

**DOMESTIC RELATIONS RULES OF PRACTICE
AND PROCEDURE**

**OF THE COURT OF COMMON PLEAS,
MUSKINGUM COUNTY, OHIO**

Under the authority of article IV, section 5(B) of the Ohio Constitution, the rules promulgated by the Ohio Supreme Court and section 2505.45 of the Ohio Revised Code, it is ORDERED that the following be the Local Rules of Practice and Procedure in this court until otherwise provided. However, the same shall not conflict with the rules of the Supreme Court.

Table of Contents

<u>Title</u>	<u>Page No.</u>
Rule 1: Agreement of Counsel.....	1
Rule 2: Pleadings and Motions	2
Rule 3: Removal of Files, Pleadings or Other Documents	7
Rule 4: Continuances of Trials or Hearings.....	8
Rule 9: Preparation of Entries.....	10
Rule 11: Objections & Motions Related to Discovery Procedures.....	11
Rule 15: Security for Costs	13
Rule 22: Domestic Relations Case Management Plan.....	14
Rule 24: Media Coverage of Court Proceedings	27
Rule 25: Referee	30
Appendix A.....	31
Appendix B	32

RULE 1:

AGREEMENT OF COUNSEL

Stipulations and Agreements of counsel or parties to a suit must be reduced to writing and signed by the parties or their respective counsel, or made in open court and a memorandum made thereof or dictated to the court reporter, otherwise any such stipulations or agreements shall not be recognized by the court if disputed by any of the parties.

Rule adopted for Common Pleas Court of Muskingum County on the 14th day of October, 1977.

RULE 2:

PLEADINGS AND MOTIONS

- A. All pleadings, motions, briefs and other documents filed with the Clerk of Courts shall be legibly typewritten or printed on 8½ X 11 inch bond paper with a 2½ inch margin at the top of the first page and a 1½ inch margin at the top of the following pages all of which shall be securely fastened together by a staple at the top. All of the aforesaid papers shall be filed without backings, covers, bindings or tab dividers. Documents attached as exhibits are exempted only from the size and margin requirement. Enough copies of good quality for service upon all parties shall be filed with the original.
- B. Page Limitations
1. Briefs, whether supporting or opposing a motion, shall not exceed fifteen (15) pages, exclusive of any supporting documents. Any supporting or opposing briefs which exceed the above limit shall not be accepted for filing by the Clerk without prior leave of the Court.
 2. Reply briefs shall not exceed seven (7) pages and shall be restricted to matters in rebuttal. Any reply brief which exceeds the above limit shall not be accepted for filing by the Clerk without prior leave of the Court
 3. Applications for leave to file a brief in excess of the page limitations set forth in paragraph one (1) and two (2) shall be made by motion no later than seven (7) day prior to the time for filing the motion and a time stamped copy shall be hand delivered to the Judge's chambers. Such motion shall set forth the unusual and extraordinary circumstances which necessitate exceeding the page limitations
- C. The caption of the complaint in all new civil and domestic relations cases shall state the classification of the case being filed and the proper identifying prefix in the case number which shall also include the last two digits of the year wherein the case is filed, leaving space thereafter for the serial number of the case. A space for the name of the judge to whom the case is assigned shall be provided by typing a

RULE 2:

PLEADINGS AND MOTIONS (CONTINUED)

horizontal line approximately 2½ inches long placed approximately ½ inch below and parallel to the line provided for the case number. The name, the Ohio Supreme Court Attorney Registration Number, address, telephone number and the fax number of the filing attorney or of the filing party if there is no attorney shall be stated at the close of the complaint.

D. Civil Class Classification

1. All civil cases shall be classified by the filing attorney according to the following criteria.
 - a. Prefix CA – Professional Tort – Cases that involve allegations of malpractice by person acting in a professional capacity such as a doctor, lawyer or engineer.
 - b. Prefix CB – Product Liability – Cases alleging liability of the manufacturer or seller of an article for injury caused to person or property by defect in or condition of the article sold, or an alleged breach of duty to provide suitable instructions to prevent injury.
 - c. Prefix CC – Other Torts – Any tort case that cannot be classified in Paragraph (a) or (b).
 - d. Prefix CD – Workers’ Compensation – A case brought pursuant to R.C. 4123.519 which is an appeal of a decision by the industrial Commission in any injury or occupational disease case other than a decision as to extended disability.
 - e. Prefix CE – Foreclosures – Cases that involve the enforcement of a lien, mortgage, trust deed or other similar instrument in any method provided by law.

RULE 2:

PLEADINGS AND MOTIONS (CONTINUED)

- f. Prefix CF – Administrative Appeal – All cases that are appealed from a decision of an administrative agency which is defined as a non-judicial unit of government that is charged with overseeing the implementation, execution, and administration of particular legislation.
 - g. Prefix CH – Other Civil - Civil cases that cannot be identified as belonging in the above civil classifications.
2. All subsequent pleadings and motions in civil cases shall state in the caption the name of the first party plaintiff and the first party defendant, the case number, and the assigned judge's name. The name, attorney registration number, address, telephone number and fax number, if any, of the filing attorney or the filing party if there is no attorney shall be stated at the close of such pleadings or motions.

E. Domestic Relations Cases Classification

- 1. All domestic relations cases shall be classified by the filing attorney according to the following criteria:
 - a. Prefix DA – Includes complaint for divorce, annulment or alimony only, where custody of minor children as issue of the marriage and/or issue of parentage must be adjudicated.
 - b. Prefix DB – Includes complaint for divorce, annulment or alimony only, where there is no issue of custody of minor children or parentage to be adjudicated.
 - c. Prefix DC – Dissolution of marriage with minor children as issue of the marriage.

RULE 2:

PLEADINGS AND MOTIONS (CONTINUED)

- d. Prefix DD – Dissolution of marriage with no minor children as issue of the marriage.
 - e. Prefix DH – Domestic violence includes actions filed as separated cases pursuant to R.C. 3113.31.
 - f. Prefix DI – URESA – includes cases filed pursuant to R.C. 3115.
2. All subsequent pleadings and motions in domestic relations case shall state in the caption the name of the plaintiff and the first party defendant, the case number and the assigned judge’s name. The name, attorney registration number, address, telephone number and fax number, if any, of the filing attorney, or the filing party if there is no attorney, shall be stated at the close of the pleadings or motions.
3. In addition to the requirements of (D) (2), motions in domestic relations cases shall be classified by the filing attorney as follows and the same shall be designated in the caption of the motion.
- a. Change of custody (E)
 - b. Visitation enforcement/modification (F)
 - c. Support enforcement/modification (G)
 - d. Parentage (J)
 - e. All other motions (K)

F. Effect of Noncompliance

- 1. Pleadings or motions which do not conform to the requirements of this rule shall not be accepted for filing by the Clerk and the Court may sua sponte strike from the file any complaint, cross-complaint, petition, motion, other pleading or document not in compliance with this rule.

RULE 2:

PLEADINGS AND MOTIONS (CONTINUED)

This rule is adopted for the Common Pleas Court of Muskingum County effective on the 13th day of March, 1998.

