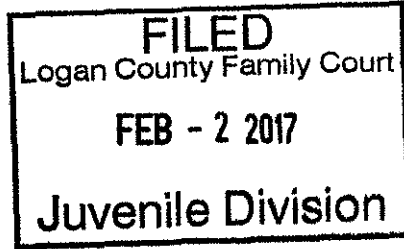


IN THE COMMON PLEAS COURT OF LOGAN COUNTY, OHIO  
DOMESTIC RELATIONS DIVISION



LOCAL RULES

CASE NO. 12,700

The attached rules are in compliance with existing statutes, case law and rules.

It is therefore, **ORDERED, ADJUDGED and DECREED** that the attached local rules be approved and hereby **ORDERED** to be effective January 31, 2017.

The clerk shall forthwith cause a certified copy of this entry and accompanying rules to be filed with the Supreme Court of the State of Ohio.

All this until **FURTHER ORDER** of this Court.

A handwritten signature in black ink, appearing to read "Dan W. Bratka".

\_\_\_\_\_  
Dan W. Bratka, Administrative Judge

A handwritten signature in black ink, appearing to read "Kim Kellogg-Martin".

\_\_\_\_\_  
Kim Kellogg-Martin, Judge

**RULES OF THE COURT OF COMMON PLEAS OF LOGAN COUNTY, OHIO  
FAMILY COURT - DOMESTIC RELATIONS**

**ADAPTED FROM PREVIOUS RULES OF THE GENERAL DIVISION**

**RULE DR 1 PLEADING AND GENERAL PROVISIONS**

**DR 1.01 COMPLIANCE WITH OHIO RULES OF CIVIL PROCEDURE AND  
LOCAL RULES**

These are special rules for domestic relations cases to be used in addition to the Ohio Rules of Civil Procedure and the Local Rules of this Court.

**DR 1.02 AFFIDAVITS REQUIRED TO ACCOMPANY PLEADINGS AND  
MOTIONS**

**(A) AFFIDAVIT OF INCOME AND EXPENSES (DR-10)**

All initial pleadings, and all post decree motions wherein child support or spousal support could be an issue (including agreed entries) must be accompanied by Form DR-10. The responding party shall file Form DR-10 at least three (3) days prior to hearing. Copies of income verification (one month's recent pay stubs and the most recent Federal Income Tax Return) must be attached to the affidavit. This affidavit must be served with the original pleading upon the opposing party.

**(B) ALLOCATION OF PARENTAL RIGHTS/CHILD CUSTODY AFFIDAVIT -  
O.R.C. 3109.27**

All original filings for divorce, dissolution, annulment, or legal separation and all motions for the modification of such orders which involve allocation of parental rights and responsibilities for minor children must be accompanied by a child custody affidavit completed pursuant to O.R.C. 3109.27.

**(C) MOTIONS/CHILD SUPPORT COMPUTATION WORKSHEET**

1. All original pleadings for divorce, dissolution, annulment, or legal separation which involve child support shall be accompanied by a child support computation worksheet completed in conformance with O.R.C. 3119.022.
2. All motions for the establishment or modification of support orders must be accompanied by a child support computation worksheet and shall set forth the specific language of the last order, the date of such order, and the reasons for requesting the modification. The motion shall be supported by affidavit.

### **DR 1.03 TITLE IV-D APPLICATION**

Whenever a support order is requested or modified, the movant shall execute and file with the Court an application for Title IV-D services pursuant to O.R.C. 3119.01.

### **DR 1.04 SUPPLEMENTAL PLEADINGS**

Any pleading, written argument, brief or request for findings of fact or conclusions of law filed after a case has been taken under advisement must be filed with the Clerk of Courts, a copy delivered to opposing counsel and served on the Judge or Magistrate who is hearing the case.

### **DR 1.05 ADDITIONAL FORMS**

The Court may furnish and require to be executed and filed with the Clerk of Courts such forms as it may require from time to time.

