

**Jefferson County Local Rules**

**The Rules of Practice and Procedure**

**For the**

**Court of Common Pleas**

**General Division**

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## **RULE I**

### TERMS OF COURT

There shall be one Term of Court commencing January 1st of each year with said term to be divided into three sessions, designated as follows: **WINTER SESSION** commencing **January 1st** and terminating **April 30th** of each year; **SPRING SESSION** commencing **May 1st** and terminating **August 31st** of each year; **FALL SESSION** commencing **September 1st** and terminating **December 31st** of each year.

## **RULE II**

### **HOURS OF COURT**

The hours for holding the regular trial sessions of the Court shall begin at 9:00 a.m. Monday through Friday of each and every week unless one of those days shall be a holiday in which event the regular Court session for Motions shall be as provided in Rule VIII of these Rules, and if other than a Monday, as scheduled by the Court.

Normal lunch hours will be 12:00 noon to 1:30 p.m. with the Court reserving the right to conduct sessions during the noon hour.

The hours of the Court may be extended or modified at any time by the Trial Judge to meet special conditions or the exigencies of trial.

### **RULE III**

#### **AGREEMENTS AND STIPULATIONS OF COUNSEL**

Agreements and stipulations of Counsel of the parties in all civil or domestic cases must be reduced to writing and signed by Counsel for the parties or the parties themselves. If made in open court, Counsel shall thereafter reduce the same to writing and cause the same to be executed by Counsel for the parties as well as the respective parties and thereafter filed with the Clerk; otherwise, no such agreement or stipulation shall be recognized by the Court should a later dispute arise.

In all domestic relations cases, no agreement reached between the parties with respect to any pending motion, whether of a temporary nature, a matter in dispute for final hearing, or a post decree motion, shall be approved by the Court unless said agreement is made in open court with the parties present to acknowledge the same as part of the record, and thereafter, said agreement shall be reduced to writing and filed with the Court for approval after having been duly executed and approved by the parties and their Counsel, unless otherwise ordered by the Court.

## **RULE IV**

### **SURETIES**

No attorney admitted to practice before this Court or any other officer of this Court shall be accepted as a surety or bondsman in any case, whether civil or criminal. The Clerk of Courts shall not receive nor approve any such undertaking, bond, or recognizance given or entered by such attorney or officer.

## RULE V

### REMOVAL OF FILES, PLEADINGS OR OTHER DOCUMENTS

A. No person, whether an attorney or party to an action, other than a Judge to whom a case is assigned, may remove any court file from either the office of the Clerk of Courts or the Trial Judge to whom a matter has been assigned without prior approval of the Clerk, Deputy Clerk, or Trial Judge.

B. The foregoing prohibition does not apply to the use of files, pleadings, or other documents in a trial of a case in open court or in any proceeding held in the Trial Judge's Chambers, whether by pretrial or status conference.

C. Upon request by an attorney in an action or any party to an action or other matter pending before the Court, the Clerk of Courts shall make and furnish to said attorney or party, a copy of any paper or pleading on file in the office of the Clerk pertaining to such suit or other matter pending.

The Clerk shall not be required to provide copies to any person requesting the same without causing security for costs of reproduction to be provided, except that this requirement shall not apply to those parties filing or having previously filed a poverty affidavit.

## RULE VI

### SECURITY FOR COSTS

A. Costs for all original pleadings filed in any civil or domestic proceeding, including domestic modification matters, shall be as determined by the Clerk of Courts, Statutes of the State of Ohio, or Rules of this Court. The Clerk shall require an advance deposit, or security for such costs before accepting any pleading or other document for filing.

B. In any legal proceeding in which service by publication is required, or any proceeding in which publication costs are required to be incurred, said costs of publication must be ascertained from the publisher and paid in advance directly to the publisher by the party seeking the same. Upon payment having been made, the party obtaining publication shall cause proof of payment of said costs to be filed with the Clerk of Courts before further proceedings shall be had.

The foregoing does not apply in those cases in which a poverty affidavit is filed. However, in cases other than a domestic relations case where the Court is not able to ascertain the income or source of income of the party filing the poverty affidavit, the affidavit must set forth sufficient financial information to justify the use and filing of the affidavit.

C. Any motion filed in a domestic relations case, either during the pendency of said case, or after the granting of a final decree of divorce, legal separation, or dissolution, shall be accompanied by a deposit to secure the payment of costs in a sum determined by the Clerk of Courts, Statutes of Ohio, or Rules of this Court.

D. These Rules providing for the security of costs shall not apply in those matters in which a poverty affidavit is filed, but at the first hearing in said matter a determination shall be made by the Trial Judge to whom said matter has been assigned as to whether or not a poverty affidavit was proper in said matter. In the event a determination is made that the poverty affidavit was not



well founded then this shall constitute grounds for dismissal of the action unless costs are deposited or secured with the Clerk forthwith.

E. In the event that the Court determines that the party filing the poverty affidavit had good grounds upon which to do so, but that the opposing party has the means of securing the costs of the action, then the Court shall require the opposing party having the means to secure the costs to do so.

F. Notwithstanding any other provision of these Rules providing for security for costs of suit, no fee shall be charged to any person for the filing of a Petition in Domestic Violence filed in accordance with Section 3113.31 of the Ohio Revised Code as the same now is or may from time to time be amended.

G. Any pleading filed in which personal service is requested to be made upon the opposing party or any new party sought to be added to the pending suit shall be accompanied by a deposit in a sum to be determined by the Clerk of Courts, Statutes of Ohio, or Rules of this Court sufficient to secure the reasonable cost of perfecting the same.

Should personal service be requested by a process server other than the office of the Sheriff of Jefferson County, Ohio, the cost of the same shall be paid in its entirety by the party requesting the same.

H. In any civil case other than eminent domain cases in which a view of premises of the scene is requested, the party requesting the same shall cause to be deposited with the Clerk of Courts a fee as determined by the Clerk of Courts, Statutes of Ohio, or Rules of this Court, or any amount determined by the Judge presiding over the trial in which the view is requested, in an amount sufficient to secure the costs of transportation of the Court and Jury to the premises or scene. This

requirement may not be waived without express written approval of the Judge presiding at said trial and only for good cause shown.

## RULE VII

### FILING OF PLEADINGS

A. Every original pleading or post judgment motion, including but not limited to counterclaims, third-party complaints, and cross-claims, filed with the Clerk of Courts shall have in the caption of said pleading the full names and complete addresses of all parties thereto.

All pleadings and motions shall be signed by the attorney for the party he or she represents in accordance with the Ohio Rules of Civil Procedure and if a party is represented by a firm, by the individual attorney for that firm representing the party.

B. Each complaint, cross claim and counterclaim shall state the nature of the action and have styled in the caption the type of case as set forth in Appendix "A" and whether said action is triable by Judge or Jury.

Any complaint that has been dismissed other than on the merits as provided in Rule 41 of the Ohio Rules of Civil Procedure and is subsequently refiled shall have set forth in the caption of the complaint that it is a refiled case and shall further have in the first paragraph of the body of the complaint the style and case number of the previously dismissed case.

C. In all domestic relations cases, in addition to the names and addresses of the parties, the caption must also contain the date of birth of the respective parties. The social security numbers of the parties shall be designated on a single one page filing and placed in two separate "confidential" envelopes, one for the court file and one envelope for the Child Support Enforcement Agency. If these numbers are unknown, Counsel for the Plaintiff shall exercise reasonable diligence to ascertain this information for filing purposes.

D. No pleading, motion, or other application to the Court seeking relief or raising a defense shall be accepted for filing without an additional copy provided for the Court and marked "Court Copy".

E. Any attorney entering an appearance on behalf of any party in any proceeding in this Court shall, upon relocating to a new firm or address, immediately provide the Court with the name, address, and telephone number of the new place of practice. Failure to do so may be considered as grounds for contempt of court.

In the event an attorney has entered an appearance on behalf of a party in any proceeding filed in this Court and has relocated to a new firm, and if upon said relocation is no longer to be the attorney of record for the party for whom such appearance had been entered, shall at the time of said move file with the Court a substitution of counsel listing the full name, address, and telephone number of the successor counsel in the pending case. In addition, thereto, the newly designated counsel shall simultaneously file his or her entry of appearance. Failure to do so may be considered as grounds for contempt of court.

## **RULE VIII**

### **MOTIONS**

A. Motions for default judgment shall have attached thereto a certificate of counsel for the moving party that the party against whom the motion is directed is not subject to the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940.

B. Service of any motion made following the filing of the original complaint shall be as provided in Rule 5 of the Ohio Rules of Civil Procedure as the same is now or may from time to time be amended. Service of post-judgment motions in domestic relations cases shall be had upon the opposing party in the same manner as provided for original service of summons by the Ohio Rules of Civil Procedure. Service in said cases upon former counsel of record shall not be considered to be service upon the opposing party unless said opposing party appears in open Court and acknowledges the same. Service of all motions shall be the responsibility of the party filing the same, and not the responsibility of the Court or the Clerk of Courts unless specific request is made of the Clerk by the filing party.

C. Hearings on all motions, other than motions in domestic relations cases and motions for summary judgment, shall be heard on the second Monday after filing of the same at 9:00 a.m. before the Judge to whom the matter is assigned.

Motions for summary judgment shall be heard on the first Monday following the expiration of 35 days after the date of service of said motion upon the party against whom it is directed at 9:00 a.m. before the Judge to whom the matter is assigned.

Motions in domestic relations cases in which child or spousal support, modification of existing child or spousal support, or change in the designation of the residential parent and legal custodian is being requested shall be scheduled and heard as provided in Rule X of these Rules.

D. Hearings on motions scheduled for a Monday which is a legal holiday or such other day on which the Jefferson County Courthouse is closed shall be scheduled for the following Monday.