RULE 3:

REMOVAL OF FILES, PLEADINGS OR OTHER DOCUMENTS

No files, pleadings or other documents on file in this Court shall be removed from the office of the Clerk of this Court except with his permission and under such rules as he shall from time to time prescribe. Provided, however, that this rule shall not apply to:

- A. The use of such files, pleadings or other documents in open court of judges' chambers during any arguments, hearing, trial or other proceeding in the case to which such files, pleading or other documents belong, or in which they may be used.
- B. Any removal made pursuant to law, or with express permission of the Court.

Rule adopted for Common Pleas Court of Muskingum County on the 14th day of October, 1977.

RULE 4:

CONTINUANCES OF TRIALS OR HEARINGS

All requests for continuance of a trial or hearing shall be by written motion, which shall state the nature of the matter to be continued, the date the action was originally filed with the Clerk, the date set for trial or hearing and the specific reason(s) for the continuance.

The party requesting the hearing shall also submit a proposed entry continuing the trial or hearing to a new date certain, with said date to be provided by the assignment commissioner and evidenced by her signature on the proposed entry.

Prior to submission to the Court, the motion and entry shall be submitted to the opposing party or counsel for consent thereto.

Except as otherwise provided by this rule, the motion and proposed entry, properly endorsed by the assignment commissioner and the opposing party or counsel (if consent is forthcoming), shall be submitted to the assigned judge or referee at least five (5) business days prior to the date set for hearing or trial. Upon showing of some compelling reason for the delay, properly supported by affidavit or otherwise, the Court may waive the five (5) day requirement.

The granting of a continuance is within the sound discretion of the Court. No continuance shall be granted except upon good cause shown. No trial or hearing in a domestic relations matter shall be continued beyond the mandatory time standards imposed by the Ohio Revised Code or court rule.

Upon the granting of a continuance of a trial or hearing, the party requesting the continuance shall notify all parties of the new date and time set for trial or hearing, and place proof of service of said notice in the court file.

Except where a continuance has been granted by the Court and an entry therefore has been filed with the Clerk prior to the date originally set for trial or hearing, the parties and counsel shall appear at the scheduled date and time. Failure to appear or to be prepared for trial or hearing shall result in dismissal of the action and/or other appropriate sanctions. Absent

RULE 4:

CONTINUANCES OF TRIALS OR HEARINGS (CONTINUED)

compelling reasons therefore, no continuance shall be granted except as provided by this rule.

Rule adopted for Common Pleas Court of Muskingum County on the 26th day of May, 1987.

RULE 9:

PREPARATION OF ENTRIES

Unless otherwise ordered by the Court, the Court shall prepare and file the proper Entry and cause a filed stamped copy thereof to be sent to all counsel of record and or parties unrepresented by counsel. Except as to matters in which the Court prepares a proper Entry, counsel for the party in whose favor an order, decree or judgment is rendered, shall within five (5) days thereafter prepare the proper entry, and submit it to counsel for the adverse party who shall approve or reject the same within five (5) days after the receipt thereof. If approval or rejection of an entry is not communicated to counsel for the prevailing party within the five (5) days period or if counsel for the prevailing party does not prepare an entry within the five (5) day period, counsel for the other party may forthwith present an entry to the trial Court for approval. When the entry is approved by counsel, it shall be so endorsed and presented to the Judge to whom the case is assigned for approval and if signed by him shall be forthwith filed with the Clerk. If counsels are unable to agree upon an entry, the trial Judge shall prepare and enter a proper entry.

Rule adopted for Common Pleas Court of Muskingum County on the 14th day of October, 1977.

RULE 11:

OBJECTIONS & MOTIONS RELATED TO DISCOVERY PROCEDURES

- (A) **COUSULTATION AMONG COUNSEL.** Counsel are encouraged to participate in pretrial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. No interrogatories, request, motion or application will be filed under Rules 26 through 37 of the Ohio Rules of Civil Procedure until counsel shall have explored the objective or objectives with opposing counsel in an effort to informally handle the matter or matters and/or reduce the area of controversy. It shall be the responsibility of the party seeking discovery to initiate such personal consultation.
- (B) **PROHIBITION ON FILING OF UNNECESSARY DISCOVERY MOTIONS OR OBJECTIONS.** The presentation to the Court of unnecessary discovery motions, applications, interrogatories and requests, as well as any unwarranted opposition to proper discovery proceedings, will subject the offender to appropriate remedies, including the imposition of costs and counsel fees.
- (C) **DISCOVERY MOTION, APPLICATION, INTERROGATORIES, ETC.** To the extent such personal consultation does not dispose of the matter, the party seeking the discovery may then proceed with the failing of a formal motion, application, interrogatories or request under any of Rules 26 through 37 of the Ohio Rules of Civil Procedure.
- (D) **OBJECTIONS TO DISCOVERY MOTION, ETC.** Objections to any discovery motion, application, interrogatories or request under Rules 26 through 37 of the Ohio Rules of Civil Procedure shall be filed within twenty (20) days after service of the formal motion, application, interrogatories or request, and shall be accompanied by a memorandum or brief.

RULE 11:

OBJECTIONS & MOTIONS RELATED TO DISCOVERY PROCEDURES
(CONTINUED)

- (E) **ANSWER MEMORANDUM OR BRIEF.** The party initiating discovery, to which objections are filed, may file an answer memorandum or brief within ten (10) days after service of the objections. Upon the filing of such answer memorandum, or brief, or at the end of the ten (10) day period, the matter will be automatically submitted.
- (F) **ENTRIES IN ABSENCE OF OBJECTIONS TO DISCOVERY MOTION, ETC.** Motions, applications and requests, to which objections are not seasonably filed, may be granted as a matter of course (as will orders directing answers to interrogatories) upon the informal presentation of an appropriate proposed and endorsed order by counsel for the party initiating discovery.
- (G) **EXTENSIONS.** Requests for the extensions of the prescribed periods must be in writing and state the grounds therefore.

Rule adopted for Common Pleas Court of Muskingum County on the 14th day of October, 1977.

RULE 15:
SECURITY FOR COSTS

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN

A. PURPOSE:

The purpose of this Rule is to establish, pursuant to Rule 9 of the Rules of Superintendence for Courts of Common Pleas, an automated system for civil case management which will achieve the prompt and fair disposition of civil cases, provide the Court with an efficient means of controlling the flow of civil cases, and save time by providing members of the bar with information and case management facilities.

B. SCHEDULING OF EVENTS:

1. PETITIONS FOR DISSOLUTION OF MARRAGE: Petitions for dissolution of marriage shall be heard and disposed of within the time frame established by Section 3105.64 Ohio Revised Code.

2. ACTIONS FOR DIVORCE, LEGAL SEPERATION, OR ANNULMENT

(a) STEP I – SERVICE OF PROCESS: Court personnel shall check service of summons twenty-one (21) days after the action is filed. If service is complete, the case shall be assigned a hearing date as set forth in STEP II. If service is not complete, plaintiff’s counsel shall be notified and shall be instructed to file a new praecipe for service within twenty-one (21) days. If plaintiff’s counsel fails to timely file a new praecipe, the case shall be dismissed without prejudice for want of prosecution without further notice. If plaintiff’s counsel files a new praecipe, STEP I shall be repeated in twenty-one (21) days. If service of process is accomplished by publication or posting, the case shall be assigned a hearing date as set forth in STEP II upon the Clerk entering completion of service by appropriate entry in the docket.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- (a) **STEP II – TRIAL ASSIGNMENT:** Subject to Civil Rule 75(J), cases in which the defendant fails to file an Answer and cases in which the parties have filed a written separation agreement shall be assigned for trial at the earliest available date on the Court’s uncontested docket. All other actions for divorce, legal separation, or annulment shall be assigned a trial date upon the Court’s contested docket when the defendant files an Answer to the Complaint. Cases shall be assigned to the appropriate case track as set forth below, subject to modification in the Court’s sound discretion. The time frames contained in the case tracks are intended to be the outside time limits for the occurrence of the described events.

