

**COSHOCTON COUNTY RULES OF PRACTICE AND PROCEDURE  
OF THE COURT OF COMMON PLEAS  
GENERAL DIVISION  
DOMESTIC RELATIONS DIVISION  
318 MAIN STREET  
COSHOCTON, OHIO**



**JUDGE ROBERT J. BATCHELOR  
MAGISTRATE CHRISTIE M. L. THORNSLEY**

**Amended and updated January 1, 2026**

**COMMON PLEAS COURT OF COSHOCTON COUNTY, OHIO**

**GENERAL DIVISION**

**DOMESTIC RELATIONS DIVISION**

**LOCAL RULES**

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## **RULE 1 SCOPE, APPLICABILITY AND PURPOSE**

(A) The following rules are adopted pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio and Civ.R. 83. The purpose of the rules of local practice is to facilitate the expeditious disposition of cases. The rules apply to the general and domestic relations divisions of this court.

(B) The rules are effective November 22, 2022. All previous local rules are hereby rescinded.

(C) These rules shall apply in all cases unless inconsistent with the Ohio Constitution, the Ohio Rules of Civil Procedure, and the Rules of Superintendence promulgated by the Supreme Court of Ohio. Should there be any conflict between the local rules and the Ohio Rules of Civil Procedure, the Ohio Rules of Civil Procedure shall at all times govern. The content of the Rules and Appendices are in no manner intended to be legal advice to lawyers or lay persons.

## **RULE 2 TIME**

(A) The time allowed or permitted for the performance or completion of any act in handling matters before this Court shall be as established by the Ohio Rules of Civil Procedure and Criminal Procedure, and the Rules of Superintendence for the Courts of Ohio. If a particular matter is not covered by the aforesaid rules, such time shall be established herein or by Court Order. For further explanation on civil matters, please reference the "Time Table Under the Civil Rules" as included in the Rules Governing the Courts of Ohio, published by the Anderson Publishing Company.

## **RULE 3 TERMS OF COURT AND HOURS OF COURT SESSIONS**

(A) Pursuant to Revised Code Section 2301.05, there shall be one term of court consisting of one calendar year. In accordance with Revised Code Section 2301.11, this Court shall hold not less than 240 days of open session during each judicial year, unless all business is disposed of in less than such period.

(B) The business hours of the Court shall be Monday through Friday from 8:00 A.M. to 4:00 P.M., unless otherwise required.

## **RULE 4 GENERAL RULES**

(A) No action in the Coshocton County Court of Common Pleas shall be filed or tried by any attorney not admitted to practice law in the State of Ohio. Effective January 1, 2011 Gov. Bar R. XII is amended to allow an out of state attorney to practice in Ohio *pro hac vice* admission.

(B) Everyone entering the Coshocton County Common Pleas Court must pass through a metal detector or other screening device to maintain security. All persons entering the building are subject to search, along with all packages, briefcases, purses, wallets or other containers.

(C) According to Ohio Revised Code Section 2923.123, "no person shall knowingly convey or attempt to convey a deadly weapon or dangerous ordinance into a courthouse or into another building or structure in which a courtroom is located."

(D) Cell phones, devices capable of recording audio or video, cameras and other similar electronic devices are to be off and not be in operation at any time except as directed by the Court. The Court may order security staff to hold the device. Failure to comply with this section can result in the confiscation of the cell phone or other device

(E) The Court reserves the right to remove any person whose conduct disrupts the proceedings before the Court or poses a threat to security. The definition of "the Court" includes the appointed Magistrate and support staff.

(F) Appearance in the Courthouse under the influence of alcohol or drug abuse by any person is strictly prohibited. Any party or other person appearing in this Courthouse who appears to be under the influence of alcohol and/or any drug of abuse may, at the discretion of the Court, be ordered to submit to alcohol testing and drug screening. A positive alcohol test and/or drug test may result in a finding of direct contempt. A finding of contempt may subject the contemnor to a fine, incarceration or both

(G) Persons with disabilities, special needs or the need for an interpreter should make requests for reasonable accommodations to the Court at (740) 622-1595 at least seven (7) days prior to any scheduled hearing so that arrangements can be made.

(H) Proper attire is required of attorneys, parties, witnesses and spectators while present in Court. Any activity or attire deemed to be disruptive to the decorum of the Court is strictly prohibited. Any Court employee may exclude anyone not properly attired.

