

ASHLAND COUNTY JUVENILE COURT  
ASHLAND, OHIO

# LOCAL COURT RULES

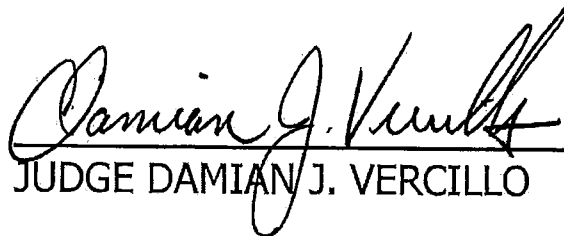
It is hereby ORDERED that these Local Rules of Court for the Ashland County Juvenile Court, Ashland, Ohio are adopted and approved.

FILED  
DAMIAN J. VERCILLO

JAN 25 2021

JUVENILE JUDGE

BY DSV

  
JUDGE DAMIAN J. VERCILLO

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## **RULE 1 : HOURS OF THE COURT**

The regular business hours of the court shall be Monday through Friday, from 8:00 A.M. until 4:00 P.M., and as needed to meet special situations. The Court shall be closed on Saturdays, Sundays and all legal holidays as set by the Ashland County Commissioners.

## **RULE 2 : INTERPRETATION, APPLICATION and CITATION**

**A. INTERPRETATION AND APPLICATION:** Unless otherwise provided under these Rules, all documents filed with the Court shall comply, in form and content, with these Rules of Court, the Ohio Rules of Civil Procedure, the Rules of Superintendence of Courts of Common Pleas, the Ohio Rules of Juvenile Procedure and Ohio law. If there is a conflict between these Rules and any rule adopted by the Ohio Supreme Court, the rule adopted by the Ohio Supreme Court shall control. Regardless of any reference to a statute of the State of Ohio in these Rules, all documents filed with the Court shall comply with the existing Ohio law.

**B. CITATION:** These Rules shall be known as the "Local Rules of Practice in the Ashland County Court of Common Pleas, Juvenile Division." These rules may be cited as "Loc. Juv. R. \_\_\_\_."

**C. EFFECTIVE DATE:** These rules shall be effective on the date they are journalized by the Court.

## **RULE 3: STAFF ASSIGNMENTS RELATING TO LOCAL RULES**

In addition to specific duties set forth in any applicable job description maintained by the Court for a position, the following positions shall have specific authority relevant to these rules, as follows:

**A. COURT ADMINISTRATOR:** The Court Administrator shall function as the Chief Deputy Clerk of the Court and Assignment Commissioner.

**B. MAGISTRATES:** Magistrates may hear and decide any matter before the Court, unless precluded by law. The Magistrate shall have all powers set forth in Juvenile Rule 40 and Criminal Rule 19, and any other applicable provision of the Ohio Revised Code or any state court rules. A Magistrate shall also maintain the Court Appointed Counsel List and the Guardian Ad Litem List, and have the responsibilities set forth in Sup. R. 46(G).

**C. PROBATION OFFICERS:** In addition to the duties set forth in R.C. 2151.14, Juvenile Probation Officers shall be responsible for the administration of the Diversion Program and any other program assigned by the Judge.

**D. DEPUTY CLERKS:** Deputy Clerks appointed by the Court shall be responsible for the administration of the records of the Court, as directed by the Court Administrator, Judge or Magistrate, and as provided for in these rules. If required by the Judge, a deputy clerk shall provide a bond before entering into performance of his or her duties.

**E. BAILIFF:** The Court's bailiffs shall be responsible for the electronic recording of all proceedings conducted in the Courtrooms, retention of exhibits, and implementation of security for the Court.

## RULE 4: COSTS

**A. SCHEDULE:** The Court shall maintain a schedule of costs and filing fees.

**B. FILING FEES:**

- 1. Payment:** A filing fee deposit is required to be paid by the filing party in all new or re-activated actions filed in this Court, except delinquent, unruly, traffic, tobacco offense, dependent, neglect, abuse, adult criminal actions and actions filed by the Ashland County Child Support Enforcement Agency. The filing fee deposit shall be paid at the time the pleadings are filed, unless the filing fee is waived under Division (A)(3) of this rule. The Court may refuse to file a party's pleadings if a filing fee in the proper amount is not tendered with the pleadings.
- 2. Additional Deposits for Costs:** The court, in its discretion, may require additional deposits toward court costs.
- 3. Waiver of Court Costs Based on Indigency:** The Court will accept any pleadings filed without a filing fee, if a Request for Waiver of Filing Fee Deposit and Financial Disclosure Form (OPD-1027R) are submitted with the pleadings. Those documents are available on the Court's web page, on the filing fee page. Upon review of the Waiver and Financial Disclosure Form, the Court may determine the filing party is not indigent and may require payment of the filing fee under Division (A)(1) above. The filing of a Financial Disclosure Form does not relieve a party from liability for court costs upon conclusion of the case. Nothing herein shall be construed to

prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

**C. ORDER FOR COSTS:** All final judgment entries shall contain a provision for the payment of costs. The Court's clerks shall apply the deposit for costs in the case, regardless of the party against whom the costs are ordered. The clerk shall thereafter assess court costs against the party specified by order and the court cost depositor shall be reimbursed upon receipt of costs from the other party.

**D. COPYING COSTS:** Copying costs shall be paid at the time that the copies are furnished to the requestor.

**E. TRANSCRIPT COSTS:** Upon the filing of a written request for a transcript, a court reporter selected by the Court shall provide a written estimate of the cost of a transcript to the party making the request. Thereafter, within fourteen (14) days of the date of the written estimate, the party who requested the transcript shall deposit the cost of the transcript with the Court, unless that party is not required to make a deposit or pay the cost of the transcript. The court reporter shall prepare the transcript when the deposit has been made, or following the request if no deposit is required. Failure to pay the deposit for a transcript in a timely fashion shall be considered a withdrawal of the request for transcript.

## **RULE 5: COURT RECORDS**

**A. INSPECTION:** The inspection of court records shall be governed by law and shall be available during regular business hours.

**B. INSPECTION RESTRICTED:** No person, other than necessary court staff or as permitted by law, court rule or the Court, shall be permitted to inspect any of the following:

1. Court records regarding delinquent, unruly, abused, neglected and dependent children;
2. A document or information in a document exempt from disclosure under state, federal, or the common law;
3. Personal identifiers, as defined in division (H) of this rule;
4. A document or information in a document to which public access has been restricted by Court order;

5. Except as relevant to the juvenile's prosecution later as an adult, a juvenile's previous disposition in abuse, neglect, and dependency cases, juvenile civil commitment files, post-adjudicatory residential treatment facility reports, and post-adjudicatory releases of a juvenile's social history;
6. Notes, drafts, recommendations, advice, and research of judicial officers and court staff;
7. Forms containing personal identifiers, as defined in division (H) of this rule, submitted or filed pursuant to division (D)(2) of Sup. R. 45;
8. Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;
9. health, psychological health, psychiatric health, mental health, and counseling documents;
10. Drug and alcohol use assessments and pre-disposition treatment facility reports;
11. Guardian ad litem reports, including collateral source documents attached to or filed with the reports;
12. Home investigation reports, including collateral source documents attached to or filed with the reports;
13. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;
14. Domestic violence risk assessments;
15. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;
16. Financial disclosure statements regarding property, debt, taxes, income, and expenses, including collateral source documents attached to or filed with records and statements;
17. Asset appraisals and evaluations;
18. Probation Department records;

19. Victim Impact Statements;
20. Abuse, neglect, dependent, and law enforcement investigatory records;
21. Parental Notification Abortion proceedings;
22. Fingerprints and photographs of child arrested or taken into custody; or
23. *In Camera* interviews of a child;
24. Sealed and expunged records;

**C. CHILD SUPPORT SUB-FILE:** A separate child support sub-file shall be established upon disposition in any delinquent, unruly, abuse, neglect or dependency case in which the Court enters a child support order. The first pleading in that file shall be a copy of the dispositional order establishing/modifying/redirecting child support. Thereafter, any pleadings relating to child support shall be placed in that sub-file. If a pleading relates to child support and another matter, then a copy of the pleading shall be placed in the child support sub-file and the original shall be maintained in the main file. The sub-file shall be labeled with the name of the child and the child's I.D. No. The file label shall also state "CS sub-file." The main file shall be marked "See CS sub-file" when a CS sub-file is established, so that court staff knows of the existence of a CS sub-file.

## **RULE 6: GENERAL COURTROOM PROCEDURES**

**A. ACCESS:** All courtroom proceedings shall be open to the public, unless the court has issued a closure order.

**B. CONDUCT IN COURT:** Proper decorum in the court is necessary for the administration of the court's business. Chewing gum/tobacco, food, and beverages (with the exception of water in a closed container) are prohibited in the courtroom. Children who are not cited to appear before the Court are not permitted in the Courtroom without consent of the Judge or Magistrate. Children in the lobby must be supervised by an adult at all times. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.

**C. SEARCHES:** Any person entering the Juvenile Court area is subject to search. No person carrying a bag, case or parcel shall be permitted to enter or remain in any courtroom until the Court has inspected such bag, case or parcel, if Court personnel request the opportunity to conduct such an inspection.



**D. WEAPONS:** No person, with the exception of court security staff, law enforcement officers, and prosecutors, who are on duty and performing their assigned responsibilities, may enter or remain in the Courthouse while in the possession of a deadly weapon. This prohibition applies even if the person has a valid concealed carry permit. Knives, tasers, pepper spray, or any other item deemed to be a potential threat to persons by court security staff, may not be brought into the Courtroom.

**E. DRESS CODE:** All attorneys, parties and witnesses, when attending Court, shall dress in a manner which reflects respect for the Court and for the decorum of formal legal proceedings. No individual shall appear in the courtroom dressed inappropriately, as determined by the Court. It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance in Court.

**F. EXHIBITS:** All exhibits shall be marked in advance of any hearing, unless doing so is not possible. In addition to marking the exhibit with a number or letter, counsel shall mark the exhibit with the date of the hearing and the Case No. No later than the start of any hearing or trial, the parties shall exchange copies of all exhibits, and shall inform the Court as to which exhibits will be admitted by stipulation and which exhibits will be contested. If the hearing is conducted by video conference, counsel or an unrepresented party shall submit the proposed exhibits to the Court in advance of the hearing, if they can be put in digital format. Additionally, counsel or an unrepresented party shall be prepared to use any digital exhibits during the hearing via desktop share. If an exhibit cannot be put in digital format and the hearing is by video conference, counsel shall notify the Court in advance so that the method of use of the exhibit can be discussed and resolved prior to the hearing.

**G. ELECTRONIC DEVICES:** No electronic device, including but not limited to a voice recording device (other than the Court's equipment), video or photography equipment, cellular telephones, pagers, beepers or other devices which could disrupt the Court's proceedings, shall be permitted in the Courtroom. If the owner is permitted to retain such a device during a Court hearing, the device shall remain off, unless otherwise permitted by the Court.

**H. MEDIA:** Requests by the media to attend Court proceedings shall be made in writing, unless sufficient notice is not permitted for a written request, in which case an oral request may be made. The Court will consider such requests on a case-by-case basis.

## **RULE 7: REQUIREMENTS FOR COUNSEL OF RECORD**

**A. REGISTRATION:** All Ohio attorneys practicing before this Court shall be registered with the Ohio Supreme Court and licensed in good standing.

**B. OUT-OF-STATE ATTORNEYS:** Any attorney who is admitted to the practice of law in another state, but not in Ohio, is not permitted to enter an appearance in any case before the Court, unless first granted leave to do so by the Court.

**C. WRITTEN APPEARANCE OF COUNSEL:** Any attorney retained in any case in this Court shall enter a written appearance in the case as counsel of record, within three (3) days of accepting the representation. An attorney who is retained less than three (3) days prior to a scheduled hearing shall promptly enter a written appearance in the case.

No attorney shall appear at a hearing, on behalf of a party, unless that attorney has first entered his or her written appearance as counsel of record for that party, unless otherwise authorized by the Court.

**D. WITHDRAWAL OF COUNSEL:** Any attorney seeking to withdraw as counsel of record from a case, without concurrent substitution of counsel, shall file a written motion and submit a proposed Judgment Entry to the Court. The Motion shall state with particularity the reason(s) for the requested withdrawal of counsel and shall include the address and telephone number where the client may be personally contacted by the Court. The motion shall be served on the client by the attorney requesting to withdraw. The Court may permit withdrawal of counsel at hearing, without a written motion, for good cause shown.

**E. APPOINTED COUNSEL:**

- 1. Application for Court-Appointed Counsel:** Any party claiming to be indigent and desiring court-appointed counsel shall complete a Financial Disclosure Form OPD-1027R and thereafter, the Court shall approve or deny the request. The Court reserves jurisdiction to order the party to pay the legal fees of court-appointed counsel, if it is later discovered that the party was not eligible for appointed counsel.
- 2. Scope of Representation:** Court-appointed counsel shall not take any legal action on behalf of their client which is beyond the scope of the Court's original appointment, without first seeking Court approval for such additional representation.
- 3. Court Appointed Counsel List:** The Court shall maintain a list of qualified attorneys willing to serve as court-appointed counsel. Any attorney may

seek to be added to that list by filing an Application for Appointed Counsel List (see Form 6.00 in Appendix). The Court shall assure an equitable distribution of appointments, while considering the skill and expertise of each attorney on the list, in conjunction with the seriousness and complexity of the cases for which court-appointed counsel is needed. When making appointments, the Court will comply with the considerations in Sup. R. 8(D). The Court will review its process for appointment of counsel once per year and maintain records of the appointment of counsel.