Track I – Termination of Marriage Without Children

- Week 10 – Motions to appoint experts
- Week 15 – Witness disclosure, exchange reports/appraisals
- Week 18 – Marital balance sheet
- Week 23 – Discovery completed
- Week 25 – Pre-trial Statement
- Week 26 – Settlement Conference
- Week 27 – Trial

Track II – Termination of Marriage With Children

- Week 12 – Motions to appoint experts
- Week 20 – Witness disclosure, exchange reports/appraisals
- Week 24 – Marital balance sheet
- Week 29 – Discovery completed
- Week 30 – Pre-trial Statement
- Week 31 – Settlement Conference
- Week 34 – Trial

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

3. DOMESTIC VIOLENCE PETITIONS, UIFSA ACTIONS, POST DECREE ACTIONS: Domestic violence petitions, UIFSA actions, and all post-decree actions shall be assigned a hearing date upon filing. If service of process has not been accomplished by the date of hearing, the Movant's attorney shall be notified and shall be instructed to file a new praecipe within fourteen (14) days. If Movant's attorney fails to timely file a new praecipe, the case shall be dismissed without prejudice for want of prosecution without further notice. If service cannot be timely made prior to the original hearing date, the Movant's attorney shall also file a motion for continuance and a proposed Order therefore. If service has not been accomplished by the new date of hearing, the Court may dismiss the action without prejudice.

C. PLEADINGS AND MOTIONS; REQUIRED FORMS

1. FINANCIAL AFFIDAVITS

(a) DIVORCE, LEGAL SEPARATION,
MODIFICATION OF SPOUSAL SUPPORT

SUPPORT: In all actions for divorce or legal separation each party shall file a completed financial affidavit on Local Form DR1 upon making his or her initial appearance, whether by written pleading or appearance at hearing. In all post-decree actions involving modification of spousal support each party shall file a completed financial affidavit on Local Form DR1 upon making his or her initial appearance, whether by written pleading or appearance at hearing. Unless service is waived, the affidavit shall be served on the opposing party or counsel.

(b) POST-DECREE ACTIONS INVOLVING CHILD
SUPPORT: In all post-decree actions in which the
Court will be required to determine the matter of child
support,

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

including motions for re-allocation of parental rights and responsibilities, each party shall file a completed financial affidavit on Local Form DR2 upon making his or her initial appearance, whether by written pleading or appearance at hearing. Unless service is waived the affidavit shall be served on the opposing party or counsel.

2. 3109.27 OHIO REVISED CODE AFFIDAVIT: In all actions involving allocation of parental rights and responsibilities for minor children, each party shall file an affidavit or verified complaint as required by Section 3109.27 of the Revised Code. The parties may comply with this requirement by filing a completed affidavit on Local Form DR3.

3. NOTIFICATION OF PRIOR OR PENDING ACTION INVOLVING CHILD SUPPORT: The party initiating an action involving minor children shall inform the Court in his or her original pleading of the status of any prior or pending action relating to the support of the children, including any support order issued by a court or administrative agency.

4. TITLE IV-D APPLICATION: In all original and post-decree actions in which a party requests an order or judgement affecting a condition of child support (including all actions relating to an allocation of parental rights and responsibilities) the support obligee (and/or the party requesting legal custody of a minor child) shall submit an application for Title IV-D services at the time of making his or her initial appearance. Applications shall be made on the form required by the Muskingum County Child Support Enforcement Agency.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

5. CHILD SUPPORT WORKSHEET (3113.215 O.R.C)

(a) DISSOLUTION OF MARRIAGE ACTIONS; AGREED ORDERS OR ENTRIES: Where the dissolution action involves minor children, the parties shall submit a completed child support worksheet and the supporting documents required by the Ohio Revised Code at the time the Petition is filed. Where the parties submit a proposed agreed Magistrate's Order or Judgment Entry involving child support, the parties shall also submit a completed child support worksheet and the supporting documents required by the Ohio Revised Code.

(b) ALL OTHER ACTIONS: Where minor children are involved, the parties must submit the supporting documents required by the Ohio Revised Code. Unless otherwise directed by the Court, the Court will prepare the child support worksheet.

6. NOTICE OF HEARING/ORDER TO APPEAR: Except as provided below, the party filing a pre-decree or post-decree motion shall submit with the motion a completed Order to Appear (on the form provided by the Court) to the assignment commissioner. The assignment commissioner shall assign a date and time for hearing and shall inscribe the same upon the Order to Appear. This requirement does not apply to motions involving only a charge of contempt or motions requesting only a modification of a prior allocation of parental rights and responsibilities.

7. DIVORCE, DISSOLUTION, LEGAL SEPERATION AND ANNULMENT COMPLAINTS: In actions for divorce, dissolution, legal separation, and annulment the complaint shall state the date and place of marriage in sufficient detail to permit the Clerk to complete the vital statistics form required by Section 3705.21 Ohio Revised Code.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

D. CONTENT OF MOTIONS:

1. PRE-DECREE MOTIONS: Pre-decree motions filed in pending actions for divorce, annulment, or legal separation shall comply in every respect with the requirements of this rule with the exception that the caption in such motions need not list the addresses of the parties unless a change in address has occurred since the original pleading was filed.

2. POST-DECREE MOTIONS:

(a) CAPTION: In addition to the requirements of the Civil Rules, the caption in all post-decree motions shall contain the names and current residence addresses of all parties, if known. If the motion involves minor children, child support, or spousal support, the caption shall contain the social security numbers and birth dates of all parties.

(b) DEMAND FOR RELIEF OR JUDGMENT: The motion shall state, with particularity, the relief or order requested.

(c) MOTIONS TO MODIFY A PRIOR ORDER: Motions requesting modification of a prior order shall set forth, in the body of the motion or the accompanying memorandum, the following:

- (1) The specific order or portion thereof which the modification is requested;
- (2) The specific reason(s) for which the modification is sought;
- (3) The legal authority relied upon; and

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- (4) A brief but specific statement of the modification request (i.e. the language proposed to be included in the judgment entry if the motion is granted.)
- (d) **MOTIONS FOR CONTEMPT FOR FAILURE TO OBEY A PRIOR ORDER:** Motions charging a person with contempt for failure to obey a prior court order shall be verified by the complaining party or supported by a separate affidavit. The moving party shall prepare and submit with the motion a proposed Order to Show Cause. If the motion involves a charge of contempt for failure to obey a support order or visitation order, the moving party shall also prepare and submit with the motion a Summons in Contempt for the Clerk's use. The motion shall set forth, in the body of the motion and/or in the supporting affidavit, the following:
- (1) The exact language of the prior order on which the charge is based;
 - (2) The facts alleged to constitute a failure to obey the order;
 - (3) The legal authority relied upon;
 - (4) A brief but specific statement of the relief requested.
 - (5) If an alleged failure to pay support is involved, the movant must attach to the motion a current computer printout for this case from the Support Enforcement Agency.
 - (6) If the motion alleges failure to pay debts, the motion or memorandum shall itemize the debts and shall state whether a demand for payment has been made prior to the filing of the motion.
 - (7) If the motion alleges failure to pay health care expenses for a minor child, the motion or memorandum shall list each bill individually, the date each bill was incurred, the portion of each bill that was paid by insurance, and the