(I) Counsel for all parties shall be present and before the Court at the assigned hearing time. If counsel is not present in Court at the assigned hearing time, the case may commence without counsel, may be continued, or may be dismissed. If counsel is going to be late for a hearing, counsel must make a reasonable effort to notify the Judge or Magistrate as soon as is practical in order to explain the reason for his or her lateness. Repeated lateness or absences may result in contempt of Court and/or the removal of counsel from the appointment of cases in the Coshocton County Common Pleas Court.

**RULE 5 FILING PLEADINGS AND OTHER DOCUMENTS**  
**SEE ALSO RULE 12 ELECTRONIC FILING**

(A) Pleadings or other papers shall be type-written or printed on 8 1/2 X 11 inch paper, and shall be offered for filing to the Clerk of Courts without folding, suitable for a flat filing system. If the document appears unsuitable for filing for any reason, the Clerk may reject the document, or submit the document to the Judge of the General Division for review to determine if the document may be accepted for filing. Original documents attached or offered as exhibits thereto are exempted from this requirement. All pleadings and other papers shall be identified by a case caption. (See, Appendix of Official Forms, Ohio Rules of Civil Procedure)

(B) The party filing an initial action or post decree motion shall file a minimum of an original and one copy for each party and a copy for CSEA if appropriate. Neither the Court nor the Clerk of Courts is required to make copies of pleadings filed with the Clerk of Courts. If no copies are provided upon filing, no copies will be returned.

(C) A case designation form must be completed for all appropriate filings (See Appendix A). Initial pleadings and other relevant documents not accompanied by a completed case designation form will be rejected and not made part of the docket.

**(D) All papers shall have a blank space of at least two and one-half (2-1/2) inches at the top of the first page for file marks by the Clerk of Court.**

(E) Filings that are not legible for any reason including poor handwriting or photocopying may be refused, or if filed, may be stricken unless there is a legibly typed copy attached thereto. The Court will accept for filing only pleadings that are complete. All handwritten pleadings must be filled out with blue or black ink; pleadings filled out in pencil shall not be accepted for filing. Court generated fillable forms are excepted from the above requirements.

**(F) Facsimile transmission filing is not permitted.**

(G) A transcript of the proceedings which has been filed with the Clerk of Courts, or exhibits in any pending case, shall not be taken from the custody of the Clerk of Courts or the official shorthand reporter, without written consent of the Court.

(H) Unless otherwise ordered by the Court, all exhibits offered and admitted into evidence in the trial of a cause shall be kept in the custody of the official shorthand reporter for six months after the making of the final order in such cause. If no appeal has been taken within such time, the official shorthand reporter shall notify the trial attorney offering such exhibits to present an entry authorizing the withdrawal of them. If no such entry is presented, the official shorthand reporter, with the consent of the Court, may make such disposition of exhibits in her possession, as is warranted. If a final order has been made on appeal, and no further proceedings have been had within six months from the date of such final order, the Clerk of Courts with the consent of the trial judge, may make such disposition of exhibits as is ordered by the Court.

(I) No party will be granted a continuance of a hearing or pretrial without a written motion. The motion will state the reason for the continuance. If the reason for the continuance is because another case is scheduled on the same date in another court, the Motion shall include a copy of the scheduling order pursuant to Superintendence Rule 41.

If a continuance becomes necessary, the following procedure MUST be followed:

1. Call the assignment commissioner and get several possible available dates.
2. Call each attorney (if applicable) and confirm a date they will be available.
3. Call this office back immediately with the available date and time most convenient to everyone. The fact that the date was available at the time of the request does not guarantee that it will remain available.
4. Send a Motion to Continue and an Entry immediately giving the reason for the continuance and stating the date and time agreed upon and cleared by the assignment commissioner.

No continuance is granted until the Continuance Entry is signed by the Judge or Magistrate.

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

#### **RULE 6 DEPOSIT OF SECURITY FOR COSTS AND SPECIAL PROJECT FEES**

(A) As security for costs, an advance deposit must be made with the Coshocton County Common Pleas Clerk of Courts before filing any legal action in the Common Pleas Court. It will be paid by the party bringing the action and will be used by the Clerk to secure the payment of the costs which will accrue during the action or proceeding, except as otherwise provided by law. The amount of the deposit will be in accordance with the cost schedule that is published by the Clerk of Courts. The deposits and special projects fees are, at all times, subject to change by Judgment Entry without specific amendment of these rules. The Clerk's schedule of deposits shall be conspicuously posted in the Clerk of Court's office and made available for inspection by internet access. The deposit, as security for costs, shall be considered to be met if a party files a Financial Disclosure/ Fee Waiver Affidavit (form at Appendix B) to proceed in *forma pauperis*, swearing that the party is without funds or assets to pay the deposit and there is certification by the attorney, if any, that no attorney fees have been paid. After filing such affidavit the court may examine the filing party as well as the party's Financial Disclosure/Fee Waiver Affidavit to determine if there are sufficient facts to support a conclusion the party should be relieved from the requirement of such deposit, and may conduct a hearing to examine the filing party.