### **DR 1.06 COMMON GROUND PARENTING PROGRAM**

Each party involved in a divorce, dissolution, legal separation, or when the Court finds it appropriate, where children are involved, shall attend the Common Ground Parenting Program.

The Common Ground Parenting Program is designed to assist parents in resolving issues that may arise in this type of action. The program is mandatory in all actions involving children and is not intended to be a negative reflection on parents. The Court must focus on the best interest of the children and this program helps the parties do the same. At the conclusion of this program, a certificate of attendance will be filed in this case. If you do not attend, the Court will take your refusal to attend the program into consideration in allocating parental rights and responsibilities and may order your attendance at additional cost to you.

### **DR 1.07 DEPOSIT TOWARD COSTS**

Except as provided in Rule DR 7, no domestic relations action shall be accepted for filing with the Clerk of Courts without a filing fee as determined by the Court or an affidavit of indigency accompanied by an appropriate motion and entry. Similarly, no domestic relations action shall be accepted for filing unless all outstanding court costs from prior actions are paid in full.

Security for costs must be posted to cover witness fees plus mileage for all witnesses to be subpoenaed.

Parties to an action may be required to deposit funds as directed by the Court for guardian ad litem, home study investigation or appraisal fees.

### **DR 1.08 STYLE OF CASE**

All domestic relations complaints and orders must contain in the style of the case each party's date of birth, social security number, and current address. In cases where a party is representing him or herself pro se, the party shall also include their telephone number.

### **DR 1.09 REAL ESTATE DESCRIPTION REQUIRED FOR FINAL ENTRY**

All final orders which involve marital real estate shall include a legal description of any such real estate in the final entry.

### **DR 1.10 SERVICE BY POSTING**

Pursuant to Civil Rule 4.4 (A)(2), service by publication in in forma pauperis cases of divorce, annulment or legal separation shall be by posting and mail. Posting shall be in a conspicuous place on the 2nd floor of the Courthouse and the following two additional public places:

1. Ohio Department of Human Services  
211 East Columbus Avenue  
Bellefontaine, OH 43311
2. Logan County Health Department  
304 South Main Street  
Bellefontaine, OH 43311

**DR 1.11 MUTUAL TEMPORARY RESTRAINING ORDERS**

An ex parte mutual temporary restraining order may be obtained by either party at or after the commencement of a case so long as it is accompanied by a supporting affidavit. The affidavit shall set out specific facts which justify the issuance of the restraining order.

Only the following language will be approved ex parte. Any other request for a restraining order shall be awarded only upon motion and hearing.

It is ORDERED that each spouse is enjoined from committing any of the following acts:

1. Removing or causing to be removed, the child(ren) born or adopted by the parties and/or the child(ren) of either or both spouses, if any, from the Court's jurisdiction; and
2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, stalking, harassing, interfering with or imposing any restraint of the personal liberty of the other spouse, committing any act with respect to a child in violation of the Revised Code of Ohio; and
3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation; and
4. Selling, removing, transferring, encumbering, pledging, hypothecating, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each) without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs; and
5. Voluntarily changing the term of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child(ren) born or adopted by the parties; and
6. Voluntarily liquidating, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or child(ren) born or adopted by the parties and/or of either or both spouses; and

7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining order precludes either spouse from using his/her property to pay necessary and reasonable attorney fees, litigation and court costs in this action

### **WARNING**

This is an official Court Order. If you disobey any order of Court, you may be found in contempt of Court, sentenced to jail, fined, and ordered to pay costs and attorney fees in addition to any other legal remedy available to the spouse, child(ren), or other dependent affected. This Order is in effect until (1) the Court issues an order which modifies or terminates it or (2) a judgment for divorce, dissolution, or legal separation is filed with the Clerk of Courts.