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- (8) amount of each bill that the moving party alleges is owed by the other party. In addition, the motion or memorandum shall state whether a demand for payment has been made prior to the filing of the motion.
- (e) **MOTIONS TO REDUCE TO LUMP SUM JUDGMENT:** Motions requesting the Court to reduce unpaid support, medical expenses, or the like to lump sum judgment shall set forth, in the body of the motion or in the accompanying memorandum, the following:
 - (1) The prior order giving rise to the alleged obligation (i.e. the language of the order and the date filed);
 - (2) The facts allegedly constituting a failure to meet this obligation. This requirement shall be satisfied by providing an itemized list of bills incurred and sums paid or not paid, or if the obligation requires payment through the Support Enforcement Agency, a current computer statement in this case from the Support Enforcement Agency. If the motion seeks judgment for health care expenses for a minor child, the motion or memorandum shall list each bill individually, the date each bill was incurred, the portion of each bill that was paid by insurance, and the amount of each bill that the moving party alleges is owed by the other party.
 - (3) The total sum requested in judgment.

E. RELIEF PENDENTE LITE UNDER CIVIL RULE 75

- 1. Any request for temporary relief (including temporary restraining orders, temporary allocation of parental rights and responsibilities, child support, or spousal support) shall be made in writing and shall be set forth in the demand for judgment or by separate motion. All requested for ex parte temporary relief shall be supported by sworn affidavit or verified complaint.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

2. Hearing – Unless otherwise ordered by the court, motions requested temporary allocation of parental rights, visitation, child support, spousal support, debt allocation, and exclusive possession of real or personal property shall be assigned for oral hearing. Counsel for the moving party shall obtain a date and time for hearing from the magistrate’s office and shall serve the opposing party with notice thereof pursuant to the Civil Rules.

F. MAGISTRATE’S ORDERS AND JUDGMENT ENTRIES

1. **MOTION PRACTICE; AGREED ORDERS OR ENTRIES:** In actions involving pre-decree or post decree motions where the parties have resolved the matter by agreement prior to hearing, the parties shall reduce their agreement to writing and shall either submit their written agreement to the Court in the form of a proposed order or judgment entry prior to the date on which the motion was to be heard or shall appear at hearing to recite the agreement into the record. Failure to comply with this rule may be deemed a failure to prosecute the motion and may result in dismissal of the motion without further notice. The Court will not recognize agreements that are neither reduced to writing and properly executed by the parties or counsel nor dictated to the court reporter in open court.
2. **ORDERS FOR ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES, CHILD SUPPORT, OR SPOUSAL SUPPORT:**
 - (a) Orders for allocation of parental rights and responsibilities, child support, or spousal support shall appear on the face of the judgment entry.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- (b) The order shall state the date on which the obligation is to commence. The judgment entry shall contain, in the caption or otherwise, the social security number and date of birth of the support obligor.
- (c) Entries and Orders containing an order of child support or spousal support shall also contain the following language and shall have attached thereto a copy of the Court's Addendum Support Order. "The Court's Addendum Support Order (a copy of which is attached) is hereby incorporated by reference as part of this order as if fully re-written herein."

3. SIGNATURE LINE: All judgment entries shall provide a signature line for the assigned Judge, the assigned Magistrate, and all attorneys of record. Attorneys of record shall affix their signature to the entry or state the reason for their refusal to sign the entry.

G. CONVERSION OF DIVORCE ACTION TO DISSOLUTION ACTION and CONVERSION OF DISSOLUTION ACTION TO DIVORCE ACTION: Pursuant to O.R.C. Sections 3105.08 and 3105.62, an action for divorce may be converted to an action for dissolution upon the filing of a motion, along with a Petition of Dissolution, a Separation Agreement, and any necessary supporting documents. The motion shall be submitted with an entry substantially similar to the form attached in Appendix A. Pursuant to O.R.C. Section 3105.65, an action for dissolution may be converted to an action for divorce upon the filing of a motion, along with a Complaint for Divorce and any necessary Affidavits. The motion shall be submitted with an Entry substantially similar to the form attached in Appendix B. The balance of money on deposit in the dissolution action will be transferred to the divorce action. An additional deposit for costs may be required by the Clerk of Courts.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- H. FORMS: The Court shall adopt forms for use in domestic relations actions as the business of the Court so requires. Unless granted leave by the Court, counsel and the parties shall use forms adopted by the Court. Facsimiles of the forms, produced by the computer or other automated system, are acceptable so long as the facsimiles are substantially similar in content and appearance as the form.

- I. COPIES: In all cases involving minor children or spousal support Counsel or the parties shall prepare for use by the Court and the Support Enforcement Agency one copy of each document filed with the clerk.

- J. ABSENCE OF A JUDGE: In the absence of a Judge to whose docket the case is assigned, another Judge of the Common Pleas Court may sign an entry under these rules.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

- K. **SEMINAR FOR SEPARATING PARENTS:** All parents in divorce, legal separation, or annulment actions involving minor children shall attend an educational seminar for separating parents approved by the Court within forty-five (45) days after service of process. All parents in actions for dissolution of marriage involving minor children shall attend an educational seminar for separating parents approved by the Court within forty-five (45) days after filing of the petition. No action shall proceed to final hearing until the parties have complied with this rule; however, non-compliance by a party to an action for divorce, legal separation, or annulment who fails to file a responsive pleading shall not delay the final hearing. Each parent shall be responsible for registering at least one week prior to the seminar to be attended. A fee of \$10.00 per case will be charged for the seminar. The clerk shall collect the fee as court costs and shall increase the required security deposit accordingly. The Clerk of Courts shall include an informational brochure with service of process in each action for divorce, legal separation, or annulment involving minor children. Counsel shall prepare and file an appropriate praecipe with the Clerk of Courts for this purpose. Counsel for plaintiff shall provide the brochure to the plaintiff. Counsel filing a petition for dissolution of marriage shall provide the brochure to both petitioners. At its discretion, the Court may require parties involved in post-decree actions to attend the seminar.
- L. **HOMESTUDY INVESTIGATION:** In actions involving minor children, the Court, upon motion of either party or upon its own motion, may require an investigation of the parties. The clerk shall tax as costs the sum of Fifty Dollars (\$50.00) for the expense of the investigation. Unless otherwise directed by the Court, the party moving the Court for an investigation shall deposit with the clerk the sum of Fifty Dollars (\$50.00) as security for the costs of the investigation.
- M. **APPLICABILITY OF RULE:** This rule shall apply in all cases arising under the Court's domestic relations jurisdiction.

RULE 22:

DOMESTIC RELATIONS CASE MANAGEMENT PLAN (CONTINUED)

Rule adopted for Common Pleas Court of Muskingum County on the 31st day of August, 1998.