E. It is the responsibility of counsel or the party filing the motion to set forth upon said motion the date and time of hearing in accordance with these Rules, and to certify that notice of the same has been provided to opposing counsel or the opposing party or parties if not represented by counsel as provided by these Rules. Motions may be scheduled either one week sooner or one week later than as provided in these Rules, but if one week sooner, it must be with the approval of the Court and/or opposing counsel or the opposing party, if unrepresented by counsel.

F. Nothing in these Rules precludes attorneys or parties filing motions pro se and who are traveling from outside of Jefferson County, from scheduling a time for hearing on the motion filed to a time later than 9:00 a.m., provided that the same is approved by the Court to whom said matter is assigned prior to the filing of said motion.

G. Counsel required to appear before both General Division Judges of the Common Pleas Court or one of the Judges and the Magistrate on Motion Day shall notify the appropriate Court as to which Court in which counsel will first appear.

H. No motion shall be filed in any case within 28 days of the assigned trial date without leave of the Trial Judge, and the Trial Judge may, upon granting such leave, establish the time for the filing of Briefs and the submission of the motion.

I. No motion for summary judgment or default judgment will be granted unless counsel or the party filing the same, if the same has been filed pro se, appears at the scheduled hearing unless excused from attending by the Trial Judge to whom the case has been assigned.

## RULE IX

### JUDGMENT ENTRIES

A. The attorney for the party in whose favor an order, judgment, or decree has been granted shall prepare the Judgment Entry or Decree for approval by opposing counsel.

B. All orders, judgments, or decrees shall be timely submitted to the Court rendering said order, judgment, or decree within 14 days from when the order, judgment, or decree is rendered. In the event that the order, judgment, or decree shall require more than 14 days for submission to the Court, said fact shall be made known to the Court and the reasons therefore and a time given the Court as to when said order, judgment, or decree can be expected to be filed with the Court.

C. When counsel or the opposing party to whom such judgment entry or decree is submitted fails to approve or disapprove said entry within the aforesaid time limits, then the attorney for the prevailing party shall forthwith submit to the Court a copy of the judgment entry or decree along with proof of service on opposing counsel or the opposing party. Thereupon, the opposing counsel or party shall have seven (7) days in which to submit to the Court a contra judgment entry or decree for approval, together with reasons why the Court should not approve the originally submitted judgment entry or decree. The Court reserves the right to schedule a hearing with respect to which judgment entry or decree should or should not be approved.

If counsel for the prevailing party, or the prevailing party if unrepresented, fails to submit a proposed entry or decree to opposing counsel or the opposing party if unrepresented within the 14 days set forth herein, then counsel for the losing party or the losing party if unrepresented by counsel, shall submit a proposed judgment entry or decree to the Court with certification of service upon the prevailing party or counsel for the same. Within five (5) days of certification,

if the Court has not received a proposed entry or decree contra to that submitted, it shall approve the entry or decree submitted if in accordance with the Order of the Court.

D. Judgment entries on motions for default judgment, as well as decrees of dissolution, shall be presented to the Court immediately following the hearing scheduled for said default judgment or dissolution of marriage.

E. In any case in which a judgment by default or summary judgment is granted, the prevailing party shall forward a copy of the judgment entry to the party against whom said judgment was rendered and shall certify the mailing of the same by filing a certificate of mailing with the Clerk.

F. In any case in which the final appealable judgment or order has been rendered, other than a judgment or order rendered against a party in default for failure to appear, the Trial Judge rendering said judgment or order shall cause to be indicated upon the same a notation that said judgment or order is a final appealable order, and thereupon, the Clerk of Courts shall, within three (3) days of the entry of said final appealable judgment or order, serve a notice of the entry in any manner provided under Rule 5 of the Ohio Rules of Civil Procedure upon the parties against whom the order was rendered. The Clerk shall then make a notation in the case docket indicating that the required service has been made.

G. The Clerk of Courts shall not be required to accept any judgment entry in any type of a proceeding unless there is set forth therein a designation as to which party or parties is responsible for payment of court costs.



## RULE X

### DOMESTIC RELATIONS

A. No Complaint for Divorce, Annulment, Legal Separation, or Petition for Dissolution of Marriage, shall be filed until the party filing the same makes a prepayment or deposit with the Clerk of Courts in a sum or sums established by the Clerk of Courts, Statutes of Ohio, or Rules of this Court to secure the costs likely to accrue in such action, exclusive of attorney fees. An indigent party may execute and file with such party's pleadings, an affidavit of the party's inability to prepay the costs required in this Court, whereupon such pleadings shall be filed with the Clerk.

In cases wherein the Plaintiff has executed and filed a poverty affidavit, a Defendant filing a counterclaim shall comply with the provisions of this Rule with respect to the prepayment of a deposit of court costs, unless the party filing the counterclaim is also indigent and likewise executes and files an affidavit of inability to pay together with his or her pleading.

B. In any Domestic Relations case in which a minor child(ren) is/are involved and in which either party is seeking to be designated as the residential parent and/or parent with parental rights and responsibilities of said minor child(ren), an investigation into the character, reputation, family relations, past conduct, earning ability, and financial worth of the parties to the action, as well as the abilities and needs of the respective parties may be undertaken by the Jefferson County Domestic Relations Investigator or other qualified agency if ordered by the Court. The cost of said investigation shall be taxed as other costs in the case or as the Court may determine. The failure of any party to cooperate with the Domestic Relations Investigator may be grounds for contempt of court and failure to pay costs of said investigation, if ordered, may be grounds for contempt of court.

If a party to a domestic case requests an investigation in accordance with the preceding paragraph, said party shall be required to make an advance deposit of costs in the sum of \$50.00 to secure the expenses incurred with respect to the costs of undertaking and completing the requested investigation, unless found by the Court to be indigent. If both parties request an investigation, each party shall be required to deposit the sum of \$25.00 as security for costs of the same, unless one or both parties are found to be indigent, in which case, costs shall be allocated as determined by the Court.

Upon the completion of the investigation by the Investigator or investigating agency appointed by the Court, notice of the completion of said investigation and the filing of the same shall be given to the parties by the Court and a hearing scheduled by the Court with notice of said hearing to be given to the parties not less than seven (7) days prior to trial.

C. The procedure to be followed with respect to obtaining an Order for child support, whether temporary or permanent, shall be as set forth in this division of these Rules.

1. Upon the filing of an original Complaint for Divorce, Legal Separation, or Annulment, where there is/are a minor child(ren) alleged to be issue of the marriage, there shall be filed contemporaneously with the Complaint the following supporting documents:

a. Affidavit of Income, Expenses, and Financial Disclosure as approved by the Court and as set forth in Appendix "B" herein or as the same may from time be amended or modified by the Court with said affidavit to be completed as fully as is reasonably possible by the filing party.

b. Child support calculation worksheet in the exact form as required by Section 3113.215 of the Ohio Revised Code as the same is now or may from time to time be amended.

c. A health insurance disclosure affidavit as approved by the Court and as set forth in Appendix "C" herein with sufficient language to enable the Court to cause to be issued a health insurance entry for the child(ren) in accordance with Section 3113.217 of the Ohio Revised Code.

d. A parenting affidavit as required by Section 3109.27 of the Ohio Revised Code as the same is now or may from time to time be amended.

e. Application for child support services generally referred to as a IVD application as reflected by Appendix “D”.

2. An appropriate ex-parte temporary order for child support may be requested by either party having custody of the child or children at any time prior to the hearing date for motions, provided said motion is accompanied by the proper affidavit of need and supporting documents as required by Paragraph 1 herein so as to not deprive any minor child or children of the parties of funds necessary for support.

3. Upon the filing of a motion for modification of an existing support order in which support is being requested to be modified for the benefit of the child(ren) of the parties, the supporting documents as required in Section C-1(a), (b), (c), and (d) of this Rule shall also be filed contemporaneously with said motion.

Upon the filing of a motion for change in the designation of the residential parent and legal custodian of any minor child or children, the supporting documents as required in Section C-1(a), (b), (c), and (d) shall also be filed contemporaneously with said Motion.

Motions for hearings for modification of an existing support order for a minor child or children or for change in designation of residential parent and legal custodian shall not be scheduled for hearing as these matters are generally heard by the Magistrate and the Magistrate will schedule a hearing date which will provide sufficient time for the Child Support Enforcement Agency to conduct an investigation into the employment and earnings of the parties.

Should the Court elect to not refer said motion or motions to the Magistrate, a hearing date will then be scheduled by the Court and notice provided Counsel for the parties or the parties, if pro se, and the Court will hear said motion or motions.

4. Any party or attorney filing a financial affidavit or child support calculation worksheet in which income is improperly attributed to the parties and which results in an order being issued for an amount of support in excess of 10% of what is subsequently found to be the proper amount of support due and payable may be subject to sanctions as the Court deems appropriate.

D. At the time of the filing of any Petition for Dissolution of Marriage, there shall be filed contemporaneously with said Petition the supporting documents as set forth in Division C-1(a) through (c), and if there is/are a minor child(ren), the requirements set forth in Division C-1(e) of this Rule. Additionally, in order to enable the Court to determine the reasonableness of the agreement of the parties there shall be filed with said Petition for Dissolution of Marriage the Affidavit of Assets/Debts/Separate Property as approved by the Court and as set forth as Appendix “E” herein and which shall contain not less than the following information:

a. A complete list of all assets including but not limited to:

- (i) An itemization of all personal property together with its present value.
- (ii) An itemization of any real estate in which either party has any legal or equitable interest as well as its present market value as can be reasonably ascertained.
- (iii) When any of the above property was acquired.
- (iv) Whether the property is marital or separate property, and if separate, to whom it belongs.

b. A complete list of all liabilities including but not limited to:

- (i) Name and address of the creditor.
- (ii) The monthly payments to each creditor.
- (iii) The balance owing to each creditor.
- (iv) The nature of the debt owing each creditor.
- (v) Whether the debt is marital or separate and if separate, which party is responsible for it.

c. The date to be used for calculation of the time that makes up during the marriage to enable the Court to determine the division of marital property and the values of the same.

