Divisions.” The Rules shall be cited as “Col. Cnty. C.P. Ct. Rule \_\_\_\_\_.”

(B) REVISION- This version of the Rules was revised effective February 24, 2014. This version of the Rules completely replaces the prior version dated 7-18-08. As any additional changes are made to any Rule after January 13, 2014 the web version of the Rules will show a revised date at the bottom of the page to indicate that the version being viewed is the most current version.

**APPENDIX TO RULE 2.0**

COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO

PLAINTIFF )  
 )  
VS. ) CASE NO: \_\_\_\_\_  
 ) TYPE: \_\_\_\_\_  
DEFENDANT ) JUDGE: \_\_\_\_\_  
 )  
 ) PRE-TRIAL STATEMENT OF:  
 ) \_\_\_\_\_

- (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, ect.):
- (3) List items by item ascertainable damages such as medical expenses, lost wage, property damage, ect., 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Counsel for Plaintiff/Defendant

Dated: \_\_\_\_\_

## **APPENDIX A TO RULE 2.2**

Reference is made to Rules of Superintendence implementation manual for definitions of case designations. If there are multiple claims, all claims should be listed. If you have any doubt as to the particular type of action, list all types of actions you think are applicable.

### **TYPE OF CASE**

- 1.) Professional Tort (medical, legal or other professional malpractice)
- 2.) Product Liability
- 3.) Other Tort
  - a. Personal Injury-motor vehicle
  - b. Personal Injury- other than motor vehicle
  - c. Other Tort
- 4.) Worker's Compensation
- 5.) Foreclosures
- 6.) Administrative Appeal
- 7.) Other Civil Actions
  - a. Appropriations
  - b. Declaratory Judgment
  - c. Injunction
  - d. Money Only (account/contract/ cognovit/ subrogation/ ect.)
- 8.) Delinquent Tax Foreclosures



**APPENDIX B TO RULE 2.2**

**EXAMPLE OF CASE CAPTION**

COURT OF COMMON PLEAS  
COLUMBIANA COUNTY, OHIO  
CASE NUMBER \_\_\_\_\_  
JUDGE\_\_\_\_\_

JOHN DOE )  
100 Court Street )  
Lisbon, Ohio 44432 )  
 )  
Plaintiff, )  
vs. )  
 )  
Widget Manufacturing )  
6020 Air Boulevard )  
Salem, Ohio 44460 )  
 )  
Defendant, )

**COMPLAINT**

1. Other Tort
2. Personal Injury - Automobile
3. Jury Demanded
4. Re-filed Case (CASE NO. CV , PIKE)

**APPENDIX C TO RULE 1.7**

TO: \_\_\_\_\_, Judge, Court of Common Pleas of Columbiana County, Ohio

RE: \_\_\_\_\_ VS. \_\_\_\_\_ Case No: \_\_\_\_\_

In accordance with Canon 3 (A)(7) of the Ohio Code of Judicial Conduct, Superintendence Rule 11 and Local Rule of Court 1.7,

\_\_\_\_\_  
(Name of person requesting permission)

\_\_\_\_\_  
(Name, Address and telephone Number of Agency)

requests permission to

\* \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ in the Courtroom during the court proceeding of this matter.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\*Broadcast, televise, record, videotape, or photograph

THE ABOVE APPLICATION IS (GRANTED) (DENIED) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(JUDGE OF THE COURT OF COMMON PLEAS)