The Clerk shall not assign a case number to a complaint or petition in any original action unless the required cost deposit has been made or the Court has issued an order waiving the requirement for the deposit.

If during the course of a proceeding the Court determines that a party who has filed a Financial Disclosure/Fee Waiver Affidavit is able to pay the applicable costs deposit, the Court may order that party to pay the deposit within a period of time determined by the court.

All judgment entries shall contain a provision for allocating payment of costs. The Clerk shall not accept for filing any decree or post decree entry or order without the payment of costs due, unless waived or otherwise modified by the court. Upon final judgment, the Clerk of Courts is directed to apply the deposits for court costs in the case regardless of which party had been assessed costs. The Clerk shall assess the costs against the proper party and reimburse deposits upon receipt, when appropriate.

Should any final Judgment Entry not allocate the payment of court costs, the initiating party shall be responsible for said costs.

The Court has determined that for purposes of efficient operation additional funds are necessary to acquire and pay for special projects of the Court. Therefore, pursuant to R.C. 2303.201(E)(1), the Court will charge a \$100.00 special projects fee for all new civil filings, except for divorces and dissolutions which shall be subject to a \$25.00 special projects fee. Any post-decree or post-judgment motion shall be subject to a \$25.00 special projects fee.

A general schedule of deposits and special projects fees, effective as of September 22, 2022, is set forth below:

<u>Case Type</u>	<u>Special Projects Fee</u>	<u>Total Deposit</u>
Criminal	\$ 25.00	\$ N/A
Civil Complaint	<b>\$200.00</b>	<b>\$300.00</b>
Foreclosure	<b>\$200.00</b>	<b>\$500.00</b>
Divorce	\$ 25.00	\$200.00
Dissolution	\$ 25.00	\$200.00
Post-Decree(DR)	<b>\$ 40.00</b>	<b>\$100.00</b>
Post-Judgment(Civil)	<b>\$ 40.00</b>	<b>\$100.00</b>
Counterclaim	\$100.00	\$150.00
Third-Party Complaint	\$100.00	\$150.00
Administrative Appeal	\$100.00	\$200.00
Debtor's Examination	\$ 25.00	\$100.00
Garnishment	<b>\$ 50.00</b>	<b>\$125.00</b>
Confession of Judgment	<b>\$ 50.00</b>	<b>\$100.00</b>
Writ of Execution	\$ 25.00	\$100.00
Replevin	\$ 25.00	\$150.00
Foreign Judgment	\$100.00	\$200.00
Certificate of Judgment	\$ N/A	\$ 30.00*
Relief from Disability	\$100.00	\$200.00

\*If the Clerk is required to prepare the certificate of judgment, the cost is \$35.00

(B) The Clerk of Courts may require additional deposits if it is deemed that any deposit may be insufficient to secure costs. The additional deposit may be ordered, *sua sponte*, by the Court.

(C) If property is sold at a sheriff's sale, unless otherwise ordered by the Court, costs shall be paid from the proceeds of the sale and the security deposit shall be reimbursed to the depositor upon journalization of a decree of confirmation. Unless otherwise ordered by the Court, if property is not sold at Sheriff's sale, the security deposit shall be applied toward any accrued costs. Any excess security deposit remaining shall be reimbursed to the depositor. Any excess deposit to be reimbursed shall be disbursed upon journalization of an entry terminating or canceling a Sheriff's sale.

6.4

In foreclosure actions, appraisers shall be paid from the costs on deposit at the time the appraisal is filed with the Clerk of Courts.

#### **RULE 7 SHERIFF'S SALES**

(A) In every Sheriff's sale of real property, the successful bidder as purchaser, shall be required to deposit by 12:00 o'clock noon on the day of the sale, by cashier's check or certified check payable to the Sheriff, not less than one percent (1%) of the amount of such bid but in no event shall a deposit be less than Five Hundred Dollars (\$500). The unpaid balance of the purchase price shall be due and payable to the Sheriff within thirty (30) days from the date of the sale.