E. In those cases in which the pleadings do not allege a minor child(ren), orders for temporary spousal support may be granted by virtue of an ex-parte order provided the request for the same is

made by motion, either at the time of filing of the Complaint or subsequent thereto, and if accompanied by a proper affidavit showing the need for the same and supported by the Affidavit of Income, Expenses, and Financial Disclosure as set forth in Appendix "B" hereto.

In all cases for a divorce, legal separation, or annulment in which there is/are no minor child(ren), there must be filed not later than 30 days prior to the date of final hearing an Affidavit of Income, Expenses, and Financial Disclosure as set forth in Appendix "B" hereto by both parties to the action.

F. Requests for temporary restraining orders ordering the spouse to move from the established home of the parties without notice to the opposing party will be granted only in extreme circumstances and only upon the filing of a separate affidavit of the moving party detailing the reasons for the restraining order, and are to be requested only when counsel can assure the Court that the circumstances warrant the same.

The Parties may seek a standard mutual restraining order as outlined below with an Affidavit so as to keep the peace between the Parties regardless of a determination of fault to immediately lessen the possible adverse impact of the divorce on children and to preserve the marital property for later division and to preserve the status quo.

Either Party may request the Magistrate, by Affidavit, that both Parties are restrained from one or more or all of the following:

- a. Threatening, abusing, annoying, or interfering with the other Party or the Parties' child(ren);
- b. Creating or incurring debt, such as credit card debt, in the name of the other Party or in the Parties' joint names or cause a lien or loan to be placed against any of their real or personal property;

- c. Selling, disposing of or dissipating any asset, real or personal property, including without limitation bank accounts, tax refunds, and money (other than regular income) of either Party or a child;
- d. Removing household goods and furnishings from the marital residence without approval of the Court or other Party;
- e. Changing or failing to renew the present health, life, home, automobile, or other insurance coverage; remove the other Party as beneficiary of any life or retirement benefits without further Order of this Court;
- f. Changing or establishing a new residence for the Parties' minor children without the written consent of the other Party or permission of the Court;
- g. Lessening the time available for the other Party to spend with the Parties minor children so that such time is much less than before the filing of the divorce complaint.

These restraints may be imposed by the Court's Standard Mutual Restraining Order which is attached hereto as Exhibit H. The Order may be modified to delete any restraints the Party is not seeking. The Party securing the Order is deemed to have notice of the Mutual Restraining Order when the Order is filed with the Clerk.

G. Upon the filing and journalization of the final Decree in a Domestic Relations case, and in the absence of an express agreement to the contrary between the attorney and the client, the attorney representing a party shall not thereafter be considered counsel of record for such party. Any post-judgment motion thereafter filed shall be served as provided by the Ohio Rules of Civil Procedure and Rules of this Court upon the adverse party.

H. All payments of child support and spousal support, whether temporary or permanent, and regardless of the length of time in which the same have been ordered shall be payable by the Obligor through the Jefferson County Child Support Enforcement Agency plus a processing charge of two percent (2%).

I. All procedures with respect to the payment of child support shall be as set forth in the Ohio Revised Code except that all payments shall be made through the Jefferson County Child Support Enforcement Agency.

J. Attorney fees with respect to the filing of Motions and/or cases of Divorce, Annulment, Legal Separation, or Dissolution of Marriage shall not be automatically granted, but rather will be based upon the merits of the case.

K. The Court shall make and administer support orders in conjunction with the Jefferson County Child Support Enforcement Agency, created by virtue of Resolution 1987-24 passed by the Jefferson County Board of County Commissioners on September 24, 1987, according to agreements periodically entered into between the Court and the Child Support Enforcement Agency as well as in accordance with state statutes and the Ohio Administrative Code as the same now are or may from time to time be amended.

Because services to be provided to the Court with respect to investigations by the Child Support Enforcement Agency may vary from year to year, the investigation and obtaining of employment and income information of the parties is the primary obligation of the attorneys.

L. In any case of Divorce, Legal Separation, or Annulment, both parties must additionally file with the Court or Magistrate not less than fourteen (14) days prior to the final hearing the information required in Division D-(a), (b), and(c) of this Rule.

M. The orders for the payment of support as made herein shall have priority over any order of attachment, any order in aid of execution, and any other legal process issued under state law against the same earnings, payments or account.

N. PARENTING TIME GUIDELINES: All Orders for custody and/or parenting time shall comply with the following guidelines unless the Court approves a different arrangement agreed to by the parties for good cause shown.

**COURT OF COMMON PLEAS, JEFFERSON COUNTY, OHIO**  
**PARENTING TIME GUIDELINES**

Parenting time is a time for child(ren) to do things with the noncustodial parent. Activities that you do with them or skills you can teach them help make the time be rewarding and enriching. Encouraging the child(ren) to find friends in your neighborhood also helps make it like home for them. Children clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child, as the child grows older.

This Guideline Parenting Schedule takes into account the changing developmental needs of children. This schedule represents the minimum requirements for parenting time. It is each parent's responsibility to tailor this schedule as necessary to meet the best interest of their child(ren). It is recognized that each situation and each child is different. Liberal parenting time arrangements are encouraged, as contact with both parents is important to the child(ren). Absent agreement to the contrary, each parent shall follow these requirements. Specific items in each case's Order take precedence over this schedule as the court will strive to adopt a parenting schedule that is in the child(ren)'s best interests. Changes or modifications can be made by the court if needed. Any request to deviate from the following parenting schedule shall be supported by the filing of the proper motion.

**NO PARENT IS PERMITTED TO MAKE PARENTING TIME ARRANGEMENTS OR MODIFY ORDERED PARENTING TIME ARRANGEMENTS DIRECTLY WITH THE CHILD(REN). THE PARENTS MUST PERSONALLY DISCUSS ANY ISSUES OR CONFLICTS INVOLVING PARENTING TIME WITHOUT USING THE CHILD(REN) AS INTERMEDIARY/INTERMEDIARIES. THE USE OF EMAIL OR TEXTING IS A GOOD IDEA BECAUSE IT CREATES A RECORD.**

I. **REASONABLE PARENTING TIME:** This guideline schedule shall be considered reasonable parenting time. Additional parenting time arranged between the parents is strongly encouraged.

1. **MONTHLY SCHEDULE**

A. **WEEKEND PARENTING TIME:** The non-residential parent shall have parenting time with the minor child(ren) every other weekend commencing at 6:00 P.M. Thursday and terminating at 8:00 A.M. on Monday. If there is no school, parenting time shall be until Monday at 6:00 P.M.



- i. Parenting time is contingent upon the parent being present and having the ability to get the child(ren) to school and activities on time. There shall be no tardiness or unexcused absences.
- ii. The parent in possession is responsible for ensuring that all homework assignments are completed and submitted on time.
- iii. Any licensed driver who is known to the child(ren) may take the child(ren) to school or pick up the child(ren) after school. If someone other than the parent is going to pick up the child(ren) after school, the school must be notified in advance.
- iv. If the parent cannot get the child(ren) to school on time, the parenting time shall be from Friday at 4:00 p.m. until Sunday at 6:00 p.m.

**B. WEEKDAY PARENTING TIME:** If the non-residential parent is able to get the child(ren) to school and activities, parenting time shall be from Tuesday at 4:00 p.m. until Thursday at 4:00 p.m. during the weeks he/she does not have weekend parenting time.

If the non-residential parent cannot get the child(ren) to school and activities on time, parenting time shall be Tuesday from 4:00 p.m. to 8:00 p.m. and Wednesday from 4:00 p.m. to 8:00 p.m. during the weeks he/she does not have weekend parenting time.

\*All times may be adjusted to avoid conflict with work schedules, but minimal adjustment is encouraged.

\*\*Holiday parenting times have precedence over the regular parenting time. The regular parenting time schedule shall commence the following weekend. The parent who did not exercise parenting time for the holiday weekend shall exercise their parenting time this weekend and starting a new rotation of the schedule.

**C. 1. HOLIDAYS:** Mother's Day and Father's Day shall be spent with the appropriate parent. Should such holiday occur during the nonresidential parent's parenting time, said parent shall have the child from 9:00 a.m. to 6:00 p.m.

**2. CHRISTMAS:** In odd numbered years, the non-residential parent shall be entitled to parenting time Dec. 18<sup>th</sup> at 6:00 P.M. to Dec. 25<sup>th</sup> at 12:00 noon (if the child(ren) is (are) not in school. If the child(ren) is (are) in school, parenting time shall be from 6:00 P.M. of the last day of school to

12:00 noon on Dec. 25<sup>th</sup>.) In odd numbered years, the residential parent shall be entitled to parenting time from 12:00 noon, Dec. 25<sup>th</sup> to 6:00 P.M. on New Year's Day, Jan 1.

In even numbered years, the residential parent shall be entitled to parenting time Dec. 18<sup>th</sup> at 6:00 P.M. to Dec. 25<sup>th</sup> at 12:00 noon (if the child(ren) is (are) not in school. If the child(ren) is (are) in school, parenting time shall be from 6:00 P.M. of the last day of school to 12:00 noon on Dec. 25<sup>th</sup>.) In even numbered years, the non-residential parent shall be entitled to parenting time from 12:00 noon, Dec. 25<sup>th</sup> to 6:00 P.M. on New Year's Day, Jan 1.

**3. THANKSGIVING:** In even numbered years, the non-residential parent shall be entitled to parenting time from Wednesday, 6:00 P.M. to Friday 6:00 P.M. In even numbered years, the residential parent shall be entitled to parenting time from Friday, 6:00 P.M. to Sunday, 6:00 P.M.

In odd numbered years, the residential parent shall be entitled to parenting time from Wednesday, 6:00 P.M. to Friday 6:00 P.M. In odd numbered years, the non-residential parent shall be entitled to parenting time from Friday, 6:00 P.M. to Sunday, 6:00 P.M.