RULE 24:

MEDIA COVERAGE OF COURT PROCEEDINGS

- A. Requests for permission to broadcast, televise, photograph or record during sessions in the Common Pleas Courtrooms shall be made in writing to the Judge presiding at such proceedings and shall be made on the appropriate application form available from the Court. Such application shall be made as far in advance as is reasonably possible but in no event later than forty-eight (48) hours prior to the courtroom session to be broadcast, televised, photographed or recorded. The trial judge may waive the advance notice provision upon a showing of good and substantial cause therefore. All applications shall become part of the record of the proceedings.
- B. Pursuant to Canon 3(A) of the Code of Judicial Conduct and Superintendence Rule 11 of the Ohio Supreme Court the trial judge shall grant the request and record that permission in writing setting forth therein, any conditions not provided for by this rule. Provided also that the trial judge may impose further conditions upon media representatives during the course of the proceedings if in the judge's discretion they are deemed necessary.
- C. All media representatives interested in recording courtroom proceedings by audio, video, photographic means shall do so through the pooling of their respective resources. Local media representatives shall select a pool coordinator who shall take responsibility for:
- a. Placing and operating stationary cameras inside the courtroom
 - b. Placing and operating all audio equipment and
 - c. Making the technical arrangements necessary for the feeding the output from this equipment to all participating locations outside the courtroom.

The pool coordinator shall consult with the trial judge in advance about possible camera and microphone locations inside the courtroom. All pooling arrangements are the responsibility of the media representatives. Such arrangements shall be made without involving the court but subject to the trial judge's approval. If any disputes arise, the trial judge may exclude all contesting media representatives.

RULE 24:

MEDIA COVERAGE OF COURT PROCEEDINGS (CONTINUED)

D. Not more than one (1) portable camera (television, video tape or movie) with one (1) operator and not more than one (1) still photographer using not more than two (2) still cameras of professional quality, with not more than two (2) lenses for each camera shall be permitted. Motor drives or auto winders are not permitted. No artificial lighting other than that normally used in the courtroom shall be used.

Media representatives shall be afforded a clear view of proceedings in the courtroom but shall not be permitted to move about in the courtroom during the court proceedings except for reasonable ingress to and egress from the courtroom.

No interviews shall be permitted inside the courtroom or in any area connected with or adjacent to the courtrooms, Clerk of Courts' office, court chambers or in the elevator or on the stairways connected to the second floor of the courthouse before, during or after sessions including recesses between sessions.

Broadcasting, televising, recording and photographing shall not be permitted in any area connected with or adjacent to the courtrooms, the Clerk of Courts' office, court chambers, elevator or stairways, connected to the second floor of the courthouse before, during or after sessions including recesses between sessions. Witnesses waiting to testify and jurors going to and from the jury room are in these areas therefore the above described media activity is prohibited.

All equipment needed for the pool shall be located where possible outside the courtroom. Changes of cassettes or film shall not be made inside the courtroom during proceedings. No equipment shall be used inside the courtroom which produces distracting sounds. All equipment in the courtroom must be set up fully and be operational before the beginning of the court proceedings.

RULE 24:

MEDIA COVERAGE OF COURT PROCEEDINGS (CONTINUED)

- E. If the courtroom has an existing audio system that is technically satisfactory for broadcast purposes, the media pool shall utilize this system. If no such system is available, the pool shall place microphones and wiring as unobtrusively as possible after initial consultation with the judge and his permission therefore is obtained. Only one (1) audio system is permitted in each courtroom.
- F. There shall be no audio pickup of conferences conducted in any court facility between attorneys and clients or co-counsel, counsel or of conferences conducted at the bench between counsel and the judge.

The filming, video taping, recording or taking photographs of jurors shall not be permitted in any circumstance. The filming, video taping, recording or taking photographs of victims or witnesses who object thereto shall not be permitted.

It shall be the responsibility for counsel for each side to advise witnesses of their rights to object to being filmed, videotaped, recorded or photographed and the Court shall place such advices and their written response thereto of record prior to their appearance on the witness stand and outside the presence of the jury. Only those who have expressly granted permission to do so may be filmed, videotaped, recorded or photographed.

Proper courtroom decorum and dress shall be maintained by media representatives in the courtroom at all times.

- G. The failure of any media representative to comply with the conditions prescribed by the judge, the Rule or the Superintendence Rules of the Supreme Court may result in the revocation of permission to broadcast, televise, record or photograph a trial or hearing.

Rule adopted for Common Pleas Court of Muskingum County on the 6th day of June, 1996.

RULE 25:

REFEREE

A. REPORT OF THE REFEREE:

1. Except as otherwise provided by these rules, the Referee shall prepare a report upon the matter submitted to him/her and shall file the report with the Clerk.
2. Objections to the report of the Referee shall be served and filed in accordance with Rule 53 of the Ohio Rules of Civil Procedure.
3. Upon consideration of the objections, the Court may adopt, reject or modify the report of the Referee; return the report to the Referee with instructions; or hear the matter itself.
4. The report of the Referee shall be effective when approved by the Judge and filed with the Clerk.

B. POWERS OF THE REFEREE:

1. The Referee has and shall exercise the power to regulate all proceedings in every hearing before him as if by the Court and to do all acts and take all measures necessary or proper for the efficient performance of his duties.
2. The Court does hereby order and refer to the Referee the following matters:
 - a) Motions for temporary alimony, support and custody
 - b) Motions for temporary restraining orders filed in a domestic relations matter.
 - c) Motions for enforcement of prior orders for care, custody or support of a child; for visitation; and for support of a spouse or former spouse.

Rule adopted for Common Pleas Court of Muskingum County on the 21st day of January, 1986.

APPENDIX:

Appendix A: Entry Converting Divorce to Dissolution A-1
Appendix B: Entry Converting Dissolution to Divorce B-1
Appendix C: Standard Parenting Time Order..... C-1 – C-9
Appendix D: Information for Child Custody Proceeding..... D-1 – D-3

***IN THE COURT OF COMMON PLEAS OF MUSKINGUM COUNTY, OHIO
DOMESTIC RELATIONS DIVISION***

PLAINTIFF

Case No.: _____

-VS-

Judge: HOOPER

DEFENDANT

**ENTRY CONVERTING DIVORCE
TO ACTION FOR DISSOLUTION**
O.R.C. Sec. 3105.08

The parties having moved the Court to convert the within divorce action as filed on _____, to an action for dissolution and having submitted a Petition for Dissolution of Marriage with a Separation Agreement, and the Court finding said motion well taken,

IT IS THEREFORE ORDERED that:

1. The within divorce action is dismissed;
2. Copies of all documents filed herein shall be transferred to the Dissolution action opened for the parties with the filing of the Petition for Dissolution;
3. All pleadings transferred to the new action shall be marked with the new case number;
4. The balance of all moneys deposited as court costs from the within action shall be transferred to the new Dissolution action;
5. The Clerk shall close the within action, marking the case jacket with the case number of the new action.

Copies of this Entry shall be filed in the above-captioned case and in the case jacket of the new Dissolution action. Copies of this Entry shall be served on all parties required by law.