(B) In the event a purchaser fails to pay the balance due on the purchase price, and the real estate taxes due and payable, within thirty (30) days after the date of sale, the purchaser shall be in contempt of this Court and any attorney of record in the case, including the prosecuting attorney, may forthwith cause a citation to issue commanding such a defaulting purchaser to appear before the Judge of the Court and show cause why the purchaser should not be punished. Upon a finding of guilty of contempt, the Court shall proceed in accordance with Revised Code Section 2329.04. The thirty (30) day deadline may be extended at the request of the Sheriff.

(C) In addition to the remedy cited in the above paragraph, any purchaser who has not paid the balance of the purchase price within thirty (30) days from the date of the sale is prohibited, either personally, or through any other legal entity, from participating in, bidding on, or acquiring property in subsequent sheriff's sales of real property until the unpaid balance is paid in full.

(D) Failure to pay the one percent (1%) down by noon the day of the sale in accordance with Rule 6.0 may result in suspension, upon motion to the Court, from further participation in sheriff's sales for a period of up to (6) months.

(E) Appraisal fees shall be paid at the flat rate of \$75.00 per appraisal.

#### **RULE 8 JUDICIAL TITLE REPORTS**

(A) Judicial title reports shall be filed in accordance with Revised Code Section 2329.191. Judicial title reports are not necessary for declaratory actions involving leases for mineral rights. In such cases, a one-owner title search shall be considered sufficient to meet judicial certificate of title requirements.

#### **RULE 9 ENTRY OF APPEARANCE AND WITHDRAWAL OF COUNSEL**

(A) In civil cases, entry of appearance of counsel may be effectuated by signature of counsel on a pleading or motion.

(1) An attorney's role may be limited in scope, as authorized by Prof. Cond. R. 1.2(c), if that scope is specifically described in a "Notice of Limited Appearance" stating that the limited appearance has been authorized by the party for whom the appearance is made, and filed and served in accordance

with Civ. R. 5 prior to or at the time of any such appearance. The attorney's limited appearance terminates without the necessity of leave of court, upon the attorney filing a "Notice of Completion of Limited Appearance", served upon all parties, including the party for whom the appearance was made, in accordance with Civ. R. 5. If there is no objection within ten days of service of this notice, then no entry by the court is necessary for the termination of the limited appearance to take effect.

(B) In criminal cases, entry of appearance of counsel shall be accomplished through a formal notice of appearance filed with the Clerk and served upon the Prosecuting Attorney.

(C) Counsel for any party shall be permitted to withdraw from an action;

(1) Upon motion with consent of the client and a substitution of counsel, or

(2) At the discretion of the Court upon motion that contains notice to the client of the time, date, and location of the trial or hearing and a showing of good cause. A proposed entry must be submitted.

(D) The Court may at its discretion schedule a hearing on a motion to withdraw.

(E) When a succeeding counsel is replacing an attorney of record, the succeeding counsel must file a Notice of Substitution of Attorney signed by the withdrawing attorney and the succeeding counsel with the succeeding counsel's information. The succeeding counsel must file proof of service of the notice on all parties.

#### **RULE 10 JUDGMENT ENTRIES**

(A) Unless the Court otherwise directs, counsel for the party in whose favor a judgment is rendered, shall within five days thereafter submit the journal entry to opposing counsel. Opposing counsel shall approve or reject the entry within three days after receipt. Additional time to submit an Entry may be granted upon a showing of good cause.

If any objection is made to the proposed journal entry within the three (3) day period, the objection will be made in writing, attached to the proposed Entry, and submitted to the Court. In the alternative, the objecting party may submit to the Court an alternate proposed journal entry which counsel believes properly reflects the Court's decision. Written Objections and alternate proposed entries shall be served upon all counsel and all self-represented parties. Failure of any party to object to a proposed journal entry within the three (3) day time period, after service, will be interpreted by the Court as an approval of the Entry and shall enable counsel who prepared the proposed Entry to submit the same directly to the Court for approval without opposing counsel's or the pro se party's signature.

When counsel approves the entry, it shall be signed and presented to the Court for approval with the appropriate copies for distribution.

(B) The final entry shall designate how court costs are to be paid.

(C) If counsel fails to present any entry within twenty days after the judgment is rendered, the Court may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other actions as may be appropriate under the circumstances.