### **RULE DR 2 CHILD SUPPORT/SPOUSAL SUPPORT**

#### **DR 2.01 SUPPORT ORDERS**

To comply with the mandates of the Ohio Revised Code all support orders shall be made through the office of child support, and this Rule shall act as a Court Order if such language is not specifically in any decree or judgment entry of this Court.

Except as modified herein, all orders for support, either child support or spousal support, shall be handled in the same manner.

(A.) In all cases in which a child support order is made in a final decree, the decree must have a Child Support Computation Worksheet attached.

(B.) If the amount of child support ordered deviates from the amount indicated on the worksheet, the decree shall state that the schedule amount is inappropriate or unjust; the decree shall contain findings of fact supporting the deviation. The Court may refuse to approve orders which are not, in the Court's opinion, in the best interest of the children.

(C.) Attached is a Judgment Entry/Support Order (DR.07) with Health Insurance Provision that contains the required notices and provisions. This entry is provided as a convenience and should not be meant to preclude attorneys from submitting their own entries. However, the provisions in this order will be easier for us to check, and may result in fewer entries being returned for corrections.

## **DR 2.02 HEALTH CARE COVERAGE**

Pursuant to Revised Code 3119.30 and 3119.31 all child support orders must include provisions specifying which parent is responsible for providing health care coverage for the child(ren). An equitable formula for the payment of extraordinary medical expenses defined in 3119.01 shall be included.

In the treatment of a non-emergency condition, the non-custodial parent shall be entitled to secure a second opinion at his own expense.

## **DR 2.03 RELIEF FROM TEMPORARY ORDERS**

If either party feels aggrieved by a temporary support order made in accordance with these rules, such party shall file an appropriate motion for relief. Copies of such motions shall be served in accordance with the Civil Rules. A time for oral hearing on the motion may be obtained from the Assignment Commissioner. Hearing dates may be requested on a priority basis.

## **DR 3 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

### **DR 3.01 TEMPORARY RESIDENTIAL PARENT STATUS EX PARTE ORDERS**

If the parties no longer share the same household at the commencement of an action of divorce, annulment or legal separation involving the allocation of parental rights and responsibilities of minor children, the Plaintiff may file with the complaint an entry for approval by the Court granting temporary residential parent and legal custodian status to the person having actual physical custody preceding the filing of the complaint.

If the parties shared actual physical custody preceding the filing of the complaint, the order shall grant temporary residential parent and legal custodian status to the person who was the primary caretaker of the children prior to the filing of the complaint.

If the parties remain in the same household, there shall be no provision as to the allocation of parental rights and responsibilities.

### **DR 3.02 RELIEF FROM TEMPORARY RESIDENTIAL PARENT ORDER**

If either party feels aggrieved by an order granting temporary residential parent status, such party may file an appropriate motion for relief. Copies of such motions shall be served in accordance with Civil Rules. A time for oral hearing shall be obtained from the Assignment Commissioner. A time for hearing may be requested on a priority basis.

**DR 3.03 PERMANENT ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

Final orders allocating parental rights and responsibilities shall be established through one of the following procedures, as appropriate:

(A) When both parties request shared parenting and file a single shared parenting plan, a parenting conference shall be scheduled before the Judge or Magistrate and the following documents shall be submitted for approval:

1. A shared parenting plan shall include provisions covering all factors relevant to the care of the children including:

- (a) Physical living arrangements of the children
- (b) Child Support (sole custody worksheet, R.C. 3119.022 must be submitted and **DEVIATION PROCEDURES MUST BE FOLLOWED**)
- (c) Medical and dental care plan
- (d) School placement
- (e) The parent with which the children will be physically located during legal holidays, school holidays, and other days of special importance
- (f) A designation of legal custodian, if necessary welfare or school purposes.

(B) When both parents request shared parenting, but submit separate plans:

1. The parties shall advise the Judge or Magistrate that two plans will be filed and schedule a parenting conference with the Judge or Magistrate who will be hearing the matter.