4. **Fees and Expenses:** Court-appointed counsel shall submit applications for payment of fees and expenses on the forms required by the Office of Ohio Public Defender. The applications must be filed within thirty (30) days of the final Judgment Entry in the case. Failure to timely file an application for payment may result in non-payment.
5. **Reimbursement for Transcripts and Experts:** Appointed counsel shall submit requests for reimbursement of transcripts and experts through separate motion. See OAC 120-1-17. Those items cannot be included on the application for payment of fees and expenses.
6. **Application Fee for Court-Appointed counsel:** Unless otherwise waived by the Court, the applicant for court-appointed counsel shall pay the application fee specified by the Ohio Public Defender's Office.

## **RULE 8: GUARDIAN *AD LITEMS***

**A. GUARDIANS *AD LITEM* APPOINTMENT LIST:** The Court shall maintain a list of qualified attorneys willing to serve as court-appointed Guardian *Ad Litem*. Any attorney may seek to be added to that list by filing an Application for Guardian *Ad Litem* List (see Form 7.00 in Appendix).

**B. POLICY OF THE COURT:** The Court may appoint a Guardian *Ad Litem* upon its own motion or upon the motion of either party. The Court will prepare the Judgment Entry/Magistrate's Order to appoint on its own motion. If a party desires a Guardian *Ad Litem*, the party must file a motion requesting appointment. Any motion for appointment of a Guardian *Ad Litem* shall be accompanied by a proposed Judgment Entry/Magistrate's Order. The Judgment Entry/Magistrate's Order shall substantially comport with Form 5.00 contained in the Appendix to these Rules. The Court will select and appoint a qualified individual to serve as Guardian *Ad Litem*. All appointed Guardian *Ad Litem*s shall comply with the provisions of Sup. R. 48 through 48.07.

**C. NOTICES TO GUARDIAN AD LITEM:** Upon appointment, counsel for both parties and the Court shall notify the Guardian *Ad Litem* of all proceedings. It shall be the responsibility of counsel to serve the Guardian *Ad Litem* with copies of all pleadings filed after the appointment. Any additional expense incurred by the Guardian *Ad Litem* due to counsel's failure to notify, including the cost of transcripts, may be charged to the party responsible for the failure.

**D. PAYMENT OF FEES:**

1. **Private cases:** The Guardian *Ad Litem's* fees shall be deposited, billed and paid in accordance with the Judgment Entry/Magistrate's Order Appointing the Guardian *Ad Litem* and Rule 48.02 (Divisions (H) and (I)) of the Ohio Rules of Superintendence for Courts. Failure to make any required deposit for Guardian *Ad Litem* fees could result in discharge of the Guardian *Ad Litem*.
2. **Dependent/Neglect/Abuse Cases:** The Guardian *Ad Litem* shall submit a fee bill for services rendered with thirty (30) days of the dispositional hearing or any review hearing in a case.

**E. REPORTS OF GUARDIAN AD LITEM:**

1. Pursuant to Sup. R. 48.06, no later than seven (7) days before a final pretrial or evidentiary hearing on the matter regarding which the Guardian Ad Litem has been appointed, the Guardian Ad Litem shall submit a written report to the Court which contains his or her recommendations regarding any disputed matter relating to the child for whom he or she was appointed Guardian Ad Litem. The Court may grant exceptions to this requirement upon written request and for good cause shown.
2. In the event the child's wishes or concerns are in opposition to the Guardian Ad Litem's recommendation, the Guardian Ad Litem shall specifically notify the Court of that fact in the report.
3. All Guardian *Ad Litem* reports shall contain the warning in Rule 48.03(A)(2) on the first page of the report. The Guardian *Ad Litem* shall be responsible for filing the report with the Court and serving a copy of the report on counsel of record and all unrepresented parties.

**F. DURATION OF APPOINTMENT:**

1. **Private Cases:** Absent a specific court order otherwise, the duties of the Guardian Ad Litem terminate upon journalization of a Judgment Entry finalizing the matter for which the Guardian Ad Litem was appointed.

2. **Dependent/Neglect/Abuse Cases:** The duties of the Guardian Ad Litem shall continue until the child is returned to the legal custody of a parent or third-party without an order of protective supervision, or for a child who is in planned permanent living arrangement or permanent custody of the Ashland County Department of Job and Family Services, until the child is adopted or emancipated.

**G. CASA PROGRAM:** When a volunteer Guardian ad Litem is available and the appointment of a volunteer is deemed appropriate by the court, an approved and qualified participant of Ashland County's CASA Program shall be appointed.

<b>RULE 9: PLEADINGS - GENERAL REQUIREMENTS</b>
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**A. PAPER SIZE:** All documents filed with the Court shall be typewritten or computer-generated on letter-size paper (approximately 8 1/2" x 11"), and shall be securely stapled at the top left-hand corner and unfolded. All pages shall be numbered in the following format: "Page \_\_\_\_\_ of \_\_\_\_\_." The Court may grant exceptions to this rule for good cause shown.

**B. MARGINS:** All pleadings shall have a minimum 1 1/2" margin at the top, a minimum 1/2" margin on the right edge, a minimum 1" margin at the bottom of the first page and a minimum 1" margin at all other edges, except as specifically permitted by these Rules.

**C. CAPTIONS OF PLEADINGS:**

1. **Civil Cases:** The caption at the top of the Complaint and any initial pleading in a post-decree action, in addition to stating the name of the Court and the County and State, shall state the name and mailing address of each party and the SETS No. If there is no existing SETS No. for the parties, the caption should state "No number assigned yet."
2. **Juvenile Cases - All Pleadings:** The caption at the top of the pleading shall indicate both a Case No. an I.D. No. for the child. On an initial Complaint, a blank for that information is sufficient.
3. **Name Changes during a case:** Once a case is filed with the Court, the case shall retain the names in the initial Complaint. If a party's name changes from that contained in the original complaint, that party's original name and new name (listed as "nka") shall be listed in the caption.

**D. SPACE FOR TIME-STAMP:** Every pleading filed with the Court shall contain sufficient space on the first page of the pleading for the time-stamp. The area required is approximately 1 1/2" square.

**E. ATTORNEY/PARTY INFORMATION:** All pleadings shall contain the name, address, telephone number and registration number of the attorney filing the pleading. If the party is appearing pro se in the action, the pleading shall contain the party's name, address and telephone number.

**F. PLEADING REQUIREMENTS:** Documents which do not comply with this Rule may be refused for filing by the Court. All pleadings shall comply with the following:

1. When these Rules specify that certain pleadings or forms are to be simultaneously filed, all of those pleadings or forms must be filed together.
2. All documents must be accurately and fully completed, in typewritten or computer-generated form. Pleadings completed in pencil will not be accepted by the Court.
3. All pleadings requiring or citing exhibits shall have the exhibits attached to that pleading.

**G. COPIES OF PLEADINGS:**

1. **Number of Copies:** The party responsible for providing pleadings or documents to the Court shall make sufficient copies of all pleadings, which shall (at a minimum) include sufficient copies for service of process and a copy for CSEA in any support-related proceeding.
2. **Grouping Copies:** When multiple pleadings or documents are transmitted to the Court at the same time, the original and all copies of each pleading shall be grouped together. For example, when transmitting a Motion and Judgment Entry together, the original and all copies of the Motion shall be grouped together, and the original and all copies of the Judgment Entry shall be grouped together.

**H. CERTIFICATES OF SERVICE:** All pleadings subsequent to the Complaint shall contain a certificate of service certifying that a copy of the document filed with the Court was served on the opposing party, or counsel for the opposing party if represented. The Certificate of Service shall indicate what document was served, when it was served, how it was served and the address it was sent to.

**I. FACSIMILE FILINGS:** The Court does not generally accept facsimile filings, but exceptions may be made by the Court pursuant to a Court Order.

**J. PERSONAL IDENTIFIERS:**

1. Pursuant to Sup. R. 44(H), "Personal Identifiers" means social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."
2. Parties shall file the Personal Identifier Form (see Appendix Form \_\_\_\_ ) whenever personal identifiers are omitted from a pleading pursuant to Sup. R. 45(D).

## **RULE 10: SERVICE OF PROCESS**

**A. PROVISION OF ADDRESSES:** A party filing an initial action or motion which requires service shall be responsible for providing addresses to the Court for service of process upon all necessary parties.

**B. SERVICE BY PUBLICATION BY POSTING:** Any request for service by publication which does not comply with this rule shall be treated as a request for service by publication in a newspaper.

1. **Required Pleadings:** A party seeking service by publication through posting shall file the following documents:
  - i. A Motion requesting service by publication by posting;
  - ii. Affidavit in compliance with Juvenile Rule 16;
  - iii. A Judgment Entry authorizing service by publication by posting;
  - iv. The summary statement required by Juvenile Rule 16 for posting.
2. **Place for Posting:** Notices shall be posted in a conspicuous location near the main entrance to the following buildings:
  - i. Ashland County Courthouse;
  - ii. Ashland Municipal Court;
  - iii. Ashland County Department of Human Services.

**C. ELECTRONIC RETURN RECEIPT:**

1. The Clerk of the Ashland County Court of Common Pleas - Juvenile Division shall accept service of process methods as outlined in Civil Rule 4.1 Process: methods of service, which methods shall include electronic return receipt service of process utilizing technology developed by the United States Postal Service for service by certified mail. This technology does not modify Civil Rule 4.1(1) Service by Certified Mail, but merely provides for electronic technology in the sending of certified mail and receipt of confirmation to show to whom the mail was delivered, the date of delivery and address where delivered, all in accordance with the now-existing Civil Rules.
2. All service of process of complaints or other documents served with electronic return receipt services of process are subject to review and/or challenge as further outlined in Civil Rule 4.1, with confirmation of service of process data being made available through this Clerk's Office.

<b>RULE 11: REQUIREMENTS FOR AGREED JUDGMENT ENTRIES</b>
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**A. CASES SETTLED PRIOR TO HEARING:** If a matter that is set for hearing or trial is settled by the parties before the hearing, counsel shall reduce the agreement to a Judgment Entry. The Judgment Entry shall reflect that the terms set forth in said Entry are by agreement of the parties and approval of the Court. Except for good cause shown, the parties and counsel shall be required to appear for the scheduled hearing or trial, unless the Judgment Entry is approved by the Court prior to the hearing or trial.

**B. CASES SETTLED AT HEARING:** If a case is settled during the course of a hearing, counsel shall reduce the settlement agreement to writing, place the agreement on the record, or both, as directed by the Court. Counsel for the Plaintiff shall prepare a Judgment Entry which fully comports with the parties' in-court agreement, and shall file the same with the Court within thirty (30) days of notifying the Court that a disputed matter has been resolved by agreement. In the event the parties encounter unforeseen difficulties with the timely preparation and submission of the Judgment Entry, the parties shall promptly notify the Court of that fact, and shall seek an extension of time in which to timely file the Judgment Entry.

**C. SIGNATURES REQUIRED:** All Judgment Entries shall be signed by both parties and counsel of record, except that a party need not sign an Agreed Judgment Entry if:

1. The party waived signature in writing or on the record;
2. The party previously signed an agreement reflecting the terms contained in the Judgment Entry;



3. The Judgment Entry affects only procedural aspects (except continuances) of the case;
4. The Judgment Entry adopts or approves a Magistrate's Decision; or
5. The party has filed no responsive pleading or otherwise appeared in the case.

## **RULE 12: CONTINUANCES**

**A. RULE 41 OF THE OHIO RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO:** This rule establishes strict guidelines pertaining to continuances of court proceedings. All requests for continuance shall comply with that Rule.

**B. ADDITIONAL REQUIREMENTS:** In addition to the requirements of Sup. R. 41, all continuance requests shall include:

1. a statement that the opposing counsel or *pro se* party was contacted or a good faith attempt to contact was made, and a statement of opposing counsel/party's position with regard to the continuance request; and
2. a proposed entry containing a new hearing date previously obtained by the moving party from the Assignment Commissioner and cleared with opposing counsel or party's calendar.

## **RULE 13: GENERAL MOTION PRACTICE**

**A. ACCOMPANYING JUDGMENT ENTRY/ORDER:** All procedural motions shall be accompanied by a proposed Judgment Entry/Order. Motions requesting substantive relief do not need to be accompanied by a proposed Judgment Entry/Order, except as otherwise set forth in these Rules.

**B. MEMORANDUM IN SUPPORT:** All motions requesting substantive relief shall include a memorandum in support either within the motion or separate from the motion, which states the specific relief sought, the grounds for the relief sought and citations to law and facts which support the relief sought.