**4. EASTER:** In odd numbered years, the non-residential parent shall be entitled to parenting time from Thursday, 6:00 P.M., to 6:00 P.M. the day before school resumes. In even numbered years, the residential parent shall have the child(ren) from Thursday, 6:00 P.M., to 6:00 P.M. the day before school resumes.

**5. FOURTH OF JULY:** In even numbered years, the non-residential parent shall have parenting time from July 3<sup>rd</sup> at 6:00 P.M. until 6:00 P.M. on July 5<sup>th</sup>. In odd numbered years, the residential parent shall have parenting time from July 3<sup>rd</sup> at 6:00 P.M. until 6:00 P.M. on July 5<sup>th</sup>.

**6. MEMORIAL DAY:** In even numbered years, the non-residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday. In odd numbered years, the residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday.

**7. LABOR DAY:** In odd numbered years, the non-residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday. In even numbered years, the residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday.

**8. MARTIN LUTHER KING DAY:** The non-residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday.

**9. PRESIDENT'S DAY:** The non-residential parent shall have parenting time on Friday, 6:00 P.M. to 6:00 P.M. on Monday.

**D. BIRTHDAYS:** In even numbered years, the non-residential parent shall have the child on his/her birthday from 9:00 A.M. to 6:00 P.M. if a non-school day, or from 4:00 P.M. to 8:00 P.M. on a school day. The residential parent shall have the child on the day following his/her birthday for four (4) hours, 4:00 P.M. to

8:00 P.M., on a school day or week day and 10:00 A.M. to 6:00 P.M. on a Saturday or Sunday.

In odd numbered years, the residential parent shall have the child on his/her birthday from 9:00 A.M. to 6:00 P.M. if a non-school day, or from 4:00 P.M. to 8:00 P.M. on a school day. The non-residential parent shall have the child on the day following his/her birthday for four (4) hours, 4:00 P.M. to 8:00 P.M., on a school day or week day and 10:00 A.M. to 6:00 P.M. on a Saturday or Sunday.

**PARENT'S BIRTHDAY:** The child(ren) shall spend each parent's birthday from 9:00 A.M. to 6:00 P.M. if a non-school day, or from 4:00 P.M. to 8:00 P.M. on a school day with that parent unless otherwise ordered by the court or agreement of the parents.

- E. **SUMMER PARENTING TIMES:** The non-residential parent shall have extended summer parenting time for five (5) weeks duration. The nonresidential parent shall commence summer parenting time on July 10<sup>th</sup> and therefore shall have the final three weeks of July and the first two weeks of August. Such parenting time shall be continuous, except the parents may agree otherwise. Residential and non-residential parent shall cooperate with regard to their parenting time.

Each parent shall be permitted to have two weeks of uninterrupted parenting time for purposes of a vacation during that parent's half of the summer. Each of the parents shall give the other notice no later than April 1<sup>st</sup> of each year of the dates when they will be exercising their uninterrupted parenting time. Each parent shall notify the other of the location of the vacation and exact dates of the vacation. Telecommunications between the child(ren) and the non-visiting parent shall continue during the vacation and shall not be considered an interruption.

If the parents agree, they may elect to exercise summer parenting time in the following manner:

- i. The parents may agree to alternate weeks commencing with the second week of June.
- ii. The parents may exercise parenting time for two weeks in June, two weeks in July, and one week in August.

The non-residential parent shall not interfere with extracurricular activities, but shall be responsible for transportation to extracurricular events and shall encourage participation in same. However, the residential parent shall not enroll the child(ren) in any summer extracurricular event that would disrupt the summer parenting time

of the non-residential parent unless the non-residential parent agrees to the activity in writing.

During the extended summer parenting time the residential parent shall have the right to have weekend parenting time with the minor child(ren) on at least two weekends commencing Thursday at 6:00 p.m. and ending Sunday at 6:00 p.m. The residential parent shall advise the nonresidential parent of which weekends he or she will exercise parenting time by April 1<sup>st</sup> of each year. This shall not interfere with uninterrupted vacation time.

## **II. STATUTORY REQUIREMENTS:**

### **1. RELOCATION NOTICE:**

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

### **2. RECORDS ACCESS NOTICE:**

Except as specifically modified or otherwise limited by court order, and subject to statutory restrictions on files maintained by the Child Support Enforcement Agency and files maintained by any Education Institution when the non-residential parent is involved in a domestic violence situation, the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school records and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court. Both parents shall have access to the child(ren)'s school records. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within a reasonable time.

Subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent shall be entitled to access any record related to the child(ren) under the same terms and conditions that access is provided to the residential parent.

**3. DAY CARE CENTER ACCESS NOTICE:**

Except as specifically modified or otherwise limited by court order, and in accordance with statutory requirements of a operating a daycare, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center.

**4. SCHOOL ACTIVITIES NOTICE:**

Except as specifically modified or otherwise limited by the court order, and subject to Ohio law pertaining to the privacy of domestic violence victims or family members, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent to any student activity that is related to the child(ren) to which the residential parent legally is provided access.

Subject to Ohio law pertaining to the privacy of domestic violence victims or family members, the non-residential parent shall have access to any student activity involving the child(ren) under the same terms and conditions that access is provided to the residential parent.

**III. GENERAL COMMENTS AND REQUIREMENTS:**

1. The non-residential parent shall give twenty-four (24) hours advance notice of cancellation of parenting time.

2. The residential parent shall advise when a child is significantly ill and unable to visit with as much advance notice as practicable.

3. Both parents shall have the child(ren) ready for commencement and termination of parenting time at the appointed time. There shall be no buffer for tardiness.

4. Both parents shall be punctual. NO parent shall have to wait for an appointed time. A parent who is late forfeits companionship for that period. However, if a parent is unavoidably detained (e.g. by unexpected traffic or work) he/she shall give notice to the other parent and parenting time shall be adjusted accordingly.

5. Child(ren) shall not be taken to a bar during parenting time. A restaurant that has a bar is acceptable if the parents are there to eat a meal.

6. Child(ren) shall not be left with a babysitter while the visiting parent pursues his or her own pleasures or activities. It is encouraged that the child(ren) not be left with friends or family members during a parenting time except if the non-residential parent is working or in an emergency.

7. Disparaging remarks about the other parent SHALL NOT be made to the child(ren) or in the presence of the child(ren). Neither parent shall discuss any issues related to the divorce with the child(ren).

8. The residential parent shall notify the non-residential parent of any illness or malady that requires medical attention. No surgery, except emergency surgery, shall be performed without a good faith effort to give notice to the non-residential parent. Each parent may authorize emergency medical care for the child(ren).

9. Unless agreed otherwise, transportation for parenting time shall be divided as follows: the non-residential parent shall pick up the child(ren) at the residence of the residential parent for the beginning of parenting time and the residential parent shall pick-up the child(ren) at the residence of the non-residential parent at the end of parenting time. Any licensed adult who is known to the child(ren) may transport the child(ren).

10. Parenting time granted shall be exercised; parenting time not taken is lost. Parenting time not taken do to the actions of the residential parent is not waived, but shall occur on the next immediately following weekend.

11. Parenting time requires communication and cooperation. Both parents shall cooperate with regard to parenting time.

12. The child(ren) are not property. Parenting time questions shall be decided with a prime consideration of the best interest of the child(ren).

13. Telephone Access:

The non-residential parent may call the child(ren) not more than three (3) times per week and speak with said child(ren) for not less than 15 minutes on each call.

The child(ren) is/are permitted to call the non-residential parent at least once per day at reasonable times. If the call is long distance, the child(ren) shall call collect.

The residential parent shall not interfere with or prevent telephone communication between the non-residential parent and the child(ren) nor shall the non-residential parent interfere with or prevent telephone communication between the residential parent and the child(ren) during parenting time.

Webcams: Where it is financially possible, the parents shall each establish a webcam connection (e.g. Skype or FaceTime) so that all communications with the child(ren) can be over a webcam where each parent may see the other and therefore enhance the parenting time.

14. This schedule does not affect support payments. Additional parenting time is encouraged, but that factor does not necessarily create a deviation in child support. Child support is not abated for any period of parenting time.

15. If the parent exercising parenting time is to be away for a period of at least eight (8) hours, the other parent, if available, shall have the right to have the child(ren) during that period and shall have priority over other babysitters.

**COURT OF COMMON PLEAS, JEFFERSON COUNTY, OHIO**  
**PARENTING TIME GUIDELINES**  
**LONG DISTANCE COMPANIONSHIP**

Parenting time is a time for child(ren) to do things with the parent with the nonresidential parent. Activities that you do with them or skills you can teach them help make the time be rewarding and enriching. Encouraging the child(ren) to find friends in your neighborhood also helps make it like home for them. Child(ren) clearly profit by continued meaningful contact with both parents. Child(ren) need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both child(ren) and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child, as the child grows older.

This Guideline Parenting Schedule takes into account the changing developmental needs of child(ren). This schedule represents the minimum requirements for parenting time. It is each parent's responsibility to tailor this schedule as necessary to meet the best interest of their child(ren). It is recognized that each situation and each child is different. Liberal parenting time arrangements are encouraged, as contact with both parents is important to the child(ren). Absent agreement to the contrary, each parent shall follow these requirements. Specific items in each case's Order take precedence over this schedule as the court will strive to adopt a parenting schedule that is in the child(ren)'s best interests. Changes or modifications can be made by the court if needed. Any request to deviate from the following parenting schedule shall be supported by the filing of the proper motion.