2. Thirty (30) days prior to the parenting conference each party shall submit their shared parenting plans to the court and to each other. The plans must include at least the information required in (A)(1), (a) through (f) above.

3. At the parenting conference, the Judge or Magistrate will review the separate plans. Counsel shall request sufficient time to present their case.

(C) When one party requests shared parenting and the other parent objects:

1. The requesting party shall schedule a parenting conference and advise the Judge or Magistrate of the intention to file a shared parenting plan.



2. Thirty (30) days prior to the parenting conference, each party shall submit their shared parenting plans to the Court and to each other. The plans must include at least the information required.

3. At the parenting conference, the Judge or Magistrate may take evidence on the issue of whether to grant or deny the shared parenting request. Counsel shall request sufficient time to present their cases.

(D) When a shared parenting request is denied, or in cases in which neither parent requests shared parenting, the parties shall:

1. Agree that one parent shall be designated the residential parent and legal custodian and divide between the parents the other rights and responsibilities for the care of the children, including the duty of support and visitation.

OR

2. Advise the Court that each party seeks to be the residential parent and legal custodian and set the matter for a scheduling conference. Upon learning that each parent seeks to be the residential parent and legal custodian, the Court at the scheduling conference may issue an Order regarding:

- (a) the nature of any investigation to be conducted;
- (b) the parties' participation in mediation pursuant to O.R.C. 3109.052;
- (c) the timetable for completion of investigations, discovery and mediation;
- (d) the necessity for psychological evaluations, the appointment of the evaluator, and the source of payment for the evaluation, along with a timetable for completion of the report;
- (e) a date for a scheduling conference or pre-trial.

If the issue of custody cannot be resolved at the parenting conference, the matter will be promptly set for an evidentiary hearing before the Judge or Magistrate on the issue of allocation of parental rights and responsibilities.

**DR 3.04 POST-DECREE MOTIONS TO CHANGE THE ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES**

A motion for change in allocation of parental rights and responsibilities or a request for shared parenting shall set forth the Court order sought to be modified and the specific change in circumstances upon which the motion is filed. If the motion fails to be specific, the Court may dismiss on its own motion.

A scheduling conference will be set and will cover the items outlined in DR 3.03 (D)(2), (a) through (e).

If the matter cannot be resolved at the scheduling conference, the matter will be promptly set for a parenting conference, or pretrial and hearing before the Judge or Magistrate on the issue of allocation of parental rights and responsibilities.

#### **DR 3.05 AGREED POST DECREE CHANGES**

In all cases in which the parties agree either to reallocate parental rights and responsibilities, or to change an existing shared parenting plan, the parties shall file a Request for Approval of an Agreed Shared Parenting Plan or a Request for Approval of an Agreed Plan to Reallocate Parental Rights and Responsibilities. The request shall be accompanied by a Child Support Calculation Worksheet, R.C. 3119.022, calculated as if there was one primary residential parent, or a split custody worksheet, R.C. 3119.023 if applicable and a Child Custody Affidavit. The request shall also be accompanied by one of the following plans as appropriate:

1. A shared parenting plan which at least shall include:
  - (a) Physical living arrangements of the child(ren);
  - (b) Child Support;
  - (c) Medical, dental, hospitalization care plan;
  - (d) School placement;
  - (e) Visitation;
  - (f) Designation of legal custodian, if necessary for welfare or school purposes.
  
2. A plan for allocation of parental rights and responsibilities shall include:

All of the items listed in (1) except (d) and (f).

All agreed entries which present a deviation in child support will be set for hearing.

#### **RULE DR 4 PARENTING TIME**

##### **DR 4.01 STANDARD GUIDELINES ON PARENTING TIME**

The Court of Common Pleas has adopted the Standard Guidelines on Parenting Time in Domestic Relations cases, a copy of which is included as DR-01 in the Table of Forms herein. These rules are to be used when the parties cannot otherwise agree upon parenting time. The Court encourages liberal parenting time in most cases.