## **RULE 14: INTAKE PROCEDURES**

The Court recognizes the guidance set forth in Juvenile Rule 9 which states "In all appropriate cases formal court action should be avoided and other community resources utilized to ameliorate situations brought to the attention of the court". In the absence of

an intake department for the court, and pursuant to Juvenile Rule 9(B) which states "Information that a child is within the court's jurisdiction may be informally screened prior to the filing of a complaint to determine whether the filing of a complaint is in the best interests of the child and public", the court requires that delinquent, unruly, abuse, neglect and dependency complaints be screened by the Office of the Ashland County Prosecuting Attorney, and shall not be accepted for filing unless approved by that office.

## **RULE 15: DISCOVERY**

In all cases, and without the prior express request of any party, the prosecutor and defense shall each timely provide full Ohio Juv. Rule 24 discovery to the opposing party at least seven (7) days prior to the scheduled pretrial conference. If no pretrial is scheduled, the prosecutor and defense shall each provide full discovery pursuant to this rule to the opposing party at least fourteen (4) days prior to the scheduled trial. Each party shall timely provide supplemental discovery as may be required to effectuate good-faith compliance with this rule.

## **RULE 16: DEPOSITIONS**

**A. FILING AND WITHDRAWAL:** Any deposition filed with the Clerk of this Court shall not be withdrawn except by leave of the Court.

**B. USE OF DEPOSITIONS:** The use of videotaped depositions and testimony is permissible, provided that the following guidelines are met:

1. When testimony is recorded on videotape pursuant to Civil Rule 40, C.P. Sup. R. 11 and 13, it will be the responsibility of counsel to instruct the person before whom the testimony is taken in accordance with Civil Rule 28(A), to note by the use of a digital counter or other clock device connected with the tape, the point on the videotape where objections consecutively are made. The notary will then number the objections consecutively and attach this record to the certification filed with the Clerk.
2. Objections must be made at the conclusion of the questions and answers only. Counsel shall state the basis for the objection, and may read citations into the record at this time. However, additional citations may be provided to the Court at a later time. Any objections made prior to the completion of an answer may, in the Court's discretion, be disregarded and overruled.
3. When cases are assigned for videotape trial pursuant to Civil Rule 40 and C.P. Sup. R. 13(B), a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A copy of the transcript of the testimony or such portion thereof as is necessary to rule on any

objections shall accompany a videotape deposition. The transcript shall be certified by the transcriber to be a true and accurate transcription.

4. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to C.P. Sup. R. 13(D).
5. If videotape depositions are to be used in the trial of a case, the tape(s) must be filed with the Clerk of Courts, for editing by the Court, no later than seven (7) days prior to trial. Any videotapes submitted after this date will not be presented to the jury, unless for good cause shown, the Court grants leave to file said depositions out of rule. All videotape depositions must comply with the requirements of C.P. Sup. R. 13(A). Except for good cause shown, there will be no trial continuances for inability of a medical expert to be present to testify.
6. Videotape Trials: The Court may, in any appropriate case, order the recording of all testimony and evidence on videotape in accordance with C.P. Sup. R. 13(B).
7. Pursuant to Civil Rule 54(D) and in compliance with C.P. Sup. R. 13(D), deposition costs, including costs of video depositions, shall be taxed as costs and shall be recoverable by the prevailing party. This shall apply only to depositions used in lieu of testimony at trial.

## **RULE 17: SUBPOENAS**

**A. COURT ISSUED SUBPOENA:** Forms for a Precipe for a Subpoena and a Precipe for a Subpoena Duces Tecum are available on the Court's website on the "Forms" page. The Court strongly recommends that any Precipe for a subpoena be filed ten (10) days prior to the date the witness is to appear in Court. The Court reserves the right to deny a continuance due to the lack of service, unless the Precipe was timely filed.

**B. SUBPOENA SERVED BY COUNSEL:** Before the hearing applicable to a subpoena, counsel shall file, with the Clerk of the Court, a copy of any subpoena served by counsel pursuant to the Ohio Rules of Civil Procedure or the Ohio Rules of Juvenile Procedure. The copy filed shall indicate the manner of service and date of service of the subpoena.

## **RULE 18: PRETRIALS**

**A. SCHEDULING PRETRIALS:** The Court may, on its own motion, set any matter for a pretrial hearing. Any party may move, in writing, for a pretrial. If the Judge or Magistrate determines that a case warrants a pretrial, a date and time shall be set. All parties named in the action shall be present at the pretrial unless their presence is

excused, in advance, by the Judge or Magistrate. In that event, the parties shall be available by telephone or video conference.

**B. DUTY OF COUNSEL:** It shall be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the Judge or Magistrate deems appropriate.

**C. PRETRIAL STATEMENTS:** When so ordered by the Judge or Magistrate, all parties shall prepare and file a pretrial brief or statement. It shall generally be the practice of the Court that this Order be made at the final pretrial. The pretrial brief or statement shall be filed on or before the date specified by the Order. The pretrial statement shall include all of the following:

1. Identification fo the chief trial counsel, who shall be fully authorized to act and negotiate on behalf of the party;
2. The factual and legal issues which the case presents in detail, and the party's position on those issues, including any significant evidentiary questions;
3. A listing of all witnesses expected to testify;
4. A listing of all exhibits expected to be offered into evidence, except exhibits to be used only for impeachment, illustration, or rebuttal;
5. A description of the estimated number of days for trial; and
6. A statement of the status of settlement negotiations.

## **RULE 19: *IN CAMERA* INTERVIEWS**

**A. REQUEST FOR INTERVIEW:** Any party may request that the Court conduct an *in camera* interview of a minor child in any action concerning allocation of parental rights and responsibilities or parenting time, by filing a written request prior to hearing. UNDER NO CIRCUMSTANCES SHALL THE PARTIES BRING A MINOR CHILD TO THE COURT FOR AN *IN CAMERA* INTERVIEW, OTHER THAN AT THE TIME SCHEDULED BY THE COURT FOR AN *IN CAMERA* INTERVIEW.

**B. PERSONS PRESENT DURING INTERVIEW:** No person, other than the Judge or Magistrate conducting the interview, the child, and any other person specified by the Judge or Magistrate, shall be present during the *in camera* interview of a minor child, pursuant to O.R.C. Section 3109.04.

**C. RECORD OF THE INTERVIEW:** A record of all *in camera* interviews shall be made by electronic means. Upon completion, the record of the interview shall be deemed sealed and shall not be disclosed, except upon specific Court order.

## **RULE 20: MEDIATION**

*intentionally left blank for future rule by the Court*

## **RULE 21: LANGUAGE INTERPRETERS**

- A. USE OF INTERPRETERS:** Certified, qualified or language skilled interpreters shall be used in all proceedings in which a party or witness is non-English speaking or non-hearing. Interpreters shall be utilized in accordance with any existing Rules of Superintendence and in accordance with the Court Policy of Use of Interpretive Services.
- B. OATH:** Prior to serving as an interpreter, each person serving shall be required to read and sign the written Interpreter's Oath.
- C. NOTICE OF NEED FOR INTERPRETER:** Any person serving as counsel for any party, as Guardian *Ad Litem* or in any other official capacity in any case, who becomes aware that there is a need for interpretive services, shall notify the Court of that need immediately. In no case shall the need for interpretive services be communicated to the Court less than seven (7) days prior to the hearing or trial at which the interpreter will be needed.

## **RULE 22: DELINQUENCY/UNRULY CASES**

### **A. CHILD RESTRAINTS**

1. This rule is created in accordance with Rule 5.01 of the Rules of Superintendence for the Courts of Ohio: Local Child Restraint Rule.
2. Physical restraints, including, but not limited to, handcuffs, chains or shackles, shall not be used on a juvenile during court proceedings unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

- i. The child represents a current and significant threat to the safety of the child's self or other persons in the courtroom; or
  - ii. There is a significant risk the child will flee the courtroom.
3. The judge or magistrate shall permit any party, as defined in Juv. R.2(Y), to be heard on the issue of whether the use of a physical restraint is necessary for that particular child at that particular proceeding. If restraints are thought to be appropriate, the "Court Security Determination" form adopted by this Court shall be completed and filed with the Court in advance of any hearing where the juvenile's appearance is required.
4. When physical restraint is found necessary by the judge or magistrate, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.
5. In no circumstance does this rule limit the ability of law enforcement, security personnel or other court staff from restraining a juvenile if necessary to ensure the courtroom is properly functioning and/or to maintain the safety and security of court facilities.

**B. DETENTION HEARINGS:**

1. A child may be admitted to detention upon approval of the Court. When seeking approval, law enforcement shall first attempt contact with the Court Administrator. If contact cannot be made with the Court Administrator, then law enforcement shall contact the Judge.
2. A child may be released from detention only upon approval of the Judge or Magistrate.
3. Detention hearings shall be held within the time limits provided by law and the arresting officer shall be responsible for providing the Court with the names, addresses and telephone numbers of the parents, legal custodians or guardians of the child at the time detention approval is sought.

**C. DIVERSION:** If the Court determines, in its sole discretion, that it is in the best interests of a child and of the community that a matter be processed informally pursuant to Ohio Juv. Rule 9(A), the child may be referred to diversion in lieu of formal court action. Referral to informal status/diversion may occur either pre-filing or post-filing of any complaint. If a diversion is ordered, the following will apply:

1. Informal cases shall not be a part of the permanent record of a child;

2. No person, except for designated court staff, shall have access to records of informal matters or cases without the consent of the Court; and
3. Informal cases processed to successful completion are subject to automatic sealing pursuant to R.C. 2151.356.

**D. CHILD SUPPORT:** When child support is to be ordered in a delinquency case, financial information as required shall be submitted directly to the court and the court shall prepare the necessary orders to insure payment and proper distribution.

**E. CASE MANAGEMENT:**

1. Summons shall be issued within five (5) days of filing.
2. Initial Appearance shall be scheduled within fourteen (14) days of filing.
3. Pre-trial, if necessary, shall be scheduled within fourteen (14) days of initial appearance;
4. Adjudicatory hearing shall be held within sixty (60) days of filing.
5. Dispositional hearing for delinquency cases shall be held within 180 days of filing; dispositional hearing for unruly cases shall be held within ninety (90) days of filing, although this time may be extended by court order to allow for evaluation and testing (i.e., substance abuse assessment, psychological testing, placement records.)

<b>RULE 23: JUVENILE COMPETENCY PROCEEDINGS</b>
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**A. GENERAL PURPOSE:** The purpose of this rule is to expedite proceedings under sections 2152.51 to 2152.59 of the Ohio Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

**B. EXPEDITED HEARINGS:** Juvenile competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

**C. NOTICE:** Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian ad Litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in

this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

**D. STAY OF PROCEEDINGS:** Upon the filing of a motion for a determination regarding a child's competency or upon the court's own motion, the court shall stay all delinquency proceedings pending a determination of competency. If, upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

## **RULE 24: JUVENILE TRAFFIC CASES**

### **A. WAIVER OF HEARING IN CERTAIN TRAFFIC CASES:**

1. The Court has not established a Juvenile Traffic Violations Bureau.
2. Ohio Revised Code Section 2151.01, and the Ohio Rules of Juvenile Procedure permit the Court to establish a procedure for the waiver of appearance and entry of a plea of admission in writing and acceptance of a predetermined disposition for certain juvenile traffic offenders. The allowance of a waiver in lieu of a personal appearance is within the discretion of the Court. At present, the Court may allow a waiver as follows:
  - i. First offense speed, less than 15 MPH over the speed limit;
  - ii. First offense seat belt violation; and
  - iii. Any other minor violation but only upon approval by the Court.
3. If the Court permits a waiver, then the deputy clerk will notify the juvenile and a parent in writing and will provide written instructions as to the procedure.
4. A waiver of hearing and admission will constitute an admission to the offense alleged in the complaint and a waiver of the child's right to hearing before the Judge or Magistrate, to cross-examination of witnesses, to subpoena witnesses on behalf of the child and to representation by an attorney.
5. If the child and parents, guardian or custodian avail themselves of the waiver privileges, they must do so in strict compliance with the written instructions and this rule.

### **B. ELECTRONICALLY PRODUCED TRAFFIC TICKETS**



1. Traffic tickets produced by computer or other electronic means may be filed in lieu of the Ohio Uniform Traffic Ticket, provided that the computer generated or electronic ticket conforms in all substantive respects, including layout and content, to the Ohio Uniform Traffic Ticket. The provisions of Ohio Traffic Rule 3(B) relative to the color, weight of paper, and method of binding shall not be applicable to a ticket that is produced by computer or other electronic means.
2. If a traffic ticket produced by computer or other electronic means is issued at the scene of the alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by Ohio Traffic Rules 3(E). A law enforcement officer who files a ticket electronically shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other traffic tickets issued pursuant to the Ohio Traffic Rules.
3. A ticket produced by computer or other electronic means shall not require the signature of the defendant.
4. A law enforcement officer who issues an automated traffic ticket is considered to have signed the ticket, for purposes of Traffic Rule 3(E), if the issuing officer properly authorizes the appearance of his or her facsimile signature on the ticket. The phrase "electronically affixes the officer's signature thereto" may include a cursive signature, officer's unit number, or a typed name applied by computer or other electronic means.
5. Any electronic ticket used or filed in the Ashland County Juvenile Court shall substantially comply with all requirements of Ohio Traffic Rule 3 except as amended herein.