MAGISTRATE

JUDGE

*IN THE COURT OF COMMON PLEAS OF MUSKINGUM COUNTY, OHIO
DOMESTIC RELATIONS DIVISION*

PLAINTIFF

Case No.: _____

-VS-

Judge: HOOPER

DEFENDANT

**ENTRY CONVERTING DISSOLUTION
TO ACTION FOR DIVORCE**
O.R.C. Sec. 3105.62

The parties having moved the Court to convert the within dissolution action as filed on _____, to an action for divorce and having submitted a Complaint for Divorce, and the Court finding said motion well taken,

IT IS THEREFORE ORDERED that:

1. The within dissolution action is dismissed;
2. Copies of all documents filed herein shall be transferred to the Divorce action opened for the parties with the filing of the Complaint for Divorce;
3. All pleadings transferred to the new action shall be marked with the new case number;
4. The balance of all moneys deposited as court costs from the within action shall be transferred to the new Divorce action;
5. The Clerk shall close the within action, marking the case jacket with the case number of the new action.

Copies of this Entry shall be filed in the above-captioned case and in the case jacket of the new Divorce action. Copies of this Entry shall be served on all parties required by law.

MAGISTRATE

JUDGE

IN THE COURT OF COMMON PLEAS, MUSKINGUM COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

In re: **Standard Parenting Time Order**
(Effective December 1, 2004)

Journal 82 Page 398

The needs and circumstances of each child and of each parent are unique and these needs and circumstances change over time. Therefore, the Court strongly encourages parents to agree on a parenting time schedule that is specifically tailored to meet the specific needs and circumstances of their child and of each other. Parents having difficulty reaching an agreement on a parenting time schedule may utilize the Court's mediation program free of charge. More information about the mediation program is available by contacting the Court at (740)455-7190.

Parents who wish to adopt the Court's Standard Parenting Time Order by agreement should carefully review the standard parenting time schedule and adjust it to accommodate their specific circumstances.

In cases where the parents fail to agree on a parenting time schedule, the Court will adopt its Standard Parenting Time Order as the *minimum* parenting time schedule in the case, unless that schedule would not be in the child's best interest because of the specific circumstances in the case.

STANDARD PARENTING TIME ORDER
For
Children Under Eighteen (18) Months of Age

Because of the developmental needs of very young children, it is imperative that both parents frequently observe, share, and participate in activities with the child. The Court encourages the nonresidential parent to exercise parenting time frequently with the child, even if the duration of each visit is relatively short. Over time, the duration of each visit should increase and the frequency of the visits may decrease.

Unless the parents agree otherwise, they shall comply with the following parenting time order, *as a minimum*, until the child reaches the age of 18 months.

1. **Birth to six months:** The nonresidential parent shall exercise parenting time every other day from 5:00 p.m. to 7:30 p.m.
2. **Six months to one year:** The nonresidential parent shall exercise parenting time every other day from 5:00 p.m. to 7:30 p.m. In addition, the nonresidential parent shall exercise parenting time every Saturday from noon until 7:30 p.m.
3. **One year to 18 months:** The nonresidential parent shall exercise parenting time on Mondays and Wednesdays from 5:00 p.m. to 7:30 p.m. In addition, the nonresidential

parent shall exercise parenting time every weekend from 6:00 p.m. on Friday until 6:00 p.m. on Saturday.

4. **Transportation:** The nonresidential parent shall provide transportation at the beginning of his or her parenting time period and the residential parent shall provide transportation at the end of that parenting time period. If circumstances prevent a parent from personally providing transportation, another responsible adult, such as a grandparent or stepparent, may provide the transportation. (However, parenting time does not mean picking up the child and then leaving the child with someone else.)
5. **Promptness:** The child and the residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes at the beginning of the nonresidential parent's parenting time. A nonresidential parent who is more than thirty (30) minutes late shall forfeit that parenting time period. Except in cases of last-minute emergencies, a parent who cannot exercise parenting time as scheduled shall notify the other parent at least twenty-four (24) hours in advance.
6. **Child's Illness:** Because parenting includes the responsibility to care for the child during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the child's illness. If the child's illness is so severe as to require parenting time to be cancelled, the cancelled parenting time need not be rescheduled.
7. **Clothing, diapers, formula, etc...:** The nonresidential parent shall be responsible for providing diapers, formula, bottles, etc... for the child's use during his or her parenting time. The residential parent shall provide clothing for the child's use during parenting time with the nonresidential parent. The clothing shall be appropriate to the season and in sufficient quantity. The nonresidential parent shall return the clothing provided by the residential parent at the end of the parenting time period.
8. **Medication:** If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent shall send with the child sufficient medication to last the entire parenting time period, **WRITTEN** instructions for the administration of the medication to the child, and the name and telephone number of the physician or other appropriate medical care provider. Absent extraordinary circumstances, the nonresidential parent shall administer the medication to the child according to the residential parent's written instructions and shall return any unused medication to the residential parent at the end of the parenting time period.
9. **Communication between Parents:** Parents shall communicate directly with each other about matters concerning the child. EXCEPT IN AN EMERGENCY, PARENTS SHALL NOT USE THE CHILD, A RELATIVE, OR ANY OTHER HOUSEHOLD MEMBER AS A MESSENGER OR GO-BETWEEN. Each parent shall provide the other parent with his or her current residence address, mailing address, and telephone number, and shall immediately notify the other parent of any changes in that information.
10. **Notification of Illness/Injury:** A parent shall immediately notify the other parent when a child suffers any illness or injury that requires treatment by a physician or other health care provider.

11. **Notice of Relocation:** If the residential parent intends to move his or her residence, the residential parent shall immediately file a written relocation notice with the Court, unless otherwise ordered. The written notice shall include the following: a) the case number under which the original parenting time or visitation order was issued; b) the residential parent's name, old address, and new address; and c) the nonresidential parent's name and present address. Upon receipt of this notice, the Court shall file the original and send the nonresidential parent a copy of the notice.
12. **Relocation:** If a parent intends to relocate his or her residence and the relocation will increase the distance from the other parent's home by more than thirty (30) miles, the relocating parent shall first obtain a modified parenting time order that accommodates the increased distance and travel time.
13. **Records Access:** Subject to Sections 3125.16 and 3319.321(F) Ohio Revised Code, the nonresidential parent is entitled to access any record related to the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Section 3109.051 (H) Ohio Revised Code is in Contempt of Court.**
14. **Day Care Center Access:** The nonresidential parent shall have access, in accordance with Section 5104.011 Ohio Revised Code, to any child day care center attended by the child under the same terms and conditions that access is provided to the residential parent.
15. **School Activity Access:** Subject to Section 3319.321(F) Ohio Revised Code, the nonresidential parent shall have access to any student activity involving the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Section 3109.051(J) Ohio Revised Code is in Contempt of Court.**
16. **Mediation Clause:** Before filing formal court action to enforce or modify the allocation of parental rights and responsibilities, including parenting time, parents shall attempt to resolve disputes through mediation.
17. **Modifications:** Parents may informally modify how parenting time is exercised by agreement. However, unless the Court has approved the modification in writing, the parents must resume using the court-ordered parenting time schedule if either party so desires.
18. **IT IS THE AFFIRMATIVE DUTY OF THE PARENT EXERCISING PHYSICAL CUSTODY OF THE CHILD TO MAKE CERTAIN THAT THE CHILD GOES FOR ALL PARENTING TIME PERIODS WITH THE OTHER PARENT.**

STANDARD PARENTING TIME ORDER
For
Children Eighteen (18) Months of Age and Older

Unless the parents agree otherwise, they shall comply with the following parenting time order, *as a minimum*, after the child reaches the age of 18 months.