(D) Counsel shall promptly submit any settlement entry to the Court. In the event that counsel fails to present the entry to the Court within twenty days after counsel has informed the Court that the case is settled, the Court, after providing notice to counsel may order the case dismissed pursuant to Civil Rule 41.

(E) The County Prosecuting Attorney shall prepare all judgment entries in criminal cases as directed by the court.

(F) These rules shall in no manner be construed to preclude the Court from making and filing its own Judgments or Orders, sua sponte.

**RULE 11 MOTIONS, MEMORANDA, AND PROCEDURE THEREON**

**(A) MOTIONS**

All motions shall be accompanied with a memorandum in support stating the grounds and citing applicable authorities. See Civil Rule 7(B)

Responsive pleading deadlines shall be governed by Civil Rule 6(C).

**ORAL HEARINGS WILL BE CONSIDERED AT THE DISCRETION OF THE COURT UPON REQUEST BY ANY PARTY. IF A PARTY FINDS IT NECESSARY TO PRESENT EVIDENCE AT A HEARING, THEN THE PARTY SHOULD NOTIFY THE COURT THAT AN EVIDENTIARY HEARING IS REQUESTED, WITH AN ESTIMATE OF THE TIME NEEDED FOR THE HEARING. IF NEITHER PARTY REQUESTS ORAL HEARING OR EVIDENTIARY HEARING, THE COURT WILL TAKE THE MATTER UNDER ADVISEMENT FOR NON-ORAL HEARING SET FORTH IN CIVIL RULE 6(C).**

**(B) CIVIL CASE DISCOVERY**

Counsel are encouraged to participate in pretrial discovery conferences to reduce, in every way possible, the filing of unnecessary discovery procedures. To curtail undue delay in the administration of justice, no discovery procedure filed under Rules 26 through 37 of the Rules of Civil Procedure to which objections or opposition is made by the responding party shall be taken under consideration by the Court unless counsel state in writing that after personal consultation and sincere attempts to resolve differences they are unable to reach an accord. This statement shall recite those matters which remain in dispute, and in addition, the date, time and place of such conference, and the names of all parties participating therein. It shall be the responsibility of counsel for the party seeking discovery to initiate such personal consultation.

**(C) SANCTIONS**

The presentation to the Court of unnecessary motions, and the unwarranted opposition of motions, which in either case unduly delay the course of an action through the Courts, subject an offender to appropriate discipline including the imposition of costs and fees.

**RULE 12 ELECTRONIC FILING**

**(A) OFFICIAL COURT RECORD**

Electronically filed, accepted and docketed documents are the official record of the Common Pleas Court of Coshocton County, General and Domestic Relations Divisions ("Court"). The Court will not keep paper copies of these documents.

The Court's electronically filed hearing notices, schedules, orders, decisions, judgments, and other documents are the official court record. The digital signature of a judge or magistrate has the same force and effect as a handwritten signature on a paper document.

All parties and persons interested in court proceedings shall access these documents electronically via the internet or in person at the office of the Clerk of Courts ("Clerk").

**(B) NO TIME EXTENSION**

E-filers must always be aware of the statute of limitations, the savings statute, and similar time limits. It is solely the e-filer's obligation to submit only documents which fully comply with court rules, policies, procedures, and practices. Documents which do not fully comply may be rejected, not docketed, and not filed. The e-filer must allow sufficient time for filing, clerk review, and any necessary re-submission.

Electronic filing does not alter or extend applicable statutes of limitation.

#### (C) REGISTERED E-FILERS

Persons filing documents electronically with the clerk or the court must become registered e-filers. Registered e-filers will receive a confidential and unique electronic identifier. The payment processor is the Clerk unless otherwise directed by the Court.

The court may revoke e-filing registration in its sole discretion.

By registering as an e-filer, the attorney or party agrees to file documents electronically and consents to electronic service of pleadings, motions, and documents. Except for complaints and certain other documents, electronically filed documents are served by the court's electronic filing service provider ("EFSP"). The EFSP sends a notice of filing to the e-filer's account.

The court will notify registered e-filers of case types accepted for e-filing. E-filing will not be permitted for all case types.

Traditional paper filings are required: (1) in case types excluded from the e-filing system; (2) by pro se parties; and (3) by persons not registered with the Court's e-filing system.

Certain documents cannot be e-filed. Those documents are Grand Jury Indictments, State Tax Liens and Court of Appeals filings.

The court does not accept documents transmitted by facsimile or e-mail. Only documents accepted by the electronic filing system after Clerk review are e-filed documents.