**C. CASE MANAGEMENT TRAFFIC CASES (NON-WAIVERABLE)**

1. Summons shall issue within five (5) days of filing.
2. Initial Appearance shall be scheduled within thirty (30) days of filing.
3. Pre-trial, if necessary, shall be scheduled within fourteen (14) days of initial appearance.
4. Adjudicatory hearing shall be held within sixty (60) days of filing.
5. Dispositional hearing shall be held within ninety (90) days of filing.

**RULE 25: ABUSE, NEGLECT, DEPENDENCY CASES**

## **A. CHILD SUPPORT ORDERS**

1. Whenever temporary legal custody is awarded to the Ashland County Department of Job and Family Services in an abuse, neglect or dependency case, the Ashland County Child Support Enforcement Agency (ACCSEA) shall conduct an investigation for the purpose of establishing a support order for the parents or redirecting support already payable by a parent. The ACCSEA shall forward its investigation to the Court for the establishment of a child support order or redirection of any existing order for support.
2. A copy of the investigation furnished by the ACCSEA and any accompanying request of the ACCSEA shall be served on the affected parent(s) or counsel for the parent(s) if represented.
3. A parent shall have fourteen (14) days from service of the ACCSEA investigation to object to the amount of support recommended by that investigation.
4. If an objection is made, the Court will conduct a hearing with regard to child support.
5. If no objection is made, the Court will enter a child support order in accordance with the ACCSEA investigation.

## **B. REVIEW HEARINGS**

1. **Annual Review Hearing:** Any necessary Annual Review Hearing shall be scheduled in the dispositional order of an abuse, neglect or dependency case.
2. **Eighteen Month Review Hearing:** If deemed necessary by the Court, an Eighteen Month Review Hearing shall be set in the Annual Review Judgment Entry.
3. **Two Year Annual Review Hearing:** A Two Year Annual Review Hearing shall be scheduled in either the Annual Review Judgment Entry (if no Eighteen Month Review Hearing was ordered) or in the Eighteen Month Review Hearing Judgment Entry.
4. **Scheduling:** Generally, review hearings will be conducted on Thursday mornings. Since review hearings will be set several months in advance, the Court will not check on the availability of counsel before scheduling a review hearing.

**C. CASE MANAGEMENT:**

1. Summons shall issue immediately or as soon as possible (no more than three (3) days) upon filing of the complaint.
2. Initial Appearance shall be scheduled within fourteen (14) days of filing.
3. Adjudicatory hearing shall be held within sixty (60) days of filing.
4. Without exception, dispositional hearing shall be held no later than ninety (90) days after the complaint was filed.

**RULE 26: ADULT CRIMINAL CASES**

**A. CASE MANAGEMENT:**

1. All criminal cases shall be scheduled for arraignment within fourteen (14) days of the filing of the complaint.
2. If the defendant wishes to have counsel, a pre-trial shall be scheduled within fourteen (14) days of arraignment, and thereafter the case shall be scheduled for trial in accordance with the statutory time limits.
3. All criminal cases shall be disposed of no more than ninety (90) days from the filing of the complaint unless an appropriate waiver of time is filed and the court approves an extended schedule.

**B. JURY MANAGEMENT:** All provisions of the Jury Management Plan adopted by the Ashland County Court of Common Pleas, General Division, shall apply to this Court.

**RULE 27: SPECIFIC ISSUES IN ADULT CIVIL CASES**

**A. TIME LIMITS IN PARENTAGE/SUPPORT ESTABLISHMENT/MODIFICATION CASES:**

1. Pursuant to O.R.C. Section 3125.58, all actions for parentage or establishment/modification of support must be completed as follows: 75% of all actions shall be completed within six (6) months of filing and 90% of all actions shall be completed within twelve (12) months of filing.

2. The Court may make temporary support orders in such actions upon its own motion or the motion of any party, if the issues are so complex as to require full judicial review or in other appropriate circumstances.
3. Where necessary to comply with this rule and the statutory mandate, the Court may give priority to parentage and support actions.
4. Counsel of record, as officers of the Court, shall expeditiously fulfill all professional responsibilities, so as to assist the Court with complying with the aforementioned time limits.

**B. PATERNITY TESTING:**

1. **Procedure:** Upon motion of any party, DNA testing will be ordered immediately and without hearing. The original results shall be provided directly to the court with copies to the parties and counsel. Upon receipt of the results, the court will set a paternity hearing. Costs for genetic testing will be prepaid by the moving party, or the Ashland County Child Support Enforcement Agency if it initiated the case, and then be taxed as costs.
2. **Order for Testing:** Any order for paternity testing shall substantially comport with Form 9.00 contained in the Appendix to these Rules.

**C. IV-D APPLICATION:** All Complaints or Motions which involve an allocation of parental rights and responsibilities, child support or determination of parentage shall be accompanied by a completed IV-D Application or a statement by the CSEA that an application has already been filed, and listing the existing SETS No.

**D. UNIFORM DOMESTIC RELATIONS FORMS:**

1. **Uniform Domestic Relations Affidavit 1 (Income and Expenses) and Affidavit 4 (Health Insurance):** The Plaintiff or movant in any action involving custody or child support shall file these forms with the Complaint or Motion. Thereafter, the Defendant or non-movant shall file these forms with the Court prior to the first scheduled hearing in the case.
2. **Uniform Domestic Relations Affidavit 3 (Parenting Affidavit):** The Plaintiff or movant in any action involving custody or parenting time shall file this form with the Complaint or Motion.
3. **Uniform Domestic Relations Forms 17 and 18, and Uniform Juvenile Forms 1 - 10:** Any person who is unrepresented by counsel shall utilize these forms, as applicable to his or her case. Counsel representing persons

in this Court may, but are not required to use the forms. Should counsel decide not to use the forms, the pleadings provided by counsel shall at a minimum contain all of the substantive portions of the Supreme Court's forms.

**E. CHILD SUPPORT JUDGMENT ENTRIES:** All Judgment Entries and Shared Parenting Decrees establishing or modifying child support shall contain the mandatory child support language contained in the Appendix to these rules. Additionally, if there is an agreed upon deviation in the child support amount, the Entry or Decree shall contain the mandatory deviation language contained in the Appendix to these rules. The following documents shall accompany all Entries/Decrees relating to child support:

1. Child Support Guidelines Computation Worksheet (a "short form" is acceptable in lieu of the full statutory form); and
2. Standard Health Care Order (Form 10.00 in Appendix).

**F. AGREED ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES:** To the extent any of these documents were NOT previously filed by the parties in the pending action, the parties shall file the following documents:

1. Written motion (joint or by one party) for modification of allocation of parental rights;
2. A Waiver and Consent signed by both parties (At a minimum, the Waiver and Consent shall contain a waiver of notice of hearing; waiver of hearing on the motion; waiver service of process; and a statement that each party is consenting to a reallocation of parental rights and responsibilities and personally submitting to the jurisdiction of the Court);
3. Uniform Domestic Relations Affidavits 1, 3 and 4 for each parent;
4. Child Support Worksheet;
5. Standard Health Care Order (Form 10.00 in Appendix);
6. Shared Parenting Plan signed by both parents (if applicable); and
7. A proposed Judgment Entry OR Decree of Shared Parenting, signed/approved by both parties/counsel, which addresses all issues relating to the child, including parenting time, health care, and allocating of income tax exemption for the child, and which includes appropriate O.R.C. 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

**G. AMENDMENTS TO SHARED PARENTING PLANS:** A Shared Parenting Plan may not be amended by Agreed Judgment Entry only, unless the only provision which is modified is the support provision and the support modification results from action taken by the Ashland County Child Support Enforcement Agency. All other amendments to Shared Parenting Plans shall be accomplished by filing an Amended Shared Parenting Plan and Propose Amended Shared Parenting Decree.

**H. MANDATORY REQUIREMENTS FOR SHARED PARENTING PLANS:** All initial or amended Shared Parenting Plans shall contain all of the following:

1. A statement indicating the names of the parents and the child(ren) and the child(ren)'s date of birth.
2. A statement that: (1) each parent believes the other parent to be a fit parent, and that each recognizes the unique contributions that each has to offer the child; (2) the parents wish to share legal responsibility for the child, as set forth in the Shared Parenting Plan; (3) the parents' primary concern is the best interests of the minor child; and (4) shared parenting is in the best interest of the minor child.
3. Provisions covering all required statutory factors relevant to the care of the child, including physical living arrangements, child support obligations, child's health care, income tax exemptions for the child, and school placement. The plan may also include optional provisions concerning the child's education, religious upbringing, child care, removal of the child from the state, the child's name, the specific authority of each parent, dispute resolution procedure, and any other matter related to the best interests of the child.
4. A designation that both parents are "residential parents and legal custodians" of the child.
5. A statement immediately preceding each party's signature on the Shared Parenting Plan, which provides that each party has thoroughly reviewed and understands the Plan; that he or she has voluntarily signed the Plan, and that

each party requests that the Court adopt the Plan as the Judgment and Order of the Court.

If Uniform Domestic Relations Form 17 is used by the parties, the statements in Items 2 and 5 above may be contained in a separate document.

**I. MANDATORY LANGUAGE IN SHARED PARENTING DECREE:** An initial or amended Shared Parenting Decree shall contain one of the following findings, as appropriate:

1. Any Amended Shared Parenting Decree must include appropriate O.R.C. Section 3109.04(E)(2) language as to the legal conclusions made by the Court, as follows:

"Based upon the representations of the parties, the Court finds that a modification of the existing Shared Parenting Plan is in the best interests of the minor child."

2. Any Shared Parenting Decree modifying a prior allocation of sole or split parental rights and responsibilities, to shared parenting, shall include appropriate O.R.C. Section 3109.04(E)(1)(a) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that a change has occurred in the circumstances of [the child], [his residential parent], or [either of the parents subject to a shared parenting decree], that the residential parent agrees to a change in the residential parent . . . , [and/or the child with the consent of the residential parent ... integrated ...], and that a modification of parental rights and responsibilities is in the best interest of the child."

3. Any initial Shared Parenting Decree, in a case which does not contain any prior allocation of parental rights and responsibilities, shall include appropriate O.R.C. Section 3109.04(D) language as to the legal conclusions made by the Court, as follows:

"Based upon the representation of the parties, the Court finds that adoption of the attached Shared Parenting Plan is in the best interests of the minor child."

**J. HEARING/PRETRIAL:**

1. **Preparation of Notice/Order to Appear:** Prior to filing a Complaint or motion with the Court, the attorney filing the case shall contact the Court

Administrator and obtain appropriate hearing dates for the case. Thereafter, counsel shall prepare a Notice of Hearing/Pretrial or an Order to Appear which contains the hearing/pretrial date supplied by the Court, a description of all matters to be heard at the scheduled hearing, and shall specify whether the hearing is or is not an evidentiary hearing. If a Complaint or motion is filed by a party *pro se*, the Court will prepare any necessary Notice of Hearing/Pretrial or an Order to Appear.

2. **Agreed Judgment Entries:** In its discretion, the Court may schedule a hearing prior to approving any agreed order. In the event the Court schedules a hearing, both parties shall appear at the hearing. The failure of either party to appear at the scheduled hearing may result in dismissal of the pending matter.

**K. CASE MANAGEMENT:**

1. If requested by the filing party, a pretrial shall be held within thirty (30) days after the filing of the Complaint or Motion.
2. A hearing on a Complaint or Motion shall be scheduled within sixty (60) days after the filing of the Complaint or Motion.

<b>RULE 28: <i>EX PARTE</i> MOTIONS</b>
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An *ex parte* order allocating or reallocating parental rights and responsibilities or granting parenting time, will be granted only upon affidavit(s) which comply with Division (A)(4) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an *ex parte* order is in the best interests of the child(ren). In the event the Court overrules the motion on an *ex parte* basis (i.e., without notice), the Court may consider granting or reallocating parental rights and responsibilities or granting parenting time rights on a temporary basis, after the opposing party has been given notice and an opportunity to respond to the motion.

**A. REQUIRED PLEADINGS:** Any *ex parte* pleadings shall include:

1. **Statement Regarding Counsel:** All *ex parte* motions shall include a statement as to whether the nonmoving party is presently represented by counsel, whether or not that attorney has entered an appearance in the case. If the nonmoving party is represented, the motion shall state the name of the nonmoving party's attorney.
2. **Disclosure of Other Orders:** All *ex parte* motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped



copy of any relevant and current order shall be attached to the *ex parte* motion.

3. **Efforts to Give Notice:** All *ex parte* motions/affidavits shall disclose the efforts, if any, which have been made by the Movant or counsel to give notice of the issue(s) raised in the motion, or the reasons supporting any claim that notice should not be given. The motion/affidavit(s) shall state whether or not the Movant knows the present residence of the nonmoving party and, if not, what efforts the Movant has made to discover the present address of the nonmoving party.
4. **Affidavit(s):** All *ex parte* motions shall be supported by affidavit(s). Supporting affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.