**NO PARENT IS PERMITTED TO MAKE PARENTING TIME ARRANGEMENTS OR MODIFY ORDERED PARENTING TIME ARRANGEMENTS DIRECTLY WITH THE CHILD(REN). THE PARENTS MUST PERSONALLY DISCUSS ANY ISSUES OR CONFLICTS INVOLVING PARENTING TIME WITHOUT USING THE CHILD(REN) AS INTERMEDIARY/INTERMEDIARIES. THE USE OF EMAIL OR TEXTING IS A GOOD IDEA BECAUSE IT CREATES A RECORD.**

- I. **REASONABLE PARENTING TIME:** This guideline schedule shall be considered reasonable parenting time. Additional parenting time arranged between the parents is strongly encouraged.

Except as otherwise explicitly provided in this Order, when the non-residential parent resides more than 30 miles from the residence of the child, **the non-residential parent shall have the right to parenting time with the child as follows:**

1. Weekends – On weekends, beginning at 6:00 p.m. on the first, third, and fourth Friday of each month, and ending at 6:00 p.m. on the following Sunday. Except as otherwise explicitly provided in this Parenting Time Guideline, if a weekend period of parenting time by the Non-residential parent begins on a Friday that is a school holiday during the regular school term, or if the period ends on or is immediately followed by a Monday that is such



a holiday, that weekend period of parenting time shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

2. Christmas Holidays in Even-Numbered Years – In even-numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26<sup>th</sup>.

Christmas Holidays in Odd-Numbered Years – In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on New Year's Day.

3. Thanksgiving in Odd-Numbered Years – In odd numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 6:00 p.m. on the following Sunday.

4. Easter Holidays – In even numbered years beginning at 6:00 p.m. on the day the child is dismissed from school and ending at 6:00 p.m. on the day before school resumes.

5. Extended Summer Parenting Time by the Non-Residential Parent - The nonresidential parent shall have extended summer parenting time for five weeks duration. The nonresidential parent shall commence summer parenting time on July 10<sup>th</sup> and therefore have the final three weeks of July and the first two weeks of August. Such parenting time shall be continuous unless the parents otherwise agree. Residential and nonresidential parents shall cooperate with regard to the parenting time.

Each parent shall be permitted to have two weeks of uninterrupted parenting time for purposes of a vacation during that parent's half of summer. Each of the parents shall give the other notice no later than April 1<sup>st</sup> of each year of the dates when they will be exercising their uninterrupted parenting time. Each parent shall notify the other of the location of the vacation and the exact dates of the vacation. Telecommunications between the child(ren) and the non-visiting parent shall continue during the vacation and shall not be considered an interruption.

If the parents agree they may elect to exercise summer parenting time in the following manner:

i. The parents may agree to alternate weeks commencing with the second week of June in two week intervals.

ii. The parents may agree to exercise parenting time for two weeks in June, two weeks in July, and one week in August.

iii. The nonresidential parent shall not interfere with extracurricular activities but shall be responsible for transportation to extracurricular events and shall encourage participation in the same. However, the residential parent shall not enroll the child(ren) in any summer

extracurricular event that would disrupt the summer parenting time of the nonresidential parent unless the nonresidential parent agrees to the activity in writing.

iv. Holiday and birthday celebrations with each parent shall not be missed, requiring scheduling of a vacation around these events or that the missed occasion be made up. Alternate weekends are missed during vacation and are therefore not required to be made up.

v. During extended summer parenting time the residential parent shall have the right to have two extended weekend visitations with the child(ren) from Friday at 6:00 p.m. until Sunday at 6:00 p.m. The residential parent shall advise the nonresidential parent by April 1<sup>st</sup> of each year of the two weekends he or she will exercise parenting time during the other's extended summer parenting time. This weekend parenting time shall not interfere with uninterrupted vacation time. If the visiting parent has to work during the extended parenting time and the non-visiting parent is available, the child(ren) shall be with the non-visiting parent during the visiting parent's work period.

6. Child's Birthday – If the non-residential parent is not otherwise entitled under this Parenting Time Guideline to have parenting time with the child on the child's birthday, the non-residential parent shall have parenting time with the child beginning at 4:00 p.m. and ending at 8:00 p.m. on that day, provided that the non-residential parent picks up the child from the residential parent's residence and returns the child to that same place.

7. Mother's Day/Father's Day Weekend – Each year, beginning at 6:00 p.m. the Friday preceding Mother's Day/Father's Day and ending at 6:00 p.m. on Mother's Day/Father's Day, provided that if the non-residential parent is not otherwise entitled under this Parenting Time Guideline to have parenting time with the child(ren), she/he shall pick up the child(ren) from the residential parent's residence and return the child(ren) to that same place.

8. Parent's Birthday's – The non-residential parent shall have parenting time with the child from 5:00 p.m. to 8:00 p.m. on the day of the parent's birthday. If the residential parent's birthday falls on a day that the non-residential parent has parenting time, the residential parent shall have parenting time from 5:00 p.m. to 8:00 p.m. on that day.

## II. GENERAL COMMENTS AND REQUIREMENTS

Except as otherwise explicitly provided in this Parenting Time Guideline, the terms and conditions of parenting time with the child(ren) that apply regardless of the distance between the residence of a parent and the child(ren) are as follows:

1. The non-residential parent shall pick up the child(ren) at the residential parent's house at the beginning of parenting time.

2. The residential parent shall pick up the child(ren) at the residence of the non-residential parent at the end of each period of parenting time.
3. The parents may agree to meet at a suitable place in between each house.
4. The non-residential parent shall give twenty-four (24) hours advance notice of cancellation of parenting time.
5. The residential parent shall advise when a child is ill and unable to visit with as much advance notice as possible.
6. Both parents shall have the child(ren) ready for commencement and termination of parenting time at the appointed time.
7. Both parents shall be punctual. NO parent shall have to wait an appointed time. A parent who is late forfeits companionship for that period. However, if the parent is unavoidably detained (e.g. unexpected traffic or work) he/she shall give notice to the other parent and parenting time shall be adjusted accordingly.
8. Each parent is ORDERED to return with the child(ren) the personal effects that the child brought at the beginning of the period of parenting time.
9. Child(ren) shall not be taken to a bar during parenting time. However, a restaurant that has a bar is acceptable if the parents are there to eat a meal.
10. It is encouraged that child(ren) shall not be left with friends or family members during a parenting time except if the non-residential parent is working or in an emergency.
11. Each parent may designate any competent adult to pick up and return the child(ren), as applicable.
12. Disparaging remarks about the other parent SHALL NOT be made to the child(ren) or in the presence of the child(ren). Neither parent shall discuss any issue related to the divorce with the child(ren).
13. The residential parent shall notify the non-residential parent of any illness or malady that requires medical attention. No surgery, except emergency surgery, shall be performed without a good faith effort to give notice to the non-residential parent.
14. Parenting time granted shall be exercised; parenting time not taken is lost. Parenting time not taken due to the actions of the residential parent is not waived, but shall be added to the next scheduled parenting time weekend.

15. Written notice shall be deemed to have been timely made if received or postmarked before or at the time that notice is due.

16. Parenting time requires communication and cooperation. Both parents shall cooperate with regard to parenting time.

17. The child(ren) are not property. Parenting time questions shall be decided with a prime consideration of the best interest of the child(ren).

18. Both parents shall recognize that the child(ren) have his/her own friends and activities and shall respect this fact. Regardless of where the child(ren) are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities, except for trips of more than 100 miles. The residential parent shall provide the non-residential parent with notice of all extracurricular activities, school related or otherwise, in which the child(ren) participate and schedules of all extracurricular activities, in writing, and the name of the activity leader (including address and telephone number if reasonably available to the residential parent).

19. Telephone Access:

The non-residential parent may call the child(ren) not more than three (3) times per week and speak with said child(ren) for not less than 15 minutes on each call.

The child(ren) is/are permitted to call the non-residential parent at least once per day at reasonable times. If the call is long distance, the child(ren) shall call collect.

The residential parent shall not interfere with or prevent telephone communication between the non-residential parent and the child(ren) nor shall the non-residential parent interfere with or prevent telephone communication between the residential parent and the child(ren) during parenting time.

Webcams: Where it is financially possible, the parents shall each establish a webcam connection (e.g. Skype or FaceTime) so that all communications with the child(ren) can be over a webcam where each parent may see the other and therefore enhance the parenting time.

20. This schedule does not affect support payments. Additional parenting time is encouraged, but that factor does not create a cause for a deviation in child support. Child support is not abated for any period of parenting time.

21. If the parent exercising parenting time is to be away for a period of at least eight (8) hours, the other parent shall have the right to have the children during that period and shall have priority over other babysitters.

### **III. STATUTORY REQUIREMENTS:**

#### **1. RELOCATION NOTICE:**

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

#### **2. RECORDS ACCESS NOTICE:**

Except as specifically modified or otherwise limited by court order, and subject to statutory restrictions on files maintained by the Child Support Enforcement Agency and files maintained by any Education Institution when the non-residential parent is involved in a domestic violence situation, the non-residential parent is entitled to access under the same terms and conditions as the residential parent to any record that is related to the child(ren) and to which the residential parent is legally provided access, including school records and medical records. Any keeper of a record, public or private, who knowingly fails to comply with this order, is in contempt of Court.

Both parents shall have access to the child(ren)'s school records. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate. The parent receiving the grade card shall give a copy to the other parent within a reasonable time.

Subject to Ohio Revised Code Section 2301.35(G)(2) and 3319.321(F), the non-residential parent shall be entitled to access any record related to the child(ren) under the same terms and conditions that access is provided to the residential parent.

#### **3. DAY CARE CENTER ACCESS NOTICE:**

Except as specifically modified or otherwise limited by court order, and in accordance with statutory requirements of a operating a daycare, the non-residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom parenting time is granted, to the same extent that the residential parent is granted access to the center.

#### **4. SCHOOL ACTIVITIES NOTICE:**

Except as specifically modified or otherwise limited by the court order, and subject to Ohio law pertaining to the privacy of domestic violence victims or family members, the non-residential parent is entitled to access, under the same terms and conditions as the residential parent to any student activity that is related to the child(ren) to which the residential parent legally is provided access.