#### (D) FEES

Registered e-filers must establish an appropriate account for electronic payment of filing and other fees. Registered e-filers will pay an additional fee for credit service charges.

#### (E) ELECTRONICALLY SUBMITTING DOCUMENTS

For the case types designated by court order, registered e-filers must e-file all documents except: (1) those designated as paper filing only; and (2) those which cannot be effectively electronically presented.

##### 1. Format

All electronically filed documents should be formatted according to the rules governing formatting of paper pleadings, motions, and documents. The filer is solely responsible for removing all metadata and non-public data from documents submitted for e-filing.

Before e-filing, counsel, parties, and other persons must make sure the first five digits of a security social number, financial account numbers, medical records, driver's license numbers, and similar private information are removed from the pleading, motion, or document.

Redaction of personal, confidential, or private information is solely the responsibility of the party filing the document.

Documents:

- Must be in searchable portable document format ("PDF").
- Not exceed twenty megabytes ("20MB"). Larger submissions must be broken into additional PDF's of 20MB or less.
- Image resolution must be at least 300 dots per inch ("DPI").

- Cannot contain links to other material.
- Must be electronically signed.
- Must include a certificate of service.

## 2.. Electronic Signatures.

Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or person who submitted it. Signatures shall be in this format:

- Typed attorney name.
- Attorney registration number (unless self-represented litigant).
- Firm name.
- Identity of the party represented.
- Address.
- Telephone number.
- Facsimile number.
- E-mail address.

A document bearing more than one signature requires the filer to confirm agreement of the other signers before filing.

Documents bearing a required original signature shall be e-filed in portable document format ("pdf"). The filing party shall keep the original document until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief have been exhausted.

## 3. Certificate of Service.

COMPLAINT AND RELATED DOCUMENTS. Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also file instructions for service electronically as a courtesy notice of service only. The attorney or pro se litigant filing the document is still required to perfect service in accordance with the Civil Rules. The Clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

## SERVICE OF DOCUMENTS AFTER THE COMPLAINT.

- (a) E-SERVICE. The electronic service of a subsequent pleading, filing or other documents in e-file cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Pro se parties or attorneys who have not registered with the Court's electronic filing system shall be served a paper copy by the filing party, not the Court or Clerk, in accordance with the applicable rules of civil procedure.
- (b) CERTIFICATE OF SERVICE. A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. The certificate of service shall contain the following language: I hereby certify that I served the documents by process server, regular U.S. mail, commercial carrier, or electronic means (whichever is applicable) to the following (list of parties served).

## 4. Proposed Judgment Entries.

**All motions must be accompanied by a proposed order, decision, or judgment entry submitted as a Microsoft Word document. The e-filing system will transfer the proposal to the assigned judge. The proposed order must contain a judge's signature token.**

## (F) FILING AND SERVICE

### 1. Complaints and Documents with New Parties

Initial complaints, re-filed complaints, third party complaints, or other documents initiating a case or adding a new party are filed but not served electronically. Summons and service cannot be issued or completed electronically and must be accomplished as required by the applicable rule or statute.

When e-filing a complaint or other document initiating a case or adding a party, the e-filer must:

- electronically file a case designation sheet.
- electronically file separate instructions for service, including the names and addresses of those to be served.
- electronically file the complaint, third party complaint, or other initiating document.
- electronically file a current copy of the order appointing the individual process server if the document is to be served by a process server.

The clerk shall issue a summons and shall serve the pleading in accordance with the appropriate rules.

### 2. Indictments

Indictments shall be filed in a traditional paper format with the Clerk. All subsequent pleadings in a criminal case in which the Prosecuting Attorney and County Public Defender are counsel of record, shall be electronically filed and served as set forth in paragraph 11.6 (C) below.

### 3. Filing and Serving Documents Subsequent to the Complaint

Unless another form of service is required by rule or statute, all documents filed after initial service has been completed, shall be e-filed and served by the EFSP on registered e-filers. An email will also be generated for attorneys of record and parties with a valid email on file, marked as "Courtesy Notice Only", giving notice that something has been filed in the case.

Non-registered e-filers must be served in paper format by traditional means.

Certain documents, specifically Grand Jury Indictments, State Tax Liens and Court of Appeals documents, cannot be e-filed and must be filed in paper format at the Clerk's office.

## (G) PUBLIC ACCESS TO ELECTRONIC FILING EQUIPMENT

Persons lacking access to appropriate equipment or unsure how to file electronically may file in paper form or through a public access terminal located in the Courthouse.