- B. HEARINGS ON *EX PARTE* MOTIONS:** In the event the Court grants an *ex parte* motion, the Court shall set a hearing on an expedited basis, as soon as the Court's docket may permit. The moving party shall bear the burden of proof at an *ex parte* hearing, and shall present sufficient, competent evidence to establish that continuation of the *ex parte* order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the *ex parte* motion, except as otherwise permitted by the Court.

## RULE 29: ATTORNEY FEES

**A. CHILD SUPPORT AND PARENTING TIME CONTEMPT ACTIONS:**

1. **Ordinary Fees:** An award of attorney fees is mandatory in child support, spousal support, and parenting time contempt actions pursuant to O.R.C. Section 3109.05, 3109.051 and 3105.18. Counsel need not make a written motion requesting an award of attorney fees in those types of actions. Generally, the Court considers attorney fees not in excess of \$250 to be a reasonable attorney fee award in these types of contempt actions. The Court generally will not require evidence to support an award of attorney fees not in excess of \$250.00 in those cases. The Court may require evidence, however, if it deems such evidence necessary in the case.
2. **Extraordinary Fees:** The Court shall retain discretion to consider and award attorney fees in excess of \$250.00 in these types of contempt actions. In order to obtain an award of fees in excess of \$250.00, counsel must

present evidence and testimony as described in the Division (B)(2) of this rule.

**B. AWARD OF NON-MANDATORY ATTORNEY FEES:**

1. **Motion Required:** Any request for attorney fees shall be made by written motion, filed at least seven (7) days prior to the final hearing in the case.
2. **Evidence Supporting the Motion:** The following evidence shall be presented at any hearing regarding attorney fees:
  - i. An affidavit signed by counsel verifying the method by which the fees requested were calculated, including the services rendered, the time expended for such services and the hourly rates for in-Court and out-of-court time (unless a flat fee has been charged, in which case the amount of the flat fee shall be disclosed).
  - ii. Testimony from the client as to whether the services billed were actually rendered;
  - iii. If the fees are sought because of any complex legal or factual issues, testimony concerning the existence of those issues; and
  - iv. Evidence of the parties' respective incomes and expenses, if such evidence is not otherwise disclosed during the course of the hearing.
3. **Expert Testimony:** Unless specifically required by the Court, expert testimony shall not be required to prove the reasonableness of the fees, although it may be required to prove other aspects of the motion for fees. Either party may elect to present expert evidence in support of or in opposition to a motion for attorney fees.
4. **Failure to Comply:** Failure to comply with the provisions of this rule may result in a denial of the motion for attorney fees.
5. **Court-appointed Counsel:** Any request for payment of fees by court-appointed counsel shall be accompanied by all documents required by the Public Defender's office and the request shall be submitted within thirty (30) days of the last court activity in the case. Failure to submit a timely request for payment of fees could result in the disallowance of all or part of the fee requested.

## APPENDIX

- Form 1.00 Request for Waiver of Court Cost Deposit
- Form 2.00 Mandatory Child Support Language
- Form 3.00 Mandatory Child Support Deviation Language
- Form 4.00 Standard Parenting Time Order
- Form 5.00 Guardian *Ad Litem* Order (Private case)
- Form 6.00 Application for Appointed Counsel List
- Form 7.00 Application for Guardian *Ad Litem* List
- Form 8.00 Personal Identifiers Form
- Form 9.00 Genetic Paternity Testing Order
- Form 10.00 Standard Health Care Order

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
JUVENILE COURT**

\_\_\_\_\_ : Case No. \_\_\_\_\_

Plaintiff, : SETS No. \_\_\_\_\_

vs. :

\_\_\_\_\_ :

Defendant. : **Request for Waiver of Filing Fee Deposit**

Now comes \_\_\_\_\_ and moves this Court for a finding of indigency for purposes of filing a \_\_\_\_\_ without the deposit required pursuant to Juvenile Rule 65. I have attached a Financial Affidavit in support of my request.

The reason I am unable to prepay the costs of this action are: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_

**ORDER**

After considering the foregoing Request, it is ORDERED that: \_\_\_\_\_  
\_\_\_\_\_

It is SO ORDERED.

\_\_\_\_\_  
Judge / Magistrate

## FINANCIAL DISCLOSURE FORM

(\$25.00 application fee may be assessed—see notice on reverse side)

### I. PERSONAL INFORMATION

Applicant's Name		D.O.B.	Name of Person Being Represented <i>(If juvenile)</i>		D.O.B.
Mailing Address			City	State	Zip Code
Case No.			Phone	Cell Phone	
SSN Last 4	Gender	Race (double-click to de-select)			
		<input type="checkbox"/> American Indian or Alaska Native	<input type="checkbox"/> Asian	<input type="checkbox"/> Black or African American	<input type="checkbox"/> Native Hawaiian or Pacific Islander
		<input type="checkbox"/> Spanish or Latino	<input type="checkbox"/> White	<input type="checkbox"/> Other	

### II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

### III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: \_\_\_ SSI: \_\_\_ SSD: \_\_\_ Medicaid: \_\_\_ Poverty Related Veterans' Benefits: \_\_\_ Food Stamps: \_\_\_

Refugee Settlement Benefits: \_\_\_ Incarcerated in state penitentiary: \_\_\_ Committed to a Public Mental Health Facility: \_\_\_

Other (please describe): \_\_\_\_\_ Juvenile: \_\_\_ *(If juvenile, please continue at Section VIII)*

### IV. INCOME AND EMPLOYER

	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income	\$	\$	\$
Unemployment, Worker's Compensation, Child Support, Other Types of Income	\$	\$	\$
<b>TOTAL INCOME</b>			<b>\$</b>

Employer's Name: \_\_\_\_\_ Phone Number: ( ) \_\_\_\_\_

Employer's Address: \_\_\_\_\_

### V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
<b>Total Liquid Assets</b>	<b>\$</b>

### VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out	\$	Telephone	\$
Child Care (if working only)	\$	Transportation / Fuel	\$
Insurance (medical, dental, auto, etc.)	\$	Taxes Withheld or Owed	\$
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member	\$	Credit Card, Other Loans	\$
Rent / Mortgage	\$	Utilities (Gas, Electric, Water / Sewer, Trash)	\$
Food	\$	Other (Specify)	\$
<b>EXPENSES</b>	<b>\$</b>	<b>EXPENSES</b>	<b>\$</b>

### VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.

If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.

If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

**IX. APPLICANT CERTIFICATION**

I, \_\_\_\_\_ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**X. JUDGE CERTIFICATION**

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

**XI. NOTICE OF RECOUPMENT**

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

**XII. JUVENILE'S PARENTS' INCOME\* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)	\$ _____	\$ _____
Unemployment, Workers Compensation, Child Support, Other Types of Income	\$ _____	\$ _____
	<b>TOTAL INCOME</b>	<b>\$ _____</b>

\*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

**MANDATORY LANGUAGE FOR ALL CHILD SUPPORT AND CASH MEDICAL SUPPORT ORDERS**

- A. The full name and date of birth of each child who is the subject of this child support and cash medical support is/are:
- B. For purposes of this Order, \_\_\_ is the Child Support Obligor and \_\_\_ is the Child Support Oblige.
- C. The worksheet used to compute child support and cash medical support under R.C. 3119.02 is attached and incorporated herein by reference.
- D. This Order for child support and medical support is effective \_\_\_\_\_.
- E. The Child Support Obligor shall pay current child support for the minor child(ren) of \$\_\_\_\_\_ per month per child for \_\_\_\_\_ child(ren) for a total of \$\_\_\_\_\_, and cash medical support of \$\_\_\_\_\_ per month per child for \_\_\_\_\_ child(ren) for a total of \$\_\_\_\_\_, plus 2% processing fee for a total order of \$\_\_\_\_\_ per month.
- F. Child support shall be paid until:
  - i. the child reaches age 18, if the child is not attending a recognized and accredited high school on a full-time basis;
  - ii. the child reaches age 19, so long as the child is attending a recognized and accredited high school on a full-time basis; or
  - iii. until further order of the Court.
- G. Support shall be paid by check or money order and any payment shall include all of the following:
  - i. obligor's name;
  - ii. the court case number;
  - iii. the SETS number (starts with a 70 number); and
  - iv. the obligor's social security number.

- H. Payments shall be made to: **Ohio Child Support Payment Central, P.O. Box 182372, Columbus, Ohio 43218-2372.** The obligor may contact the Ashland County Child Support Enforcement Agency (CSEA) at 15 W. Fourth Street, Ashland, Ohio 44805, (Ph: 419-282-5000), for further information about where and how to remit support payments. The obligee is enjoined from accepting and the obligor is enjoined from making any support payments which are not paid through Ohio Child Support Payment Central or the Ashland County Child Support Enforcement Agency. Any current or delinquent support payment made directly by the obligor to the obligee shall be deemed a gift.
- I. **MONTHLY ADMINISTRATION OF THE ORDER:** Regardless of the frequency or the amount of support payments to be made under this Order, the Ashland County Child Support Enforcement Agency shall administer it on a monthly basis, in accordance with Ohio Revised Code Sections 3121.51 to 3121.54. For purposes of Ohio Revised Code Section 3121.52, the monthly amount due under this support order for purposes of its monthly administration \$(including a 2% processing fee). Payments under this order are to be made in the manner ordered by this Court or the Ashland County Child Support Enforcement Agency. If the payments are to be made other than on a monthly basis, the required monthly administration of the Order does not affect the frequency or the amount of the support payments to be made under this Order.
- J. **WITHHOLDING AND DEDUCTION:** All support under this Order shall be withheld or deducted from the income or assets of the obligor pursuant to a withholding or deduction notice or appropriate court Order issued in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code or a withdrawal directive issued pursuant to sections 3123.24 to 3123.38 of the Revised Code and shall be forwarded to the obligee in accordance with Chapters 3119, 3121, 3123 and 3125 of the Revised Code.
- K. **NOTIFICATION REGARDING TERMINATION OF ORDER:** The residential parent and legal custodian of the child(ren) subject to this Order, or the person who otherwise has custody of said child(ren) shall immediately notify, and the obligor may notify, the Ashland County Child Support Enforcement Agency of any reason for which this child support order should terminate. Nothing within this order shall preclude a person from notifying the Ashland County Child Support Enforcement Agency that a reason for which a child support order should terminate is imminent. With respect to this Order, a willful failure to notify the Child Support Enforcement Agency is contempt of



Court. The reason for which a child support should terminate including all of the following:

- i. the child attains the age of majority if the child no longer attends an accredited high school on a full-time basis and the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- ii. the child ceases to attend an accredited high school on a full-time basis after attaining the age of majority, if the child support order requires support to continue past the age of majority only if the child continuously attends such a high school after attaining that age;
- iii. a termination condition specified in the child support order has been met for a child who reaches nineteen years of age;
- iv. the child's death;
- v. the child's marriage;
- vi. the child's emancipation;
- vii. the child's enlistment in the armed services;
- viii. the child's deportation; change of legal custody of child;
- ix. change of legal custody;
- x. the child's adoption;
- xi. the obligor's death; or
- xii. marriage of the obligor under a child support order to the obligee, if the obligor and obligee reside together with the child.