## **RULE DR 5 PROCEDURE - SCHEDULING AND HEARING**

### **DR 5.01 RULE 75 - N PROCEDURE**

1. Upon motion, support by affidavit, the Court may grant mutual restraining orders on an ex parte basis.
2. If a person who files a complaint for divorce, legal separation, annulment or post decree motion requests an ex parte order other than restraining orders, the court may hold an ex parte hearing on the same day that the petition is filed. The court for good cause shown at the ex parte hearing, may enter any temporary orders, including, but not limited to, allocation of parental rights, child and/or spousal support, and exclusive use of residence or vehicle.

### **DR 5.02 TEMPORARY HEARINGS**

If temporary orders are requested, the court shall schedule a hearing on temporary orders within fourteen (14) days of the filing of the complain or motion. The court shall give the Defendant/Respondent notice of, and an opportunity to be heard at the temporary orders hearing. The court shall hold the temporary orders hearing on the scheduled date unless the court grants a continuance. The court may grant a continuance of the temporary orders hearing if one of the following applies:

- a.) the Defendant/Respondent has not been served with the complaint/motion or has not received proper notice of the hearing;
- b.) the parties consent to the continuance;
- c.) the continuance is needed to allow a party to obtain counsel;
- d.) for good cause shown.

If a continuance of the temporary orders hearing is granted, the court or magistrate may issue an ex parte order of support, based on the information available.

### **DR 5.03 RELIEF FROM TEMPORARY ORDERS**

If either party feels aggrieved by an ex parte order made in accordance with these rules, such party shall file an appropriate motion for relief. Copies of such motions shall be served in accordance with Civil Rules. A time for oral hearing on the motion may be obtained from the Assignment Commissioner. Hearing dates may be requested on a priority basis.

## **DR 5.04 PRE-TRIAL CONFERENCES**

### **(A) Scheduling Conference**

At the temporary orders hearing the Assignment Commissioner will arrange with counsel or parties for a date and time for a scheduling conference, at least 30 days hence, in order to discuss the issues, time needed, discovery, witnesses, property appraisals, settlement proposals, home studies or psychological evaluations.

Where appropriate, the case will be assigned for an uncontested hearing. In other cases, an assignment shall be made for a status conference or for a pre-trial and contested hearing.

### **(B) Status Conference**

At the scheduling conference, counsel may arrange for a status conference, where appropriate so that counsel will be able to update the Court on the status of discovery, appraisals, settlement negotiations, and efforts toward reconciliation. The pre-trial conference and/or final hearing may be scheduled at this time.

### **(C) Pre-Trial Conference**

1. Pre-trial conferences are to be scheduled in all of the following situation:

- (a) If either party is requesting shared parenting or if the allocation of parental rights and responsibilities is an issue;**
- (b) If grounds are contested;**
- (c) If any hearing is anticipated to last over one hour;**
- (d) Any time jurisdiction or venue is an issue;**
- (e) Upon the request of either attorney, the Court or the Magistrate.**

2. Counsel is requested to meet prior to any scheduled pre-trial to resolve as many issues as possible.

**3. Counsel shall prepare a pretrial statement and balance sheet (DR-11) containing all of the following information as may be appropriate:**

- (a) Concise statement of the issues;**
- (b) Facts established by admission in the pleading admissions by discovery, and stipulations of counsel;**
- (c) Contested issues of fact;**
- (d) Contested issues of law, together with Counsel's citation of authority for counsel(s) position;**
- (e) Names of witnesses, including expert witnesses and their qualifications, expected to testify at trial, together with a brief statement of the subject matter to each witness's expected testimony and the time expected for their testimony.**
- (f) Lists of exhibits counsel intends to offer into evidence, marked as follows:**
  - 1. Joint Exhibits - Roman Numerals**
  - 2. Plaintiff Exhibits - Arabic Numerals**
  - 3. Defendant Exhibits - Letters**