1. **Weekends:** The nonresidential parent shall exercise parenting time every other weekend from Friday at 5:00 p.m. until Sunday at 7:30 p.m. Unless the parents agree otherwise, the nonresidential parent shall be responsible for providing the child's evening meal on Sunday before the child returns to the residential parent.
2. **Weekdays:** The nonresidential parent shall exercise parenting time every Wednesday from 5:00 p.m. to 7:30 p.m. Unless the parents agree otherwise, the nonresidential parent shall be responsible for providing the child's evening meal before the child returns to the residential parent.
3. **Holidays:**

(A) The parents shall exercise parenting time during holidays as follows:

Even-Numbered Years	
Residential Parent	Nonresidential Parent
Martin Luther King Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.	President's Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Easter: from 5:00 p.m. the day before Easter to 7:30 p.m. on Easter Day.	Spring Break: from 5:00 p.m. the day school recesses until 7:30 p.m. the day before school resumes, but <u>only</u> if the child is in school <u>and</u> the child's school schedule provides a spring break.
Fourth of July: from 5:00 p.m. on July 3 rd to 7:30 on July 5 th .	Memorial Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Thanksgiving: from 5:00 p.m. the day before Thanksgiving until 7:30 p.m. the day after Thanksgiving.	Labor Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Christmas Holiday: from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child does not attend school) until noon on December 25.	Christmas Holiday: from noon on December 25 through 7:30 p.m. on January 1.
Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the child's birthday (if more than one child, parenting time shall be with all of the children).	Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the <u>day after</u> the child's birthday (if more than one child, parenting time shall be with all of the children).

Odd-Numbered Years	
Nonresidential Parent	Residential Parent
Martin Luther King Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.	President's Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Easter: from 5:00 p.m. the day before Easter to 7:30 p.m. on Easter Day.	Spring Break: from 5:00 p.m. the day school recesses until 7:30 p.m. the day before school resumes, but <u>only if</u> the child is in school <u>and</u> the child's school schedule provides a spring break.
Fourth of July: from 5:00 p.m. on July 3 rd to 7:30 on July 5 th .	Memorial Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Thanksgiving: from 5:00 p.m. the day before Thanksgiving until 7:30 p.m. the day after Thanksgiving.	Labor Day: from 5:00 p.m. the day before the holiday until 7:30 p.m. on the holiday.
Christmas Holiday: from 9:00 a.m. the day after school recesses (or 9:00 a.m. on December 20 if the child does not attend school) until noon on December 25.	Christmas Holiday: from noon on December 25 through 7:30 p.m. on January 1.
Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the child's birthday (if more than one child, parenting time shall be with all of the children).	Child's Birthday: from 5:00 p.m. until 7:30 p.m. on the <u>day after</u> the child's birthday (if more than one child, parenting time shall be with all of the children).

(B) Mother's/Father's Day: On Mother's Day and Father's Day, no matter whose turn for parenting time, the child shall be with the appropriate parent from 9:00 a.m. until 7:30 p.m.

(C) Parent's Birthday: On a parent's birthday, no matter whose turn for parenting time, the child shall be with that parent from 9:00 a.m. (or, if the child is in school on that day, from after school) until 7:30 p.m.

(D) Other Days of Special Meaning: Parenting time during other times of special meaning to the parents and child, such as Kwanza, Passover, Rosh Hashanah, should be decided by agreement. If the parents cannot agree, they shall alternate these days of special meaning in the same manner as they alternate the holidays listed in Paragraph 3(A).

4. Summer: (One option must be selected at the time the parenting time order is issued.)

(A) Option 1 (Two-week rotating schedule): During the child's summer break from school, the parents shall exercise parenting time in alternating two-week periods (beginning and ending at 5:00 p.m. on Fridays). The nonresidential parent shall exercise the first two week block of summer parenting time, which shall begin at 5:00 p.m. on the first Friday after school recesses for the summer, followed by the

residential parent exercising a two-week block of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, "summer" shall begin on the first Friday in June and end on the last Friday in August.) The regular weekend and midweek parenting time schedule shall not apply during the summer; however, holiday parenting time takes precedence over the summer parenting time schedule. The regular weekend and midweek parenting time schedule shall resume on the first Friday after school begins.

(B) Option 2 (One-week rotating schedule): During the child's summer break from school, the parents shall exercise parenting time on alternating weeks (beginning and ending at 5:00 p.m. on Fridays). The nonresidential parent shall exercise the first week of summer parenting time, which shall begin at 5:00 p.m. on the first Friday after school recesses for the summer, followed by the residential parent exercising a week of summer parenting time. This alternating pattern shall continue during the remainder of the summer school recess. The summer parenting time schedule shall end at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, "summer" shall begin on the first Friday in June and end on the last Friday in August.) The regular weekend and midweek parenting time schedule shall not apply during the summer; however, holiday parenting time takes precedence over the summer parenting time schedule. The regular weekend and midweek parenting time schedule shall resume on the first Friday after school begins.

(C) Option 3 (Summer divided on July 15): In even-numbered years the residential parent shall exercise parenting time until 5:00 p.m. on July 15, and the nonresidential parent shall exercise parenting time beginning 5:00 p.m. on July 15 and ending at 5:00 p.m. on the last Friday before school resumes at the end of summer. In odd-numbered years, the nonresidential parent shall exercise parenting time beginning 5:00 p.m. on the day after school recesses for the summer and ending at 5:00 p.m. on July 15, and the residential parent shall exercise parenting time beginning at 5:00 p.m. on July 15 and ending at 5:00 p.m. on the last Friday before school resumes at the end of summer. (If the child is not attending school, "summer" shall begin on the first Friday in June and end on the last Friday in August.) Alternating weekend and midweek parenting time shall be exercised by the parent who is not exercising his or her half of the summer schedule; however, the parent exercising his or her half of the summer schedule may take a vacation with the child of not more than fourteen days, uninterrupted by the other parent's weekend and midweek parenting time. Holiday parenting time takes precedence over the summer parenting time schedule.

5. **Split Custody Situations:** Where each parent is the residential parent of one or more of their children, parenting time should be exercised so that the children are together each weekend, during all holidays, and during the summer. Unless the parents agree otherwise, the parent whose birthday occurs earliest in a calendar year shall be considered the "residential parent" of all of the children for the limited purpose of allocating parenting time for holidays and the summer.