**L. EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF ALL CHANGES UNTIL**

**FURTHER NOTICE FROM THE COURT OR AGENCY, WHICHEVER ISSUED THE SUPPORT ORDER.**

- M. IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO \$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 90 DAYS. IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD SUPPORT AMOUNT, HEALTH CARE PROVISIONS, OR TERMINATION OF THE CHILD SUPPORT ORDER.**
- N. IF YOU ARE AN OBLIGOR AND YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT OBLIGATION.**

**DEVIATION LANGUAGE FOR CHILD SUPPORT ORDERS**

(include only the portions which are boldfaced or which apply to the case - you do not need to include deviation factors which do not apply to the case)

- A. **Guideline Child Support Amount:** The guideline child support obligation, as determined by the Child Support Worksheet, is \$ \_\_\_\_\_ per child, per month for \_\_\_\_\_ (number) child(ren), for a total of \$ \_\_\_\_\_ per month.
- B. **Overnight Parenting Time Adjustment:**
- The child support obligor does not have Court ordered parenting time which is equal to or exceeds ninety (90) overnights.
  - The child support obligor has Court ordered parenting time which is equal to or exceeds ninety (90) overnights. The above computation reflects an automatic ten percent (10%) adjustment in the guideline child support obligation.
- C. **Overnight Parenting Time Deviation:** Pursuant to R.C. 3119.231, there is extended Court ordered parenting time which:(if applicable, select one of the following 2 choices)
- exceeds ninety (90) overnights but is not more than 146 overnights (\_\_\_\_\_ overnights). A deviation  is  is not granted for the following reasons:
  - is equal to or exceeds 147 overnights (\_\_\_\_\_ overnights). A deviation  is  is not granted for the following reasons:
- D. **Other Deviation Factors** (if applicable) Pursuant to R.C. 3119.22, 3119.23 and/or 3119.24, the annual obligation would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren) for the following reason(s): (Check all that apply)
- Special and unusual needs of the child(ren), including needs arising from the physical or psychological condition of the child(ren)
  - Other Court ordered payments
  - Extended parenting time or extraordinary costs associated with parenting time, including extraordinary travel expenses when exchanging the child(ren) for parenting time
  - Financial resources and the earning ability of the child(ren)
  - Relative financial resources, including the disparity in income between parties or households, other assets, and the needs of each parent

- Obligee's income, if the obligee's annual income is equal to or less than one hundred percent (100%) of the federal poverty level
- Benefits that either parent receives from remarriage or sharing living expenses with another person
- Amount of federal, state, and local taxes actually paid or estimated to be paid by a parent or both parents
- Significant in-kind contributions from a parent, including, but not limited to, direct payment for lessons, sports equipment, schooling, or clothing
- Extraordinary work-related expenses incurred by either parent
- Standard of living and circumstances of each parent and the standard of living the child(ren) would have enjoyed had the marriage continued or had the parents been married
- Educational opportunities that would have been available to the child(ren) had the circumstances requiring a child support order not arisen
- The responsibility of each parent for the support of others, including support of (a) child(ren) with disabilities who is/are not subject to the support order
- Post-secondary educational expenses paid for by a parent for the parent's own child(ren), regardless of whether the child(ren) is/are emancipated
- Costs incurred or reasonably anticipated to be incurred by the parents in compliance with Court ordered reunification efforts in child abuse, neglect, or dependency cases
- Extraordinary child care costs required for the child(ren) that exceed the maximum state-wide average cost estimate as described in R.C. 3119.05(P)(1)(d), including extraordinary costs associated with caring for (a) child(ren) with specialized physical, psychological, or educational needs
- Any other relevant factor: (specify)
- Extraordinary circumstances associated with shared parenting: (Only if Shared Parenting is ordered - check all that apply)
  - Ability of each parent to maintain adequate housing for the child(ren)
  - Each parent's expenses, including child care expenses, school tuition, medical expenses, dental expenses, and other relevant expenses

Any other relevant circumstances: (specify)

- E. **Total Deviation Amount:** For the foregoing reasons, the annual child support obligation specified by the attached Worksheet would be unjust and inappropriate and, therefore, not in the best interest of the minor child(ren). The total amount of the deviation is \$\_\_\_\_\_ per  year  month.
- F. **Monthly Child Support Obligation After Any Deviation:** (Insert mandatory child support language, even if the deviation reduces child support to -0-)

**PARENTING TIME ORDER**  
 ASHLAND COUNTY COURT OF COMMON PLEAS  
 JUVENILE DIVISION

**(A) SCHEDULE FOR PARENTING TIME: Parenting time SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES AGREE.** If the parties cannot agree, then parenting time shall occur in accordance with the following schedule:

**(1) Weekend Parenting Time:** Beginning on a specific date, every other weekend from Friday night at 7:00 p.m. to Sunday night at 7:00 p.m. Specific parenting time for a holiday, day of special meaning or a vacation overrides weekend parenting time, but the alternating weekend schedule shall not change, even if interrupted and overridden by a holiday, day of special meaning, or vacation parenting time. Weekend time that is lost due to a holiday does not have to be made up.

**(2) Mid-week Parenting Time:** In addition, a parenting time period from 5:30 p.m. to 8:30 p.m. on Wednesday (or on such other day or time that the parties agree) during each week.

**(3) Parenting Time on Days of Special Meaning:**

- a. **Mother's and Father's Day:** Mother's Day shall always be spent with the mother and Father's Day shall always be spent with the father, regardless of which parent is entitled to the weekend. If the parties cannot agree on times, the times are 9:00 a.m. to 8:00 p.m. The child shall spend the remainder of the Mother's or Father's Day weekend with the parent who has regularly scheduled parenting time for that weekend.
- b. **Child's Birthday:** A child's birthday shall always be spent with Mother in the even-numbered years, and shall always be spent with Father in the odd-numbered years. If the parties cannot agree, the time is 9:00 a.m. to 8:00 p.m., if the child does not have school on the birthday, and 5:00 p.m. to 8:00 p.m. if the child's birthday falls on a school day. Birthday parenting time takes priority over weekend, mid-week, or vacation parenting time. In the event of a conflict between the child's birthday and holiday parenting time, the parent having holiday time with the child shall also have parenting time on the child's birthday.

**(4) Holiday Parenting Time:** Parents may wish to change, by agreement, a holiday to observe family or religious traditions. Unless changed by agreement, holiday parenting times are as follows:

Holiday	Even years	Odd years	Times (unless otherwise agreed)
Martin Luther King Day	Mother	Father	Sunday 7:00 p.m. to Monday 7:00 p.m.

Spring Break	Father	Mother	9:00 a.m. day after school stops until 7:00 p.m. day before school resumes
Easter	Father	Mother	Sunday 9:00 a.m. to 7:00 p.m.
Memorial Day weekend	Mother	Father	Friday 7:00 p.m. to Monday 7:00 p.m.
July 4 <sup>th</sup>	Father	Mother	July 3 at 7:00 p.m. to July 5 <sup>th</sup> at 7:00 p.m.
Labor Day weekend	Mother	Father	Friday 7:00 p.m. to Monday 7:00 p.m.
Halloween	Father	Mother	5:00 p.m. -8:00 p.m. of the night Trick-or-Treat is scheduled in that parent's neighborhood
Thanksgiving	Mother	Father	Wednesday 7:00 p.m. to Sunday 7:00 p.m.
First half of winter vacation (includes Christmas Eve)	Mother	Father	7:00 p.m. of day school lets out for Christmas vacation to 9:00 p.m. Christmas Eve
Second half of winter vacation (includes Christmas day and New Year's Eve/Day)	Father	Mother	9:00 p.m. Christmas Eve until 7:00 p.m. on day before school resumes

All references to "school" in the holiday section above, refer to the schedule of the school where the child attends. **If a child is not yet attending school, the public school schedule for the district where the residential parent resides shall apply.**

**(5) Vacation Parenting Time:**

- a. **Length:** The nonresidential parent shall have twenty-eight days of vacation parenting time each year. Vacation parenting time shall be exercised in blocks of not more than one (1) week (seven consecutive days), separated by an equal number of days with the residential parent, until the child commences kindergarten. Thereafter, vacation parenting time shall be exercised in blocks of not less than one (1) week (seven consecutive days), and the

nonresidential parent has the right to determine the duration of the block of vacation parenting time. In no event shall the nonresidential parent utilize more than two (2) of the residential parent's weekends when scheduling vacation parenting time.

- b. When Exercised:** With regard to any child of school age, the nonresidential parent's vacation parenting time shall be exercised between June 1st and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. With regard to a child who is not of school age, vacation parenting time may be exercised any time of the year, except during holiday time allocated to the residential parent.
- c. Residential Parent Notification:** So as to facilitate scheduling and minimize conflicts, the residential parent shall deliver to the nonresidential parent, in writing, and no later than March 1st of each year, all information (including schedules, if available) concerning potential summer activities for the parties' minor child. Scheduling of summer activities shall be discussed by the parties, which discussions shall consider the desires of the child, family traditions, work schedules of the parents and the child, etc.
- d. Nonresidential Parent Notification:** The nonresidential parent shall, no later than April 1st of each year (or 60 days prior to the start of the vacation parenting time if the child is not in school), deliver to the residential parent, in writing, the dates he/she wishes to exercise vacation parenting time. This notice, and the notice of potential summer activities, shall be delivered by one party directly to the other, and shall not be sent through the child.
- e. Priority of Parent's Schedules:** The nonresidential parent's choice of vacation parenting time has priority over the residential parent's choice, unless the residential parent's vacation is an annual mandatory shut-down of the place of employment, or unless the residential parent is required by an employer to give more than sixty day's notice of intent to take a vacation and the nonresidential parent has no similar requirement.
- f. Summer School:** Required summer school of a child does not bar or otherwise alter the parenting time schedule set forth herein. If the child must attend summer school during the nonresidential parent's parenting time, the nonresidential parent shall make sure that the child meets all attendance requirements for summer school.
- g. Contact Information:** If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel, and a telephone number where the child can be reached in case of emergency.



- h. Residential Parent's Interim Parenting Time:** In the event that the vacation parenting time of the nonresidential parent lasts 28 consecutive days or more, the residential parent shall be entitled to spend two (2) consecutive days (forty-eight hours), with the child at the approximate midpoint of the vacation parenting time. The nonresidential parent's vacation parenting time shall be extended accordingly, to constitute the full twenty-eight days of vacation parenting time. The interruption of the nonresidential parent's vacation parenting time shall not apply if it interferes with his or her vacation travel plans, or if the parents reside more than 150 miles from each other.
- i. Residential Parent's Out-of-Town Vacation:** The residential parent shall be entitled to take two (2) weeks of out-of-town vacation per year which is uninterrupted by midweek or weekend parenting time. Until the child commences kindergarten, this vacation shall be exercised in one (1) week periods, separated by seven (7) days. After the child commences kindergarten, this vacation may be exercised for two (2) continuous weeks and it shall be exercised in minimum increments of one (1) week. The residential parent shall not be required to make-up any missed weekend or midweek parenting time associated with his or her out-of-town vacation. The residential parent shall give thirty (30) days advance notice of any out-of-town vacation time exercised under this provision.
- j. Resumption of Weekend Schedule:** The alternating of weekends shall not be affected by intervening vacation parenting time periods of either parent, and the rotation shall continue as initially established, unless the parties agree otherwise.
- k. Priority of Other Parenting time Periods:** Neither party shall schedule vacation with the child during the other parent's designated time for a holiday or day of special meaning.

**(6) Parenting Time Schedule for Long-Distance Travel**

- a. For parents residing in different locations that make parenting time on alternating weekend and one night per week impractical, parenting time shall consist of the Christmas Eve, Christmas and Spring Break parenting time specified above and one-half of the child's summer vacation. Unless the parties agree otherwise, the first half of summer vacation shall be spent with the nonresidential parent and the second half shall be spent with the residential parent.
- b. All other provisions of this standard parenting time schedule not in conflict herewith remain in effect.
- c. A nonresidential parent shall give notice to a residential parent at least two (2) days in advance of any time the nonresidential parent will be in the area and wishes to exercise parenting time. If given at least a two (2) day notice, the

residential parent shall afford the nonresidential parent parenting time with the child when the nonresidential parent is visiting in the area.

**(B) MISCELLANEOUS PARENTING TIME PROVISIONS:**

**(1) PRIORITY OF PARENTING TIME PERIODS:** In the event of any conflict between parenting time allocated to each parent under this Rule, the following order of priority shall govern, with (a) being the highest priority and (d) being the lowest priority:

- a. Holidays and Days of Special Meaning;
- b. Vacation Time;
- c. Weekends;
- d. Midweek parenting time.

**(2) CANCELLATION OF PARENTING TIME BY NONRESIDENTIAL PARENT:** Except in case of emergency, the nonresidential parent shall give the residential parent 24 hours advance notice of any cancellation of parenting time. A parent who does not give timely notice of cancellation of parenting time forfeits that period of parenting time. Nothing in this provision prevents a nonresidential parent from scheduling make-up parenting time, when parenting time must be canceled by the nonresidential parent because of an emergency or other unforeseen circumstance.

**(3) KEEPING THE CHILDREN TOGETHER:** All brothers and sisters subject to the same parenting time order shall participate in parenting time together, unless otherwise agreed by the parties, or unless one child is too ill to leave home for parenting time.

**(4) ENDING PARENTING TIME EARLY:** The nonresidential parent shall not return the child prior to the end of the parenting time period, unless the parties agree in advance. The residential parent shall not attempt to terminate parenting time prematurely, without agreement, by arriving early to pick up the child.

**(5) TRANSPORTATION:** The nonresidential parent shall transport the child at the start of the parenting time period. The residential parent shall transport the child at the end of the parenting time period. This means that the parents, unless otherwise agreed to by both parents or unless ordered by the Court, shall share the transportation of the child equally. A parent, if unavailable for the pick-up of the child, shall have a responsible adult, well known to the child, provide substitute transportation for the child. All child restraint laws must be complied with by any person driving with the child. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child. Unless otherwise ordered by the Court or agreed to by the parties, the child shall be dropped off/picked up at the parents' homes. If the child is to be picked up from a daycare or school facility which requires written consent for the pick up, the residential parent shall sign such written consent prior to the commencement of any parenting time period.

**(6) PROMPTNESS:** Each parent shall be prompt for pick-up of the child. Neither parent shall be more than thirty (30) minutes late to pick up the child. A nonresidential parent who is more than thirty (30) minutes late loses that particular parenting time period, unless the tardiness is for good cause, and unless the nonresidential parent gives notice of the tardiness and a reasonable estimated time of arrival. In order to avoid forfeiture of that parenting time period, the notice of tardiness must be given no later than 30 minutes after the scheduled start of parenting time.

**(7) MAKE-UP PARENTING TIME:** The nonresidential parent shall be entitled to make-up parenting time if, due to an emergency or other unforeseen circumstance, the nonresidential parent is not available at the scheduled time for parenting time and has given required notice of that fact to the residential parent. The nonresidential parent shall also be entitled to make-up parenting time if the residential parent denies parenting time without just cause. All make-up parenting time shall be rescheduled by the nonresidential parent and exercised within sixty (60) days of the missed parenting time, or it is forfeited. The residential parent shall make the child available for all make-up parenting time.