**Counsel shall certify that they have exchanged Exhibits and, if possible, provide a copy to the Court.**

- (f) Statement of any additional motions that need to be filed;**
- (g) Statement detailing completed discovery to date and any additional discovery needed by Counsel;**
- (h) Counsel's expectations of trial time needed to present his/her side of the case;**
- (i) A complete settlement proposal approved by the party being represented;**
- (j) Any other information which will be helpful to the court in either negotiations or preparation for trial.**

**4. All pre-trial statements shall be filed with the Clerk with copies served upon the Judge or Magistrate hearing the case, and all other Counsel or pro se parties, not less than three (3) days prior to the pre-trial, unless the Court otherwise directs.**

**5. The Court may order Counsel to prepare a Joint Pre-trial Statement, containing any or all of the foregoing information.**

**6. Failure to submit a Pre-trial statement or to comply with any other court orders in a timely manner may result in appropriate sanctions, including exclusion of testimony or exhibits, dismissal of the case, contempt of Court, or any other action the Court may deem appropriate.**

**7. Counsel are responsible for notifying the Court of any party's failure to cooperate with the other party or to diligently attempt to comply with all pre-trial Orders of the Court.**

**The Trial attorneys shall be present at the pre-trial conference with their clients, unless permission is granted by the Court prior to the hearing.**

**DR 5.05 FINAL HEARINGS/DECREES**

**All exhibits must be marked before the trial begins.**

**Final contested hearings will begin promptly on the date assigned.**

**On every full-day contested hearing, counsel for the parties will be present at 8:30 A.M. to meet with the Judge or Magistrate to confer on all remaining matters prior to trial.**

**If a cause which has been scheduled for trial hearing is settled, it is the duty of the attorneys to promptly notify the Court so that the time allotted for trial can be reassigned.**

**Hearings which cannot be completed within the time period assigned will be continued in progress to another date, and the parties will be limited to those witnesses identified in their pre-trial statements.**

**When required by the Judgment or Magistrate, closing or final arguments shall be in writing and the parties shall submit proposed Findings of Fact and Conclusions of Law.**

**DR 5.06 POST DECREE MOTIONS**

**(A) Scheduling Conference**

**When the post decree motion is filed, the attorney shall request from the Assignment commissioner, either to a scheduling conference, if necessary, or a hearing date. If a scheduling conference is requested, the parties and their attorneys shall be present at the conference and be prepared to discuss the issues, time needed for hearing, discovery, witnesses and settlement proposals.**

## **(B) Actions for Contempt and Attorney Fees**

In all actions for Contempt and Attorney Fees, the attorney shall, contemporaneously with the filing, notify the Clerk of Courts whether a Summons on Contempt shall accompany the pleading. If the Clerk is not so notified, the Summons on Contempt will not accompany the pleading.

In all actions for Contempt and Attorney Fees, the parties shall make every effort to settle the matter before hearing. In no event will this Court award Attorney fees to a party who has failed to make every effort to settle their case prior to hearing.

Actions for contempt on health insurance coverage expenses or payments for medical care for a child shall complete health insurance coverage contempt sheet, form DR-12.

The Court may award attorney fees to the prevailing party in an amount not more than \$400.00 without the necessity for professional testimony regarding fees.

## **RULE DR 6 MEDIATION**

1. At any time after service of summons in any action for divorce, legal separation or annulment, or at any time after the filing of a post decree motion, the court may order both parties to attend an initial mediation session (Revised Code 3109.052). Only issues regarding the allocation of parental rights and responsibilities and family related issues involving the minor children may be ordered to mediation. Upon successful mediation of above stated issues, the parties may voluntarily agree to discuss financial matters in a separate mediation session.