Subject to Ohio law pertaining to the privacy of domestic violence victims or family members, the non-residential parent shall have access to any student activity involving the child(ren) under the same terms and conditions that access is provided to the residential parent.

#### **IV. AIR TRAVEL ARRANGEMENTS FOR PARENTING TIME**

The following arrangements for air travel for children shall control:

1. Each parent is authorized to designate a responsible adult known to the child(ren) to travel with the child(ren) between the residences of the parents. However, it is preferred that the parent be the actual person transporting the child(ren) between the residences.
2. The child(ren) should not travel alone between the residence of the non-residential parent and that of the residential parent until the child(ren) reaches the age of 12 years.
3. The non-residential parent shall make airline reservations for the child(ren) only on major commercial passenger airlines on flights having no change of airplanes between the airport of departure and the airport of final arrival if possible. All flights shall depart from a commercial airport near the residence of the other parent that offers regularly scheduled passenger flights to various cities throughout the United States.
4. The non-residential parent shall pay all travel expenses, charges, escort fees, and air fares incurred for the child(ren) for transportation from the residence of the residential parent to that of the non-residential parent. The residential parent shall be responsible for one half of the travel expenses, charges, escort fees, and air fares. The residential parent shall reimburse the non-residential parent upon receipt of confirmation of reservations.
5. The non-residential parent shall advise the residential parent of the following:
  - a. The location of the airport;
  - b. The date and time of the flight on which the child(ren) are scheduled to leave;
  - c. The airline and flight number of the plane;
  - d. The airport where the child(ren) will return to the residential parent if different from the airport of departure;
  - e. The date and time of the flight on which the child(ren) are scheduled to return;

f. The airline and flight number of the plane on which the child(ren) are scheduled to return at the end of the parenting time.

6. The residential parent shall deliver the child(ren) to the airport from which the child(ren) are scheduled to leave at the beginning of each period of parenting time at least two hours before the scheduled departure time. The residential parent shall surrender the child(ren) to the non-residential parent, a designated escort, or to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child(ren) are scheduled.

7. The non-residential parent, at the end of each period of parenting time, shall deliver the child(ren) to the airport where the child(ren) are scheduled to depart at least two hours before the scheduled departure time and to surrender the children to the residential parent, a designated escort, or to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child(ren) are scheduled to return.

8. Any parent who has parenting time with the children at the time, shall notify the other parent immediately if the child(ren) are not placed on a scheduled flight at the beginning or end of a period of parenting time. If the child(ren) should miss a scheduled flight, the parent having parenting time when the flight is missed shall schedule another flight for the child(ren) as soon as possible after the originally scheduled flight and shall pay any additional expense associated with the changed flight and give the other parent notice of the date, flight number, and time of the flight.

9. The expenses of a parent incurred in traveling to and from an airport as well as related parking and baggage handling expenses are the sole responsibility of the parent delivering or receiving the child(ren) at the airport.

O. Upon the granting of any Divorce, Legal Separation, Annulment, or Dissolution of Marriage, in which there is/are a minor child(ren), the Decree must contain the appropriate language in manner and form as required by Sections 3121.27 and 3121.29 of the Ohio Revised Code as the same now are or may from time to time be amended.

Because of the requirements of Section 3113.217(F) of the Ohio Revised Code, upon the submission of a child support order, whether temporary or permanent, or an order providing health coverage for any minor child(ren), said order or decree shall be structured so as to enable the Court to remit only those portions dealing with support and health care to the employer of the parties subject to the order without the necessity of remitting the entire order or decree. Alternatively, counsel may prepare and submit those portions of the order or decree dealing with child support and health coverage for any minor child(ren) and a certificate for the Clerk to certify those portions as accurate copies to the employer of the responsible party for support and health care for the child(ren).

P. On all final judgments granting a Decree of Divorce, Legal Separation, Annulment, or Dissolution of Marriage, or on any final judgment entry relating to any post- decree relief, whether modification, contempt, change of residential parent, or any other post- decree relief, the complete name and current address of each party along with their social security numbers and dates of birth shall be included in the caption of the Order.

Q. In any case in which the Court determines that a guardian ad litem is necessary to protect the best interests of the child(ren) of the parties, the Court shall appoint an attorney at law to act as guardian ad litem for the child(ren).



The guardian ad litem appointed shall perform the functions set forth by the appropriate sections of Title 31 of the Ohio Revised Code and shall be paid according to the following schedule and as approved by the Court:

1. Out-of-court services - \$40.00 per hour.
2. In-court services - \$50.00 per hour.
3. Such other fees as the Court finds to be appropriate.

Payment of the fees of the guardian ad litem shall be made as ordered by the Court, and may be charged against either or both parties, or may be assessed as a charge against the county if the Court finds neither party has the ability to pay the cost of said guardian ad litem or if the Court should find that assessing the costs of the guardian ad litem against either or both parties would be inequitable or not in the best interests of the child(ren).

R. Upon the filing of any post-decree motion to modify custody or support the attorney representing the party against whom the motion is directed shall, immediately upon being retained, contact opposing counsel and schedule a meeting for the purpose of attempting to resolve the motion prior to the date of hearing. The Court reserves the right to continue the hearing if counsel has not made a good faith effort to resolve the motion without a court hearing.

S. In any action for Divorce or Legal Separation, the attorneys representing the parties are required to meet with each other and with their respective clients at least ten (10) days prior to the assigned trial date for the purpose of attempting to resolve the issues in the case.

T. In accordance with Rule 4.4(A)(2) of the Ohio Rules of Civil Procedure, in all divorce, annulment, and legal separation actions, if the residence of the defendant is unknown, service shall be had as provided by said Rule.

The Clerk of Courts shall post the appropriate notice on the bulletin board of the Court to which the case has been assigned and on the bulletin boards of the county court within whose jurisdiction the defendant/respondent's last known residence address is located and the Jefferson County Human Services Center Building in Steubenville, Ohio, both facilities being the designated public places for posting.

U. **STYLING OF FINAL ORDERS**: All Domestic Relations final orders shall be termed "Decrees" and in addition to any other information required to be included within the caption shall have said documents styled as either a "Decree of Divorce" or "Divorce Decree", "Decree of Legal Separation" or "Separation Decree", "Decree of Dissolution" or "Dissolution Decree".

## **RULE XI**

### **PRETRIAL**

A. Pretrial and scheduling conferences shall be held at a time selected by the Trial Judge.

Pretrial shall be held in accordance with this Rule.

B. Pretrial and scheduling conferences shall be held in chambers, or at such other place as the Court shall direct. The Court shall provide notice to all counsel or the parties, if unrepresented by counsel, of the time, date, and place of the pretrial conference.

C. At the preliminary pretrial or scheduling conference, the following shall be ascertained:

1. Whether all parties are properly joined;

2. Whether any affirmative defenses need to be ruled upon prior to the undertaking of any discovery;

3. What discovery and the length of time needed to complete the same is required;

4. The issues in the case;

5. Whether the case is one that would be better resolved by an alternative dispute resolution procedure;

6. Whether any motions need to be ruled upon;

7. Selection of a trial date.

At all final pretrial conferences, Counsel, or the parties if not represented by Counsel, shall be present at the pretrial conference. If any party is a corporation, insurance company, or any other artificial legal entity, then a representative of that party, in addition to Counsel for the party, must be present with authority to settle the case, unless otherwise excused by the Court.

At all final pretrial conferences that may be scheduled by the Court and which are also scheduled as a settlement conference, Counsel, or the parties if not represented by counsel, shall be present

at said conference. If any party is a corporation, insurance company, or any other artificial legal entity, then a representative of that party, in addition to Counsel for the party, must be present with authority to settle the case, unless otherwise excused by the Court.

D. If scheduled by the Court, prior to any final pretrial or settlement conference, Counsel for the parties shall prepare a final pretrial order according to the form set forth in Appendix "F" of these rules, and shall submit the same to the Court for approval at said conference, unless the same is dispensed with by the court. Failure of either party to approve any final pretrial order shall result in approval of a final pretrial order submitted by opposing counsel.

E. Failure of Counsel for the Plaintiff or the Plaintiff, if unrepresented by Counsel, to appear at any final pretrial conference or settlement conference shall constitute grounds for dismissal of the action without prejudice in accordance with Rule 41 of the Ohio Rules of Civil Procedure with costs assessed to the Plaintiff.

F. Failure of Counsel for the Defendant to appear at any final pretrial conference or settlement conference shall result in approval of the final pretrial order submitted by Counsel for the Plaintiff, and if no such final pretrial order has been submitted by Plaintiff, the failure of Counsel for the Defendant to appear may be considered as grounds for the granting of a default judgment on the issues of liability by the Court as well as contempt of court.

## RULE XII

### MISCELLANEOUS

A. **COGNOVIT NOTES.** Judgment by confession will not be entered on a Cognovit Note without the attorney confessing judgment personally appearing before the Judge in open court for the purpose of making such confession. Such attorney shall be entitled to a reasonable fee for his services to be paid by the party obtaining judgment.

B. **VOLUNTARY DISMISSALS.** Any case being voluntarily dismissed by a Plaintiff under the provisions of Rule 41 of the Ohio Rules of Civil Procedure shall be brought to the attention of the Trial Judge to whom said matter is assigned, prior to the filing of said dismissal with the Clerk of Courts. In addition thereto, the dismissing party shall provide notice of said dismissal to all other parties in said action or their counsel of record.

C. **MEDIA.** The broadcasting, televising, recording, and photographing by news media of proceedings held in open court shall not be permitted without compliance with the following conditions:

1. Prior written request is made to the Trial Judge to broadcast, televise, record or photograph courtroom sessions.

2. Notice of said request shall be given to all counsel of record.

3. No permission will be granted without approval of all counsel of record, or the parties if not represented by counsel, done in open court and on the record.