**(8) CLOTHING AND THE CHILD'S APPEARANCE:** The residential parent is responsible for providing sufficient appropriate clean clothing for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, the nonresidential parent must notify the residential parent in advance. If the child does not own the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent MUST be returned immediately after the parenting time period, in good condition, reasonable wear and tear excepted.

Absent an agreement by both parents, the child's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to, cutting/coloring of hair, tattoos and body piercings.

**(9) SCHOOLWORK:** A parent must provide time for the child to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the nonresidential parent of the school work to be done, so that it may be timely completed.

**(10) ADDRESS AND TELEPHONE NUMBERS:** Unless the Court orders otherwise, each parent shall keep the other parent informed of his/her current address and telephone/cell phone/pager number, and an alternate telephone number in the event of an emergency. Absent an order of the Court, no parent shall put a block on his/her phone prohibiting the other parent from calling. Answering machines for both parents are encouraged, in order to facilitate communication. If either parent takes the child outside the county in which that parent resides, for a period of 24 hours or more, that parent must provide the other parent with the destination, times of arrival and departure, method of travel and a telephone number where the child can be reached in an emergency.

**(11) ILLNESS OR INJURY OF A CHILD:** If a child is too ill to leave home for parenting time, the residential parent shall give the nonresidential parent notice of that fact at the earliest available time. The nonresidential parent shall be entitled to make-up parenting time with the child under the provisions in Paragraph 7 above.

The residential parent shall keep the nonresidential parent informed of any health condition of the child which necessitates medication or treatment. The residential parent shall provide the nonresidential parent with any necessary prescription medication or treatment instructions prior to the start of the parenting time period.

**(12) COMMUNICATION BETWEEN PARENTS:** Parents, whenever possible, shall communicate directly with one another concerning parenting time issues. In the event parents cannot communicate effectively with one another, the parents shall utilize alternative methods for communication such as: (1) communicating in writing only; (2) engaging a third party to assist in their communications; or (3) seeking professional assistance, including but not limited to the Court's mediation services.

**(13) CHILDREN'S ACTIVITIES:** Regardless of where the child is living, the child's participation in extracurricular activities, whether school-related or otherwise, shall not be interrupted because of parenting time. The parent with whom the child is residing at the time of an activity shall transport the child to the activity, unless otherwise agreed by the parties, in advance of the parenting time period. Each parent shall fully inform the other parent of any organized activities of the child, in advance, complete with a schedule and the name and contact information for any activity leader, if available.

**(14) CHILD'S RECORDS AND ACTIVITIES:**

- a. Name: The residential parent shall use the child's birth or adopted name only, on the child's records.
- b. Records: The residential parent must list the nonresidential parent as the mother or father of the child on all formal records of the child. The residential parent must also authorize the school to release to the nonresidential parent any and all information concerning the child, if such release is required for the nonresidential parent to obtain information concerning the child.
- c. Access: The nonresidential parent shall have the same access to the same records, same school activities and any daycare center attended by the child, on the same basis as said records or access is legally permitted to the residential parent, unless a restrictive order has been journalized by the Court.

**(15) TELEPHONE CALLS:** Unless otherwise ordered by the Court, each parent shall be permitted regular telephone contact with the child. At a minimum, each parent has the right to talk with the child no less than twice a week for no more than one-half (2) hour during each contact. Phone calls should be made during the child's normal waking hours. If the child is unavailable for conversation, each parent shall require the child to timely return the call.

In addition to any telephone calls received from a parent, a child is permitted and shall be encouraged to call a parent no less than twice a week. However, the decision to call shall ultimately be left to the child. The child's telephone privileges are not to be used by either parent to

convey messages to the other parent. Parents shall not discipline a child by restricting telephone contact with the other parent.

**(16) NONCOMPLIANCE WITH COURT ORDER:** The duties and rights of parents outlined in this schedule may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio law, a parent may not withhold parenting time because the other parent does not obey another Court order (for instance, to pay support, medical bills, etc.). A parent may seek enforcement of a periodic child support or spousal support order by contacting the Child Support Enforcement Agency. The failure of any party to obey a Court Order may subject the violating parent to Court-imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs, and other appropriate relief.

**(17) RELOCATION:**

- a. Permanent Relocation of the Child:** The residential parent may not permanently relocate a minor child outside of the state of Ohio, over the objection of the nonresidential parent, without prior approval of the Court. Whether the residential parent will be permitted to permanently relocate a child outside of the state of Ohio, over the objection of the nonresidential parent, will be determined by the Court on the basis of the best interests of the child.
- b. Notice of Intent to Relocate:** The residential parent must notify the nonresidential parent, in writing, any time he or she changes his or her residence from that of the county in which he or she resided at the time of the last parenting order. Said notice must be given in writing, at least forty-five (45) days in advance of the relocation. This Court has designed forms to be used by the residential parent to make the relocation notification (Forms 11.00 and 11.30 in the Appendix of the Ashland County Local Rules of Court for the Domestic Relations Division). The procedure for making the notification are set forth in the Local Rules of the Court.
- c. Modification of Parenting Time Schedule:** If the proposed relocation makes the existing parenting time order impracticable, the parents shall attempt, in good faith, to reach an agreement on any revision of the existing schedule. Any agreed revision shall be reduced to a Judgment Entry, and shall be submitted to the Court for approval and filing. If the parties cannot reach an agreement, either party may file a motion to modify parenting time with the Court.

**(18) COOPERATION OF PARENTS - PRESCHOOL AGE CHILDREN:** When the parties have children who are not yet attending school on a full-time basis, parents are strongly encouraged to increase the frequency of the non-residential parent's parenting time over and above that provided for in these standard provisions, since it is often frequency and not duration that builds a stronger bond between the parent and an infant or preschool age child.

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
JUVENILE DIVISION**

\_\_\_\_\_ : Case No. \_\_\_\_\_

Plaintiff, :

vs. :

\_\_\_\_\_ :

Defendant. : **JUDGMENT ENTRY/  
MAGISTRATE'S ORDER**

It is hereby ORDERED that Attorney \_\_\_\_\_, Address: \_\_\_\_\_, Telephone No. \_\_\_\_\_ be and hereby is appointed as Guardian *Ad Litem* for \_\_\_\_\_ (DOB: \_\_\_\_\_) in this cause. This is a  sole guardian *ad litem* appointment  dual guardian *ad litem* and attorney appointment.

IT IS FURTHER ORDERED that:

- A. Upon presentation of a copy of this Order to any agency, hospital, organization, school, person, or office, including, but not limited to, the Clerk of Courts, human service agencies, public children services agencies, private child placing agencies, pediatricians, psychiatrists, other physicians, psychologists, or law enforcement agencies, the Guardian *Ad Litem* shall be permitted to inspect and copy any records relating to the child, without the consent of the child or parent.
- B. The Guardian *Ad Litem* assigned to this cause shall maintain any information received from any such source as confidential, and will not disclose the same except to report to the Court or as the Court directs or law permits.
- C. The Guardian *Ad Litem* shall be given notice of all hearings and proceedings and be provided with a copy of all pleadings, motions, notices, and other documents filed in the case.
- D. The Guardian *Ad Litem* report shall include the following language: "The guardian ad litem report shall be provided to the Court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration."

- E. This appointment shall remain in effect until a final order is entered in this case, or until other order of the Court.
- F. The Guardian *Ad Litem* shall be compensated at the rate of \$\_\_\_\_\_ per hour. The deposit for GAL fees shall be paid as follows: \_\_\_\_\_  
\_\_\_\_\_. The Guardian *Ad Litem* shall notify the Court when his or her fees equal the deposit and request that the Court order additional deposits, if needed.
- G. The Guardian *Ad Litem* shall comply with Rules 48 to 48.06 of the Ohio Rules of Superintendence for the Courts of Ohio.

IT IS SO ORDERED.

\_\_\_\_\_  
Judge / Magistrate

**APPLICATION FOR APPOINTED COUNSEL LIST**  
**ASHLAND COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION**

Name:	Attorney Registration No.
Firm Name and Address:	Telephone No(s).
	Fax No.
	Email Address:
Date Admitted to Practice in Ohio:	Other Courts served as appointed counsel:
<input type="checkbox"/> I maintain professional liability (malpractice) insurance in the amount at least equal to the minimum coverage required by the Ohio Rules of Professional Conduct.	
<input type="checkbox"/> I am willing to attend any training required by the Court to obtain court-appointment on indigency cases.	

**I AM REQUESTING APPOINTMENT IN THE FOLLOWING CASES:**

Type of Case:	State your qualification to handle under OAC 120-1-10:
<input type="checkbox"/> Unruly, truancy, violation of court order and delinquency by reason of commission of a misdemeanor	<input type="checkbox"/> Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in juvenile delinquency practice and procedure; OR <input type="checkbox"/> Successfully completed a clinical education program focusing on juvenile law; or OR <input type="checkbox"/> At least one year of experience as an attorney.
<input type="checkbox"/> OVI cases	<input type="checkbox"/> Within two years prior to the appointment, completed a minimum of six hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, focused on OVI practice and procedure
<input type="checkbox"/> Felonies of the third, fourth, and fifth degree	<input type="checkbox"/> within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND <input type="checkbox"/> at least one year of experience as an attorney practicing in the area of juvenile delinquency law.
<input type="checkbox"/> Felonies of the first and second degree	<input type="checkbox"/> within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND <input type="checkbox"/> At least two years of experience as an attorney practicing in the area of juvenile delinquency law; AND <input type="checkbox"/> Within ten years preceding the appointment, prior experience as lead trial counsel in at least two bench trials in juvenile court, at least one of which involved a felony-level charge, or as lead counsel in one felony bench trial and as co-counsel in two additional bench trials.



<input type="checkbox"/> Murder and aggravated murder cases	<input type="checkbox"/> within two years prior to the appointment, the attorney must have completed a minimum of twelve hours of continuing legal education, certified by the Ohio supreme court commission on continuing legal education, in criminal practice and procedure, at least six of which must be in the area of juvenile delinquency practice and procedure; AND <input type="checkbox"/> At least three years of experience as an attorney practicing in the area of juvenile delinquency law; AND <input type="checkbox"/> Within ten years preceding the appointment, prior experience as lead trial counsel in at least four bench trials in juvenile court, at least three of which involved a felony-level charge, or as lead counsel in three bench trials, two of which involved a felony-level charge, and as co-counsel in three additional bench trials.
<input type="checkbox"/> Bindover and serious youthful offender cases for <input type="checkbox"/> F4, F5, F3 <input type="checkbox"/> F2, F1 <input type="checkbox"/> Murder/Agg Murder	<input type="checkbox"/> The requisite experience under this rule to be appointed to a juvenile case based upon the highest degree of the charge in the case; AND <input type="checkbox"/> The requisite experience under this rule to be appointed to an adult case based upon the highest degree felony charged; OR <input type="checkbox"/> Co-counsel who meets the adult-case training and experience requirements must also be appointed.

<b>QUALIFYING EXPERIENCE</b>	
List education completed which complies with the above requirements	
List years when you have practiced juvenile law	
List court, case number, case name, charge level, and whether lead or co-counsel for any trials which complies with the above requirements	
List any other relevant experience or training you think the Court should consider	

<p>I have reviewed the Qualifications, Regulations and Standards of the Ohio Public Defender's Commission and OAC 120-1-10 and certify that I meet the minimum requirements to be appointed to represent indigent persons, as requested above. I am willing to serve as counsel in accordance with and subject to all applicable rules, guidelines, and statutes that govern appointed counsel. I will notify the Court of any changes in my contact information or personal or professional status that would affect my ability to provide representation. I understand that all applications for payment as appointed counsel must be submitted within thirty (30) days from the final entry in the case and that each application for payment must include a Financial Disclosure Form executed by the client.</p>	
Signature:	<b>Deliver application to:</b> Court Administrator Ashland County Juvenile Court 142 West Second Street Ashland, Ohio 44805
Printed Name:	
Date:	
<b>FOR INTERNAL USE ONLY - Approved for:</b>	
<input type="checkbox"/> Unruly, truancy, violation of court order and delinquency by reason of commission of a misdemeanor <input type="checkbox"/> OVI cases <input type="checkbox"/> F5, F4, F3 <input type="checkbox"/> F2, F1 <input type="checkbox"/> Murder and aggravated murder cases <input type="checkbox"/> Bindover and serious youthful offender cases for <input type="checkbox"/> F4, F5, F3 <input type="checkbox"/> F2, F1 <input type="checkbox"/> Murder/Agg Murder	

**APPLICATION FOR GUARDIAN AD LITEM LIST**  
**ASHLAND COUNTY COURT OF COMMON PLEAS, JUVENILE DIVISION**

Name:	Attorney Registration No. Date Admitted to Practice in Ohio:
Business Address:	Business Telephone No(s).
	Business Fax No.
	Business Email Address:
<b>Please note:</b> The above contact information will be a public record, so do not list personal information which you do not wish to have disseminated publicly.	
<input type="checkbox"/> I am willing to attend any training required by the Court to maintain my appointments as a Guardian <i>Ad Litem</i> .	