The Clerk offers access to court records and e-filing through a public access terminal located in the courthouse and available during the hours of courthouse operation. The clerk may charge a fee for printing copies of e-filed and other documents. No fee is charged to view or upload documents.

The public access terminal includes a scanner and all required e-filing equipment.

## (H) TERMS AND DEFINITIONS

"Accepted" means an electronically filed document has been reviewed by the clerk and docketed.

"Clerk" means the Clerk of Courts and employees of that office.

"Clerk review" means an inspection of electronically filed documents by the clerk for compliance with court rules, policies, procedures, and practices made before creating a docket entry.

"Certificate of service" states the date and manner of document service.

"Confidential electronic identifier" is the unique electronic credential assigned to registered users which allows transmission, receipt, and retrieval of e-filed documents.

"Court electronic record" means documents received in electronic form, recorded in its CMS, and stored in its document management system. Electronically received documents include documents received in paper form and scanned into electronic format but do not include physical exhibits and other things which cannot be fully captured as an electronic image.

"Court initiated filings" are documents, such as notices or orders, created by the court and entered into the CMS.

"Designated e-file case types" are cases or types of filings which must or may be filed electronically.

"Docketed" is the entry of an item into the official court record.

"Document" includes pleadings, motions, transcripts, reports, exhibits and all other electronically filed items. When printed, documents must produce a clear black image in at least 12 point type. Documents bearing a required original signature shall be e-filed in portable document format ("pdf"). The filing party shall keep the original document until the case is closed and the time for appeal has expired or the appeals have been heard or denied and all opportunities for post judgment relief have been exhausted

"Document management system" ("DMS") the scheme for receipting, indexing, storing, and retrieving electronic and scanned case documents.

"Effective date and time of filing of a document" is shown by the time stamp on the submitted document. Because all electronically filed documents are subject to clerk review, the effective date and time may differ from the submitted date and time.

"E-Filer" is a person registered with the court and authorized to file and receive documents electronically.

"Electronic filing" ("e-filing") is the electronic transmission of documents to and from the court for the purpose of creating a public record of requests and actions in a case. E-filing is complete when the document is docketed. Documents transmitted by facsimile or e-mail are not e-filed documents.

"Electronic filing system" is the software, hardware, mechanisms, procedures, and rules allowing electronic filing.

"Electronic filing service provider" ("EFSP") is the service provided by the court for e-filing and e-service of documents via the internet. The EFSP is an agent of the court for the purpose of electronic filing, receipt, service and retrieval of electronic documents. The service may be accessed at (<http://web.geaugacourts.org/eservicesCP/home.page.2>) or in person at the courthouse using a public access terminal.

"Electronic receipt" acknowledges transmission of a document to the e-filing system.

"Electronic service" ("e-service") is the electronic transmission of a document to a party, attorney, or representative. Electronic service does not include facsimile or e-mail.

"Filing deadline" falling on Saturday, Sunday or a legal holiday is timely if accepted by the Clerk the next business day.

"Filing fee" is the fee charged by the court and by a third party providing electronic filing services. Persons using a poverty affidavit may file electronically and all fees are waived until conclusion of the case.

"Initial filings" are complaints and other documents used to initiate a case. Initial filings must be accompanied by instructions for service as provided in state and local rules.

"Instructions for Service" separately filed instructions for service designating the names and addresses of the parties or persons to be served by the clerk. Each request for service by a process server must be accompanied by a current copy of the order appointing the individual process server.

"Notification of filing" is the notice sent by the e-filing system to registered e-filers. This notification is service to registered users under Civil Rule 5 and Criminal Rule 49. Those not registered with the e-filing system must be served traditionally in paper format.

"Notice of receipt" is the notice sent by the EFSP after a document has been submitted to the court. Notice of receipt does not mean the document has been or will be accepted and docketed.

"Original document" is the electronic document received by the electronic filing system and accepted by the clerk if it is part of the court's official record.

"Paper filed case types" are cases or types of filings which may not be electronically filed. Cases and documents which are not electronically filed must be presented in paper form either via U.S. Mail or in person at the clerk's office.

"Paper filings" include documents filed under seal, presented for in camera review, and other documents as directed by the court.

"Pending documents" are e-filed documents which have not been accepted and docketed by the clerk.

"Personal and private information" includes the first five digits of a social security number, driver's license numbers, bank and other financial account numbers, medical records, information protected by law from public disclosure, and any information ordered sealed, private, or non-public by the court.