2. Upon completion or termination of mediation, parties and mediator shall jointly provide the court a mediation report (Revised Code Section 3109.052(B)). Any agreement reached during mediation shall not be binding upon the parties until approved by the court. The court shall consider the best interest of the child(ren) when allocating parental rights and responsibilities and/or establishing a possessory schedule.

**RULE DR 7 DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS (CPO)  
AND TEMPORARY PROTECTION ORDER (TPO)**

**DR 7.01 STANDARD FORMS**

This Court will accept for filing petitions and supporting documents requesting domestic violence CPOs and TPOs which utilize the standard forms promulgated for the purpose of civil protection orders by the Supreme Court Domestic Violence Task Force and which are filled out in sufficient detail for the Court to proceed.

Pursuant to the Supreme Court's instructions, five copies of these documents must be submitted to the Clerk's Office.

**DR 7.02 CLERK TO PROVIDE STANDARD FORMS**

The Clerk of this Court upon request will provide to any person so requesting the standard forms for CPOs or TPOs along with the explanations of procedure prescribed by the Supreme Court Domestic Violence Task Force.

**DR 7.03 EX PARTE HEARING**

If a Petitioner for a CPO is filed early enough in the day, an ex parte hearing is held that same day. If the Petitioner for a CPO is filed too late in the day, a hearing is scheduled for the following business day.

**DR 7.04 ASSIGNMENT OF FULL HEARING**

A full hearing shall be assigned by the Domestic Relations Assignment Commissioner within the time prescribed by the law at the time of the ex parte hearing.

**DR 7.05 NOTIFICATION TO PROSECUTOR**

The Clerk shall provide a copy of the petition for a protection order to the Logan County Prosecutor's Office which will fulfill the obligation of the Clerk or the Court to report any knowledge of a felony to the appropriate authorities.

**DR 7.06 SERVICE/WARNING RE CPO and TPO**

The Clerk shall serve all documents with appropriate warning attached pursuant to the blocked instructions on the standard orders.



## **DR 7.07 NOTICE TO LAW ENFORCEMENT AGENCIES AND NCIC**

Upon prescribed form, local law enforcement shall be notified of the issuance of the CPO or TPO by the Clerk in order that said issuance can be entered in the National Crime Information Center data system for state and national dissemination.

## **RULE DR 8 GUARDIAN AD LITEM**

### **DR 8.01 WHEN APPOINTED**

Whenever the Court finds that it is necessary to appoint a guardian ad litem to protect the interest of a child, or whenever the Court is required to do so by statute it shall appoint a guardian ad litem pursuant to Section 3109.04 herein.

### **DR 8.02 QUALIFICATIONS**

Guardians Ad Litem shall have the following qualifications:

1. Possession of a law degree or a graduate degree in psychology, psychiatry or social work.
2. Maintenance of appropriate malpractice insurance.

### **DR 8.03 HOW APPOINTED**

The Court shall maintain a list of qualified attorneys and a separate list of qualified non-attorney guardian ad litem. The Judge or Magistrate after consultation with counsel shall appoint a guardian ad litem from the Court's list.

### **DR 8.04 COMPENSATION**

Fees for Guardian Ad Litem are based upon fourteen (14) hours at fifty dollars (\$50.00) per hour or \$700. Any fees in excess of seven hundred dollars (\$700.00) must have prior Court approval in writing.

In addition to the deposit required by DR 1.07 at the time of guardian ad litem appointment, the Court may require parties to submit additional monies. Fees will be assessed between the parties and should be deposited with the Clerk's office.

Where the appointment of a Guardian Ad Litem is indicated, and where both parties are indigent, the Court may appoint a qualified person who is willing to serve pro bono or be partially compensated by public funds. The same standard of indigency approved by the County Commission for those applying for counsel in criminal cases shall be applicable.