**I AM REQUESTING APPOINTMENT IN THE FOLLOWING CASES:**

Dependent  Neglect  Abuse  Delinquent  Unruly  Parenting Time Only  Allocation of Parental Rights and Responsibilities  Custody by Non-parents  Probate Cases

**QUALIFYING EDUCATION and EXPERIENCE**  
(Only list training provided by Ohio Supreme Court or Ohio CASA/GAL Association)

Pre-Service Training Certificate is attached hereto

Certificates for all Annual Guardian *Ad Litem* Continuing Education Courses completed since pre-service training are attached hereto

List other Courts served as Guardian *Ad Litem*:

List any other experience relevant to service as a Guardian *Ad Litem*:

I have reviewed the provisions of Rule 46 of the Ohio Rules of Superintendence of Courts of Ohio. I am willing to serve as Guardian *Ad Litem* in accordance with and subject to all applicable rules, guidelines, and statutes that govern Guardian *Ad Litem*s. I will notify the Court of any changes in my contact information or personal or professional status that would affect my ability to serve as a Guardian *Ad Litem*. I understand that when I am appointed as counsel for a child, as well as Guardian *Ad Litem* for the child, my fee statement must be submitted to the Court within thirty (30) days from the final entry in the case and that each application for payment must include a Financial Disclosure Form executed by Court on behalf of the child.

Signature:	<b>Deliver application to:</b> Court Administrator Ashland County Juvenile Court 142 West Second Street Ashland, Ohio 44805
Printed Name:	
Date:	

**FOR INTERNAL USE ONLY -**

Civil and Criminal Background check completed

**Approved for:**  Dependent  Neglect  Abuse  Delinquent  Unruly  Parenting Time Only  Allocation of Parental Rights and Responsibilities  Custody by Non-parents  Probate Cases

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
JUVENILE COURT**

\_\_\_\_\_ : Case No. \_\_\_\_\_

Plaintiff, : SETS No. \_\_\_\_\_

vs. :

\_\_\_\_\_ :

Defendant. : **JUDGMENT ENTRY/  
MAGISTRATE'S ORDER**  
RE: GENETIC PATERNITY TESTING

The paternity of \_\_\_\_\_ (DOB: \_\_\_\_\_) is an outstanding issue in this case which must be resolved.

It is therefore ORDERED that genetic paternity testing of the above-named child, \_\_\_\_\_ (Mother) and \_\_\_\_\_ (Alleged Father) shall be done by the Ashland County Child Support Enforcement Agency. All parties shall comply with all requests of the CSEA in connection with that testing. A copy of this Order shall be served upon the CSEA.

It is SO ORDERED.

\_\_\_\_\_  
Judge / Magistrate

**IN THE COURT OF COMMON PLEAS, ASHLAND COUNTY, OHIO  
JUVENILE DIVISION**

	:	Case No. _____
Plaintiff,	:	SETS No. _____
vs.	:	
	:	<b><u>JUDGMENT ENTRY</u></b>
Defendant.	:	<b><u>DEPENDENT HEALTH CARE ORDER</u></b> <b>(O.R.C. 3119.30 et seq.)</b>

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows with regard to health care and health insurance for the parties' minor child(ren):

**A. DEFINITION:** The term "health care expenses" as used herein is defined as: medical, dental, surgical, hospital, prescription drug, optical, orthodontic, mental health, chiropractic, and physical therapy services and charges which may be reasonable and appropriate to serve the health care needs of a child.

**B. PERSONS SUBJECT TO THIS ORDER:** This Order applies to the following persons:

Obligee (Name and Address)	Obligor (Name and Address)	Child(ren) (Name and DOB)

**C. NOTIFICATION OF ILLNESS:** Each parent shall promptly notify the other parent of an injury or illness of the child which has necessitated health care, and which occurs while the child is in the care of that parent. The notification shall include an estimate of the cost of such care, if the parent has such information when the notification is made.

**D. HEALTH EXPENSES IN EXCESS OF \$100:** When a parent learns that a child is in need of non-emergency health care which costs more than \$100.00, that parent shall immediately notify the other parent of the need for such care, and the proposed health care provider's name and contact information. The other parent may then contact the health care provider and obtain any desired information, including but not limited to, the necessity for such services, the proposed cost, and available payment schedules. The other parent may also obtain a second opinion regarding such proposed health care for the child, but the second opinion shall be arranged and paid for by the parent seeking the second opinion.

- E. UNINSURED EXPENSES:** Uninsured health care expenses of a child shall be paid as follows:
- 1. Ordinary Expenses:** Under Ohio law, cash medical support as shown on line 23(b) of the Ohio Child Support Guidelines Worksheet is intended to pay for the ordinary health care expenses of the minor child(ren). Accordingly, the first **\$388.70 per calendar year, per child**, of uninsured health care expenses, including deductibles and co-pays under insurance, shall be deemed "ordinary health care expenses" and shall be paid by \_\_\_\_\_, unless otherwise ordered by the Court.
  - 2. Extraordinary Expenses:** Any health care expenses **in excess of \$388.70 per calendar year per child** shall be deemed "extraordinary health care expenses," and shall be paid by the parties according to the following percentages, unless otherwise ordered by the Court:  
**Father** \_\_\_\_\_ **% and Mother:** \_\_\_\_\_ **%.**

**F. PROCESS FOR PAYMENT OF HEALTH CARE EXPENSES:**

- 1. Submission of the Bill to Insurance:** The parent who obtains the health care for a child (hereinafter referred to as the "Submitting Parent") is solely responsible for the submission of the health care bill to the insurance company for payment. The Submitting Parent shall submit the health care bill to the insurance company, personally or through the health care provider, within thirty (30) days of the Submitting Parent's receipt of the bill. This rule anticipates that the insurance company will send any "Explanation of Benefits" notice regarding the bill to the Submitting Parent. In the event the insurance company sends any "Explanation of Benefits" notice to the other parent (hereinafter referred to as the "Non-submitting Parent"), the Non-submitting Parent shall provide that "Explanation of Benefits" notice to the Submitting Parent, within fourteen (14) days of receipt of the form. Once the insurance company has processed the bill for payment, both parents shall pay the bill according to the procedures set forth below. If neither parent has insurance for the child, the procedures for payment set forth below shall still apply to the child's health care expenses.
- 2. Responsibilities of Submitting Parent:** Within thirty (30) days after all insurance benefits have been paid with regard to any specific health care bill, or within thirty (30) days of receipt of the health care bill if the parents have no insurance, the Submitting Parent shall pay or make arrangements with the provider for payment of his or her portion of the bill; and/or notify the Non-submitting Parent, if the Non-submitting Parent is responsible for payment of any portion of the bill, of all of the following:
  - a.** The total amount of the health care bill before any insurance payment;
  - b.** The amount, if any, paid by the Submitting Parent;
  - c.** The amount paid by the insurance company; and
  - d.** The amount that the Non-submitting Parent owes for the bill and to whom it is owed.

This notification shall include a copy of the original bill for health care services and a copy of any explanation of benefits received from the insurance company.

3. **Responsibilities of Non-submitting Parent:** The Non-submitting Parent shall pay or make arrangements with the provider for payment of his or her portion of the bill, within thirty (30) days of the date the above notification is received by the Non-submitting Parent.

G. **HEALTH INSURANCE COVERAGE (check (1), (2), or (3)):** The Court ORDERS that:

(1) **CHILD SUPPORT OBLIGEE:** The child support obligee is deemed the "health insurance obligor" because the presumption under R.C. 3119.30(B) has not been rebutted.

(2) **CHILD SUPPORT OBLIGOR:** The child support obligor is deemed the "health insurance obligor" and the presumption under R.C. 3119.30(B) is rebutted because (check one of the following):

The child support obligor already has health insurance for the child that is reasonable in cost. R.C. 3119.30(B)(1)(a).

The child support obligor already has health insurance coverage in place for the child(ren) that is not reasonable in cost, but the obligor wishes to be named the health insurance obligor and provide coverage under division (A)(2)(a) of R.C. 3119.302. R.C. 3119.30(B)(1)(b).

The obligor can obtain coverage for the child(ren) that is reasonable in cost through an employer or other source. R.C. 3119.30(B)(1)(c).

The obligee is a non-parent individual or agency that has no duty to provide medical support. R.C. 3119.30(B)(1)(d).

(3) **BOTH PARENTS:** Both the child support obligor and the child support obligee shall be deemed "health insurance obligors" and shall obtain health insurance coverage for the child(ren) for the reasons stated by the Court in its decision ordering issuance of a Dependent Health Care Order.

1. **Continuing Nature and Modification of the Order:** The obligations contained in this Order continue until further order of the Court and shall be complied with any time a change in the child's insurance occurs. Examples of changes in the child's insurance include, but are not limited to, changes in an existing policy of insurance and a change to new insurance due to a change of employment by the parent who is required by this order to carry insurance. Any party desiring to modify or change the requirements of this Order must file a written motion with the Court pursuant to Ohio Revised Code Section 3119.46.

2. **Obligations of Parent Carrying Insurance:** A parent required by this order to carry insurance shall do all of the following:

- a. No later than thirty (30) days after issuance of this order, provide the other parent with information regarding the benefits, limitations, and exclusions of the coverage, copies of any insurance forms necessary to receive reimbursement, payment, or other benefits under the coverage, and a copy of any necessary insurance cards; and
  - b. No later than thirty (30) days after issuance of this order, designate the child(ren) as covered dependents under any health insurance policy, contract, or plan for which the person contracts.
  - c. If the parent is required to carry insurance by this order and that parent is already carrying insurance at the time this order is entered, the parent shall provide verification of the coverage to the Ashland County CSEA, within thirty (30) days after issuance of this order.
  - d. If a parent is required to carry insurance by this order and the parent does not have insurance available at a reasonable cost when this order is entered, the parent shall notify the Ashland County CSEA when insurance becomes available to that parent at a reasonable cost. That notification shall be made within thirty (30) days of the insurance becoming available to the parent.
3. **Obligation of a Parent NOT REQUIRED to carry health insurance:** A parent who is not required to carry health insurance by this order MUST inform the Ashland County CSEA when insurance becomes available at a reasonable cost to him or her, for the child(ren). That notification must be made within thirty (30) days of the insurance becoming available.
  4. **New Hire Notice:** If the person required to obtain health care insurance coverage for the child(ren) subject to this order obtains new employment, the CSEA shall comply with the requirements of Section 3119.34 of the Revised Code, which may result in the issuance of a notice requiring the new employer to take whatever action is necessary to enroll the child(ren) in private health care insurance coverage provided by the new employer, when insurance is not being provided by any other means. (Ohio Revised Code Section 3119.32(H)).
  4. **Reimbursement by Insurance Company:** Any insurance reimbursement for out-of-pocket health care expenses paid for the above-listed child(ren) shall be made to the parent making direct payment to the provider for such expenses, whether or not that parent is the insured. The insurer that provides the health insurance coverage for the child(ren) may continue making payments for health care expenses directly to any health care provider in accordance with the applicable health insurance or health care policy, contract, or plan. In the event either parent erroneously receives a reimbursement check for a health expense paid by the other parent, the parent receiving the erroneous reimbursement check shall immediately endorse the check and make it payable to and deliver it to the parent who directly paid the provider for the health expense.
  5. **Public Medical Assistance:** Pursuant to Ohio Revised Code Section 3119.54, in the event either parent is eligible for medical assistance under Revised Code Chapters 5111 or 5115 and

the other parent has obtained health insurance coverage, the parent eligible for medical assistance shall notify any physician, hospital, or other provider of medical services for which medical assistance is available of the name and address of the other parent's insurer and of the number of the other parent's health insurance or health care policy, contract, or plan.

6. **Failure to Comply:** Pursuant to Ohio Revised Code Section 3119.56, an Obligor or Obligee who fails to comply with this Order with regard to health insurance may be liable to the other party for any health care expense incurred as a result of the failure to comply with the Order.
7. **Alternative Insurance:** A parent may comply with his or her obligation to carry insurance under this order by providing proof to the Ashland County Child Support Enforcement Agency that the child(ren)'s health is insured under a third-party's private health insurance plan in full force and effect.
8. **Release of Information by Employer:** Pursuant to Ohio Revised Code Section 3119.32(E), the employer of the person required to obtain health insurance coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the private health insurance coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.
9. **Underwriting Standards:** Nothing in this Order shall be construed to require a health plan administrator to accept for enrollment any child who does not meet the underwriting standards of the health insurance or health care policy, contract, or plan for which application is made. (Ohio Revised Code Section 3119.422).
10. **Persons Bound by Order:** Pursuant to O.R.C. §3119.42, this Order is binding upon the obligor and obligee, their employers, and any health plan administrator that provides health insurance coverage for either of them or the child(ren).
- H. **SERVICE:** A copy of this Order shall be served on the Ashland County CSEA, the parties to this case and any counsel of record by ordinary U.S. Mail.

IT IS SO ORDERED.

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JUDGE