4. If agreement by all counsel or the parties, if not represented by counsel, is given, then the granting or denying of such request shall be at the discretion of the Trial Judge in accordance with Canon 3(A)(7) of the Code of Judicial Conduct, the Rules of Superintendence, and this Rule.

5. In the event that permission to broadcast, televise, record, or photograph courtroom proceedings is granted by the Trial Judge, the broadcasting, televising, recording, and photographing shall be done only in accordance with the guidelines set forth by the Trial Judge at the time of said Order.

6. In the event that permission is granted to broadcast, televise, record, or photograph courtroom sessions, this will not be interpreted to mean that conferences conducted in the courtroom between Counsel and clients or Counsel and the Trial Judge will be permitted to be broadcast, televised, recorded, or photographed.

7. The Trial Judge reserves the right to revoke the permission to broadcast, televise, record, or photograph courtroom sessions at any time during such sessions.

D. **APPOINTED COUNSEL.** Fees for appointed counsel shall be in accordance with those fees established by Resolution 1999-14 of the Jefferson County Commissioners on May 6, 1999 and as amended by Resolution 1999-14A on June 4, 1999, or as the same may from time to time be amended, in accordance with Chapters 120 and 2941 of the Ohio Revised Code, said Resolution being attached hereto as Appendix "G".

E. Continuances shall not be granted in any case set for trial without counsel for the party seeking the same filing a motion requesting a continuance and setting forth the reasons therefore. The motion shall be heard as otherwise provided in these Rules.

In all Domestic Relations cases, continuances will only be granted if the parties, unless the defendant has not appeared, approve the entry of continuance.

**All continuances shall be to a date certain.**

F. Interrogatories directed to any party and the answers thereto shall not be filed in any case unless in conjunction with a motion seeking affirmative relief, and then, only the pertinent parts thereof are to be filed. In lieu thereof, a certificate of service of the serving of interrogatories or answers thereto shall be filed as proof of the serving of the same upon the opposing party or parties.

G. **JUDGES AFFILIATIONS.** The Judges of this Court shall be required to belong to the Ohio State Bar Association, the American Bar Association, the American Judicature Society, the

Ohio Common Pleas Judges Association, and the Ohio Association of Domestic Relations Judges so as to enable said Judges to promote the better operation and efficiency of the Court, as well as to enable the Judges to have available to them the latest developments in the law.

H. The Rules of this Court previously in effect are hereby repealed.

I. **LOCAL RULE (L.R.)**. Upon adoption of these Rules by the Judges of the Court of Common Pleas of this County (General Division) and filing of the same with the Supreme Court of the State of Ohio, the same shall be in effect and may be cited as “Local Rules” or “L.R.”.

J. **DUTIES OF THE CLERK.**

1. Upon adoption of these Rules, the Clerk of Courts shall cause a copy of the same to be provided to the following:

a. Member attorneys of the Jefferson County Bar Association.

b. Attorneys not members of the Jefferson County Bar Association but practitioners before the Court of Common Pleas of this county and known to the Clerk.

c. Persons filing pleadings, whether as an original complaint, or as an answer, counterclaim, cross claim or third-party complaint, and not within the group of attorneys identified in paragraphs “a” and “b” herein.

2. The Clerk shall keep a ledger for the purpose of maintaining a record of those persons receiving a copy of these Rules of Court. Said ledger shall be referred to upon the filing of any pleading for the purpose of ascertaining whether or not the person filing the same has received a copy of these Rules, and if not, a copy shall be immediately provided to such person by the Clerk. Such ledger shall contain the name, address and date of mailing or delivery of a copy of these Rules.

K. The cost of transcriptions for purposes of appealing any decision of any Court or for purposes of use with respect to objections filed from Findings and Recommendations of the

Magistrate shall be \$2.75 per page, which cost shall be for an original to be filed with the appropriate Appellate Court or Trial Judge and one (1) copy for Appellant or Appellant's counsel. Additional copies shall be \$ 1.50 per page, other than for indigent parties, in which case the cost shall be \$1.00 per page.

Transcripts for purposes other than appeals or objections from Findings and Recommendations of the Magistrates shall be \$2.00 per page.

L. **MODE OF DRESS** All persons appearing in Court, whether as a party or as a witness, shall be appropriately attired. This means no shorts, cut-offs, see-through clothing, halter tops, T-shirts of any kind, any shirt bearing a logo or saying of any kind, sandals, thongs, work clothes generally worn in industrial or commercial establishments that result in the clothing having dirt, mud, oil, grease, or soot upon it.

All attorneys have an obligation to see to the proper attire of their clientele and witnesses. The Court reserves the right to exclude any person from testifying who is not properly attired.



## RULE XIII

### SECURITY POLICY AND PROCEDURE

There is hereby adopted a Rule of Court to provide for security of the Jefferson County Courthouse, officials and personnel working therein and members of the general public having business within said courthouse. This policy is adopted pursuant to directives adopted by the Ohio Supreme Court on October 17, 1994 and mandated to be adopted by the Courts of Ohio prior to July 1, 1995 together with a plan of implementation.

1. **COURT SECURITY ADVISORY COMMITTEE.** There is hereby designated a Court Security Advisory Committee consisting of the Presiding Judge of the Common Pleas Court or his or her designated representative, a designated member of the Board of County Commissioners or a designated representative, the Jefferson County Sheriff or a designated representative, the Probate Judge or his or her designated representative, the Prosecuting Attorney or his or her designated representative.

2. **PERSONS SUBJECT TO SECURITY SCREENING.** All persons entering the Jefferson County Courthouse at any time for any reason and regardless of rank, title, or position, shall be subject to be searched for weapons, dangerous ordnance, or other contraband capable of inflicting bodily harm or injury to persons or property within the courthouse or in proximity thereto.

3. **COURT SECURITY OFFICERS.** There shall be appointed and trained special deputies under the supervision and control of the Sheriff of Jefferson County, and in sufficient numbers, to provide security to all persons working or having business within the Jefferson County Courthouse during all business and non-business hours.

The special deputies as appointed shall have the necessary training as is provided by the Ohio Peace Officers Training Council and shall have no other duties except in case of emergency. An emergency situation shall be as determined by a majority of the Board of County Commissioners publicly meeting in special session.

Said deputies shall be assigned as the needs for courthouse security demand, but no less than two deputies shall be on duty during all business hours and one hour prior and subsequent thereto.

4. **WEAPONS IN COURT FACILITIES.** No person shall be permitted to have a weapon or dangerous ordnance of any kind within the interior of the Jefferson County Courthouse except as follows:

1. Courthouse security officers.
2. The sheriff or members of his staff bringing prisoners to or from Court.
3. Criminal court bailiffs.
4. Courthouse officials or personnel having a license to carry a concealed weapon or granted permission to have a weapon during business hours by the county sheriff.
5. Probation officers of the Common Pleas or Juvenile Court.

Any person authorized to carry a weapon as part of the performance of his or her duties other than as set forth in Paragraphs 1 through 5 shall have said weapons deposited with courthouse security personnel upon entering the courthouse and shall have said weapons returned upon exiting the building. Weapons checked in with the courthouse security personnel shall be retained in appropriately secured storage lockers.

5. **PRISONER TRANSPORT.** Persons necessary to be brought to court for criminal proceedings shall be escorted by members of the Sheriff's Department with their hands cuffed

behind their backs and with leg restraints, if appropriate, unless otherwise ordered by the Court. Prisoners shall be brought into and returned from the Courthouse in such a manner as to not create any danger to other persons having business within the Courthouse. No person other than designated deputies shall accompany said prisoners.

6. **DURESS ALARMS.** Each courtroom and the rooms within the courthouse used for any type of hearing shall be equipped with a duress alarm that is connected to a central security station under control of the county sheriff and with appropriate personnel on duty during all hours the courthouse is open or court is in session. The alarm shall also be connected to the desk of each judicial secretary and private chambers of the judges. The alarm system shall be installed in such a way that if activated it will immediately designate the area necessitating an emergency response.

7. **CLOSED CIRCUIT VIDEO SURVEILLANCE.** There shall be installed closed circuit video surveillance cameras for all entrances to the courthouse including the main access point of entry to the courthouse, all parking areas utilized by any member of the judiciary or his or her staff, as well as those areas utilized by any law enforcement agency having business within the courthouse or sheriff's office, together with adequate personnel with adequate personnel to provide constant monitoring of the same.

Any person desiring access to the courthouse through the handicapped entrance shall be required to state his or her name and the nature of his or her business within the courthouse through a two-way speaker system operated by the sheriff's office.

Access to the courthouse will be provided persons through the handicapped entrance only after a verification with the appropriate court or other office within the courthouse that said person has

business therein and after being searched by at least two deputies, at least one of whom has had security officer training through the Ohio Peace Officers Training Council.

Upon exiting the courthouse, said handicapped person will be escorted out of the building by the same number of deputies with the same qualifications as necessary to permit access into the courthouse.

8. **RESTRICTED ACCESS TO OFFICES.** Access to judicial offices shall be as determined by each judge within the courthouse.

9. **AFTER-HOURS SECURITY.** During the hours that the courthouse is closed to the general public no person shall be permitted access to the courthouse other than judges, elected officials having business therein, and attorneys having business not able to be completed during normal business hours, all of whom shall make prior arrangements with the office of the sheriff. Should any court be in session after the close of normal business hours, court security personnel shall be required to remain on duty for as long as necessary. This, however, does not authorize access into the courthouse after hours of any person not involved with court business other than as previously set forth.

10. **STRUCTURAL DESIGN OF COURTROOMS AND HEARING ROOMS.** Any remodeling of existing courtrooms or hearing rooms within the courthouse requiring structural changes shall, if possible, have separate routes to and from the courtroom or hearing room for judges, court personnel, and prisoners as well as separate waiting areas for witnesses for each side of a law suit, whether criminal, civil, or domestic.