#### **DR 8.05 RESPONSIBILITIES**

At a minimum, the guardian ad litem shall:

1. Interview each parent separately
2. Interview the child(ren) separately
3. Interview the child(ren) in the presence of each parent
4. Contact the child's school, if any
5. Contact the child's health care providers, if any
6. Meet with any evaluator assigned to the case, if any
7. Participate in all pretrials but, unless specifically ordered to do so by the Court, the guardian ad litem shall not participate in any hearings or trials other than to testify as the Court's witness.
8. A concise report must be submitted to the Court seven (7) days before the final hearing, unless the written report is waived by all parties in writing.

#### **RULE DR 9 ARBITRATION**

##### **DR9.01 REQUEST BY PARTIES**

In Domestic relation cases, the Court may at the request of all parties, refer a case or a designated issue, or designated issues to arbitration. The procedures and powers set forth in Rule 24 of these Rules shall be applicable unless the specific provisions of this Rule are to the contrary.

##### **DR9.02 SELECTION AND QUALIFICATION OF ARBITRATORS**

The parties shall propose an arbitrator to the Court and designate all issues to be ruled upon by the arbitrator. The arbitrator shall be disinterested but need not be an attorney.

##### **DR9.03 PAYMENT OF ARBITRATOR**

The request submitted by the parties shall provide for the manner of payment of the arbitrator.

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

**IN RE: AMENDED COURT RULES**

**JUDGMENT ENTRY**

This matter comes before the court on the notice to amend court rules. The Court **FINDS** the amended court rules are necessary for the efficient operation of the court.

The Court hereby **ORDERS** said rules be amended as follows:

- 1. The initial filing fee for Divorce, Dissolution, Annulment, Legal Separation and Counterclaim shall be Four Hundred Dollars and No Cents (\$400.00).**
- 2. The Logan County Clerk of Courts is authorized to apply the available deposit paid by either party toward outstanding costs, subject to reimbursement back to the party who covered the obligation which was owed by another party.**
- 3. Local rule DR1.07 Deposit Toward Costs is amended to read:**
  - A. COST DEPOSIT:** Any party filing an action or claim in this court, except civil protection order cases, shall deposit court costs at the time the pleadings are filed, unless the filing party is not required by law or Court Order to make such deposit. The Logan County Clerk of Courts shall publish a schedule of court costs and all deposits shall be made in the amount specified in that schedule. A copy of this schedule is attached and incorporated herein as Cost Schedule A with the effective date being the date of the rule amendment. Said Schedule may be adjusted from time to time and incorporated into these rules by amendment. The Clerk of Courts may refuse to file a party's pleadings if a cost deposit/filing fees in the proper amount is not tendered with the pleadings. Similarly, No Domestic Relations action shall be accepted for filing unless all outstanding court costs from prior actions are paid in full.
  - B. ADDITIONAL DEPOSITS:** The Court, in its discretion, may require additional deposits toward costs, Guardian ad litem fees, Home Study fees, appraisal fees and Witness fees for subpoenas.
  - C. AFFIDAVIT OF INDIGENCY FOR COURT COSTS:** The Logan County Clerk of Courts shall accept any pleadings filed without a court cost deposit, provided an Affidavit of Indigency for Court Costs is submitted with the pleadings and so Ordered by the Court. **The Judgment Entry approving the filing without prepayment of the deposit does not relieve a party from liability for court costs.** Nothing herein shall be construed to prevent the Court from requiring any other party to the action to make a sufficient deposit for costs, or from assessing costs to any party.

This order shall be effective January 1, 2016.

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Judge Dan W. Bratka

**LOGAN COUNTY COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION**

**Cost Deposits-Schedule A**

Complaint for Divorce, Dissolution, Annulment and Legal Separation	\$400.00
Counterclaim, Cross-Complaint, Third Party Complaint	\$400.00
Motion or Pleading to Re-Open case (i.e. Motion for Custody, Visitation, Contempt, etc.)	\$150.00
Service by Publication (Advertisement-Additional)	\$150.00
Certificate of Judgment	\$45.00