6. **School Work:** The nonresidential parent shall provide adequate time for the child to study and complete homework assignments, even if the completion of homework interferes with the parent's plans for the child. The residential parent is responsible for providing the nonresidential parent with information about these homework assignments.
7. **Extracurricular Activities:** The child should be permitted to continue participating in extracurricular activities, school related or otherwise, regardless of which parent is exercising parenting time. **The parents shall consult with each other about the scheduling of extracurricular activities.** The parent exercising parenting time when an extracurricular activity is scheduled shall provide the child's transportation to the activity. Each parent shall provide the other parent with a schedule of all extracurricular activities, and the name, address, and telephone number of the activity leader. The parent who is not exercising parenting time when an activity occurs is entitled to attend and participate in the activity to the same extent the other parent is entitled to attend and participate in the activity.
8. **Electronic Communication:** A parent and the child shall be permitted to communicate with each other by available electronic media (e.g. telephone, cell phone, email, fax, web cam, etc...). Telephone and cell phone calls shall be made during the child's normal waking hours. If the child is unavailable for conversation when a call from a parent is made, the parent exercising physical custody of the child shall permit the child to return the call within a reasonable time.
9. **Transportation:** The nonresidential parent shall provide transportation at the beginning of his or her parenting time period and the residential parent shall provide transportation at the end of that parenting time period. If circumstances prevent a parent from personally providing transportation, another responsible adult, such as a grandparent or stepparent, may provide the transportation. (However, parenting time does not mean picking up the child and then leaving the child with someone else.)
10. **Promptness:** The child and the residential parent have no duty to await the nonresidential parent for more than thirty (30) minutes at the beginning of the nonresidential parent's parenting time. A nonresidential parent who is more than thirty (30) minutes late shall forfeit that parenting time period. Except in cases of last-minute emergencies, a parent who cannot exercise parenting time as scheduled shall notify the other parent at least twenty-four (24) hours in advance.
11. **Child's Illness:** Because parenting includes the responsibility to care for the child during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the child's illness. If the child's illness is so severe as to require parenting time to be cancelled, the cancelled parenting time need not be rescheduled.
12. **Clothing:** The residential parent shall provide clothing for the child's use during parenting time with the nonresidential parent. The clothing shall be appropriate to the season and in sufficient quantity. (When the duration of the parenting time exceeds two overnights, the nonresidential parent is expected to launder or clean the child's clothing as needed.) The nonresidential parent shall return the clothing provided by the residential parent at the end of the parenting time period.

13. **Medication:** If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent shall send with the child sufficient medication to last the entire parenting time period, **WRITTEN** instructions for the administration of the medication to the child, and the name and telephone number of the physician or other appropriate medical care provider. Absent extraordinary circumstances, the nonresidential parent shall administer the medication to the child according to the residential parent's written instructions and shall return any unused medication to the residential parent at the end of the parenting time period.
14. **Communication between Parents:** Parents shall communicate directly with each other about matters concerning the child. EXCEPT IN AN EMERGENCY, PARENTS SHALL NOT USE THE CHILD, A RELATIVE, OR ANY OTHER HOUSEHOLD MEMBER AS A MESSENGER OR GO-BETWEEN. Each parent shall provide the other parent with his or her current residence address, mailing address, and telephone number, and shall immediately notify the other parent of any changes in that information.
15. **Notification of Illness/Injury:** A parent shall immediately notify the other parent when a child suffers any illness or injury that requires treatment by a physician or other health care provider.
16. **Notice of Relocation:** If the residential parent intends to move his or her residence, the residential parent shall immediately file a written relocation notice with the Court, unless otherwise ordered. The written notice shall include the following: a) the case number under which the original parenting time or visitation order was issued; b) the residential parent's name, old address, and new address; and c) the nonresidential parent's name and present address. Upon receipt of this notice, the Court shall file the original and send the nonresidential parent a copy of the notice.
17. **Relocation:** If a parent intends to relocate his or her residence and the relocation will increase the distance from the other parent's home by more than thirty (30) miles, the relocating parent shall first obtain a modified parenting time order that accommodates the increased distance and travel time.
18. **Records Access:** Subject to Sections 3125.16 and 3319.321(F) Ohio Revised Code, the nonresidential parent is entitled to access any record related to the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Section 3109.051 (H) Ohio Revised Code is in Contempt of Court.**
19. **Day Care Center Access:** The nonresidential parent shall have access, in accordance with Section 5104.011 Ohio Revised Code, to any child day care center attended by the child under the same terms and conditions that access is provided to the residential parent.
20. **School Activity Access:** Subject to Section 3319.321(F) Ohio Revised Code, the nonresidential parent shall have access to any student activity involving the child under the same terms and conditions that access is provided to the residential parent. **NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Section 3109.051(J) Ohio Revised Code is in Contempt of Court.**

21. **Mediation Clause:** Before filing formal court action to enforce or modify the allocation of parental rights and responsibilities, including parenting time, parents shall attempt to resolve disputes through mediation.
22. **Modifications:** Parents may informally modify how parenting time is exercised by agreement. However, unless the Court has approved the modification in writing, the parents must resume using the court-ordered parenting time schedule if either party so desires.
23. **IT IS THE AFFIRMATIVE DUTY OF THE RESIDENTIAL PARENT TO MAKE CERTAIN THAT THE CHILD GOES FOR ALL PARENTING TIME WITH THE NONRESIDENTIAL PARENT.**

**IN THE COURT OF COMMON PLEAS OF MUSKINGUM COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

Plaintiff / Petitioner

Case No. _____

v.

Judge: Jeffrey A. Hooper

Defendant / Petitioner

**INFORMATION FOR CHILD CUSTODY
PROCEEDING
(§3127.23 Ohio Rev. Code)**

NOTE: By law, an affidavit **must** be filed and served with the first pleading filed by each party in every child custody proceeding (allocation of parental rights, legal custody, parenting time, or visitation). Each party has a continuing duty while this case is pending to inform the Court of any child custody proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, attach an additional page.**

My full name is _____ and I state, under oath, that the following information is true:

1. State the name and date of birth for each child who is in issue in this case, the address(es) where each child lived during the past five years, the dates the child lived at each address, and the name of all adults who lived with the child at each address. (If more than four children are in issue, attach a separate page and provide this same information for each additional child.)

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to	Present	
	to		
	to		
	to		
	to		

Child's Name:			Date of Birth:
Last Five (5) Years		Address	Adult(s) who lived at this address
	to Present		
	to		
	to		
	to		
	to		

2. The names and **current** addresses of all adults listed in #1 are:

Adult's Name	Current Address

3. Have you participated as a party, a witness, or in any other capacity in any other proceeding concerning the allocation of parental rights and responsibilities for these child(ren), including any proceeding concerning parenting time rights, visitation, or the designation of residential parent and legal custodian?

Yes. No.

If you answer "Yes", state the name and address of the court, the case number, and the date of the proceeding.

4. Do you know of any other proceeding that could affect the current proceeding, including a proceeding for enforcement of a child custody determination, a proceeding relating to domestic violence or protection orders, a proceeding to adjudicate the child as an abused, neglected, or dependent child, a proceeding seeking termination of parental rights, or a proceeding for adoption?

Yes. No.

If you answer "Yes", state the name and address of the court or agency, the case number, and the nature of the proceeding.

5. Do you know of any person who is not a party to this proceeding and who has physical custody of the child(ren), claims to be the residential parent and legal custodian of the child(ren), or claims to have parenting time or visitation rights with respect to the child(ren)?

Yes. No.

If your answer is "Yes", state the name and address of the person(s).

6. Do you know of any child support order for the child(ren) that has been issued by any court or agency?

Yes. No.

If your answer is "Yes", state the name and address of the court or agency that issued the order and the case number.

7. I understand that I must inform the Court if I learn of any other child custody proceeding concerning the child(ren) that could affect the current proceeding.

OATH OF AFFIANT

I hereby swear or affirm that the answers above are true, complete, and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

AFFIANT

Sworn to and subscribed before me on this _____ day of _____, _____

NOTARY PUBLIC