11. **INCIDENT REPORTING.** Any alleged violation of law occurring within the courthouse shall be reported to the office of the sheriff for investigation and said sheriff shall, if probable

cause exists, cause a complaint to be filed against the appropriate person or persons causing said violation.

The sheriff shall cause a record of all security incidents be kept as well as a disposition of the same. Any person having one incident reported within a two-year period of time shall not be permitted in the courthouse without being in the company of security personnel and only for the time necessary to enable said person to complete his or her business within said courthouse.

**12.** These policies and procedures are being adopted pursuant to directives adopted by the Ohio Supreme Court on October 17, 1994 and will be implemented by the Court in conjunction 45 with the Commissioners of this county as funds and personnel become available without adversely impacting upon the remaining mandatory obligations of the county to provide services to the people of this county.

## RULE XIV

### JURY SERVICE

Jury Service shall be in accordance with the standards adopted by the Ohio Supreme Court on August 16, 1993 and by these Rules as required by the Ohio Supreme Court.

A. All residents of Jefferson County, Ohio, over 18 years of age, citizens of the United States, and not under legal disability are eligible for jury service unless otherwise exempt as provided by these Rules.

B. Prospective jurors shall be drawn either from the rolls of registered voters as kept by the Jefferson County Board of Elections or from the list of county residents having valid driver's licenses as certified by the Ohio Bureau of Motor Vehicles at the election of the Court prior to the commencement of the annual jury year.

C. Grand and Petit Jurors shall be randomly selected by the Jury Commissioners in conjunction with the Judge presiding over the next term of Court as provided in Chapter 2313 of the Ohio Revised Code. From those selected, each Judge of the General Division of this Court shall issue a venire or venires as may be appropriate for the Court's needs.

D. Each Judge of the General Division of this Court shall be responsible for determining the qualifications of prospective jurors summoned by said Judge. The following may be exempted from jury service:

1. Those not able to communicate in the English language.
2. Those meeting the criteria of Section 2313.16 O.R.C. to the satisfaction of the summoning Judge.
3. Those excused for one of the reasons contained in Standard 6 of Appendix B of the Rules of Superintendence for the Courts of Ohio.

E. Jurors summoned for petit jury duty shall be required to remain on a panel available to call for duty until their services are no longer needed or until the end of the term of Court in which they were summoned unless having been summoned and/or served as follows:

1. If summoned four times, reporting for service, and not having been required to serve.
2. If summoned, reporting and serving as a juror a total of four or more trial days for more than one trial.

3. If having been summoned, reporting and serving for one jury trial for at least three consecutive trial days.

4. The trial judge makes a determination that further reporting for jury service is not necessary.

F. Persons summoned for jury duty, properly served, and failing to appear without having a prior excuse from the Court shall be summoned to show cause why said person should not be held in contempt.

## **RULE XV**

### **BAIL BONDS**

In the event that a criminal defendant is bound over to the common pleas court grand jury or is charged in the common plea court through an indictment or bill of information, any bail bond previously posted by that same defendant on the same charge or arising out of the same transaction shall automatically transfer from the court where is was originally posted to the common pleas court and become an obligation to the common pleas court.

All bail bonds shall remain in effect at least until the case has been disposed of through a final appealable order unless modified, revoked or vacated by the common pleas court. In the event that the defendant is sentenced to any form of incarceration, the bail bond shall remain in effect until the defendant actually reports to the sheriff's office, EOCC or prison for execution of sentence or is taken into post sentencing custody. See also Criminal Rule 46(H).



## RULE XVI

### DRUG COURT

- I. Establishment of the Jefferson County Adult Drug Court** – In order to facilitate efficient and effective treatment of alcohol and drug addicted offenders, the Court of Common Pleas hereby establishes a specialized docket known as the Jefferson County Adult Drug Court on April 6, 2016, and orders the referral of cases identified for this program to the Adult Drug Court Judge who is, by this rule, designated to attend to and manage such cases.

The goals of the Adult Drug Court are to reduce participant jail/prison/institution days by 25% of their original sentence, decrease the number of Adult Drug participants who re-offend following successful completion of the Adult Drug Court program by 40%, and to graduate 30% of Adult Drug Court participants successfully from the program.

The Adult Drug Court will include a Diversion Track and a Post-Conviction Track.

- The Adult Drug Court Diversion Track is a voluntary, comprehensive program designed to assist participants in becoming sober, responsible, and contributing members of society. The Court shall dismiss the criminal proceedings against participants who successfully complete the program.
- The Adult Drug Court Post-Conviction Track gives the participant a final opportunity to address substance dependence and anti-social behaviors upon reentry to their community.

- A. Placement in the Jefferson County Adult Drug Court** – All cases may be referred by the Prosecutor/Assistant Prosecutor/Defense Attorney for screening by the Adult Drug Court Coordinator or designee to determine appropriateness for placement. The pre-screening process allows needed information to be collected on all offenders prior to placement in the Adult Drug Court program. This information includes criminal history; residency; instant offense, and contributing factors.

The assigned supervising officer and/or judge may refer pending pretrial candidates, post-conviction community control candidates, judicial release candidates and/or pending revocation candidates by contacting an Adult Drug Court Coordinator. Defense attorneys assisting a candidate

in the filing of a judicial release motion can make a referral by contacting an Adult Drug Court Coordinator.

Upon receipt of prospective participant referrals an Adult Drug Court Coordinator and/or defense attorney will provide the candidate with a copy of the Program Handbook and an application screening form to be completed and returned to an Adult Drug Court Coordinator prior to screening by the Adult Drug Court treatment team.

The legal criteria for referral to the Adult Drug Court program pursuant to this rule shall be the following:

1. Any Community Control eligible case where alcohol and/or drug use was directly or indirectly related to the offense;
2. The offender must be a resident of Jefferson County;
3. The offender must be assessed and diagnosed as chemically dependent by an approved alcohol and drug treatment provider;
4. The offender is determined to be high-moderate to very high risk in the substance abuse domain utilizing the Ohio Risk Assessment System (ORAS); and
5. The offender must be mentally competent and have the developmental capacity to adhere to the participation requirements.

The clinical eligibility criteria for consideration for the Adult Drug Court program pursuant to this rule shall be the following:

6. The offender has a history of alcohol/substance use/abuse;
7. The offender must complete an alcohol/drug assessment;
8. The offender is diagnosed with substance dependence (Axis I); and
9. The offender must have the developmental capacity to complete the Adult Drug Court program.

An offender will be disqualified from participation in the Adult Drug Court program if any of the following exist:

10. The offense committed was a crime of violence;
11. The offender is charged with an offense for which a prison term is mandatory;
12. The offender is actively working as a police informant;
13. The offender is mentally incompetent and/or has a mental health disorder, which would prevent or interfere with successful completion of the program;
14. The defendant does not demonstrate a willingness to participate in a treatment program;
15. The offender resides outside of Jefferson County, OH.

Once an offender is determined to meet the legal and clinical eligibility for participation in the Adult Drug Court program, an Adult Drug Court Coordinator will review all collateral information gathered and a decision will be made regarding acceptance and/or admittance in the Adult Drug Court program.

The Prosecutor must consent to the offender being placed in the Adult Drug Court Diversion Track. Failure of the Prosecutor's consent will result in a denial of acceptance; however, will not preclude consideration for the Adult Drug Court Post-Conviction Track.

The Adult Drug Court Judge has the discretion and is the final decision maker regarding acceptance into the Adult Drug Court program.

**B. Case Assignment** – The process of the initial assignment of judges remains unchanged. The case will be transferred to the Adult Drug Court Judge upon acceptance and admission to the

Adult Drug Court program, and the Adult Drug Court Judge shall have the authority to accept or reject cases referred to the Adult Drug Court program for supervision, guidance, and treatment.

1. In the event of unsuccessful termination from the Adult Drug Court Post-Conviction Track, the defendant will remain with the Adult Drug Court Judge for further proceedings.
2. In the event of unsuccessful termination from the Adult Drug Court Diversion Track, the defendant will return to the originally assigned Judge for further proceedings.

**C. Case Management** – The Adult Drug Court program is a specialized docket established to assist chemically dependent offenders on their road to recovery, by providing services and programming to address their specific needs. Services and programming are more specifically outlined in the Adult Drug Court program description, Adult Drug Court Program Handbook and Adult Drug Court Participant Agreement. Services may include participation in the following:

1. Residential treatment;
2. Intensive outpatient treatment;
3. Individual treatment sessions;
4. Gender specific programming;
5. Family therapy;
6. Medication;
7. Medication monitoring;
8. Ongoing mental health treatment;
9. Case management;
10. Education;
11. Vocational training;
12. Employment;
13. Transportation;
14. Anger management;
15. Criminal thinking;
16. Housing;
17. Parenting classes;
18. Domestic violence programming; and
19. Physical, mental and dental health.

**D. Termination from the Adult Drug Court** – A participant may be terminated from the Adult Drug Court program if any of the following occur:

1. Ongoing non-compliance with treatment or resistance to treatment;
2. New serious criminal conviction. A conviction for a felony offense of violence, firearm-related offense, or sexually oriented offense will result in termination from the Adult Drug Court program.
3. Any serious specialized docket infraction or series of infractions; and
4. A serious probation violation or series of probation violations.

If a participant is unsuccessfully terminated from the Adult Drug Court Post-Conviction Track, he or she will be subject to the following actions:

5. A motion to revoke community control will be filed and the participant will proceed through the revocation process;
6. The participant will be subject to the imposition of other penalties or incarceration; and
7. The participant will be ineligible to participate in the Adult Drug Court program for a period of five years.

If a participant is unsuccessfully terminated from the Adult Drug Court Diversion Track, he or she will be subject to the following actions:

8. A hearing must be held wherein the Court finds the participant guilty and imposes a sentence in accordance with RC 2929.