"Public access terminal" is the scanner and e-filing equipment located near the clerk's office. No fee is charged to view or upload documents. The clerk may charge a fee for printing copies of e-filed and paper documents.

"Rejected documents" are e-filed documents which have not been accepted and docketed by the clerk.

"Registered e-filer" is a person who has completed any required e-filing training, registered with the court, and established a PayPal or other required account for electronic payment of filing and other fees.

"Restricted access" means the court has restricted public access to information or documents. Access may be restricted on the court's own order or on the motion of a party or other person who is the subject of information in a case document.

"Rules" refers to the Ohio Rules of Civil Procedure, Criminal Procedure, and other state and local rules.

"Signature" is the name and number identifying the e-filer. Every electronically filed pleading, motion, order, judgment or document is deemed signed by the judge, clerk, attorney, party, or person who submitted it.

A document bearing more than one signature requires the filer to confirm agreement of the other signers before filing.

A judge or magistrate's electronic signature has the same effect as a signature indorsed on a paper document

"Time of filing" is the date and time shown on the clerk's confirmation notice. Documents submitted to the e-filing system on are filed on the day and time submitted if accepted by the Clerk. Rejected documents and pending documents which are not timely corrected are not time stamped or docketed.

(I) SUPPLEMENTAL ADMINISTRATIVE ORDERS RELATING TO THIS RULE MAY BE ISSUED PERIODICALLY

### **RULE 13 REPRODUCTION OF HOSPITAL RECORDS**

(A) Upon motion of any party showing good cause therefore and upon notice to all other parties, the Court may order any hospital in the county, by any agent thereof competent to act in its behalf, to reproduce by photocopy or other recognized method of facsimile reproduction, all of or any portion of designated hospital records or X-rays, not privileged, which constitute or contain evidence pertinent to an action pending in this Court. Such order shall direct the hospital to describe by cover-letter, the portion or portions of the records reproduced and any omissions therefrom, and to specify the usual and reasonable charges therefore, and such order shall designate the person or persons to whom such reproductions shall be delivered or made available.

(B) Objections to the admissibility of such reproduced hospital records on the grounds of materiality or competency shall be deemed reserved for ruling at the time of trial without specific reservation in the order to reproduce. Reproductions made pursuant to this procedure may be admitted in evidence without further identification or authentication but subject to rulings on objections implied or specifically reserved unless the order otherwise expressly provides.

(C) Charges for reproductions of records shall be paid directly to the hospital concerned by the Movant or Movants.

(D) Where original records are produced in Court and reproductions subsequently substituted by agreement of the parties or by order of the Court, the Movants shall be responsible for the cost thereof. Unless otherwise ordered, all original records shall be returned by the Court Reporter to the hospital upon entry of judgment.

### **RULE 14 CIVIL CASE MANAGEMENT PLAN**

(A) The purpose of this rule is to ensure the efficient and comprehensive management of civil cases filed in this Court.

(B) Once per month, the Judge shall cause a general docket call to be conducted by reviewing the active docket generated by the Court's current case management system. Civil cases that have been pending for at least sixty (60) days, and contain evidence of service and responsive pleadings such as an answer, shall be scheduled for a case management conference.

(C) The purpose of the case management conference is to select pretrial and trial dates, set discovery deadlines, motion deadlines, and determine if the case is suitable for mediation. Counsel must be present and have calendars available. Trial attorneys appearing in the action are expected to be present at the case management conference, fully authorized to act and negotiate on behalf of the parties that they represent. Representatives of sureties, indemnitors or insurers, must be available by telephone with full authority to settle. If settlement cannot be reached, the case will be set for pretrial and trial.

(D) Case management conferences will be conducted by telephone when practical. Plaintiff's counsel must initiate the telephone conference.

(E) At least two days prior to the case management conference, lead trial counsel shall file with the court, and serve upon all other trial attorneys appearing in the action a "Pretrial Statement":

- (1) advising the Court in detail of the factual and legal issues which the case presents;
- (2) setting forth the party's position on legal issues, including any significant evidentiary questions, with a citation of authorities in support thereof;
- (3) as to a plaintiff or plaintiffs, attaching an itemized list of special damages and expenses, if applicable;
- (4) attaching copies of available opinions of all persons who may be called as expert witnesses, including physicians, which shall not constitute a waiver of privileges granted under Revised Code Section 2317.02, and as set forth in Civil Rule 16;
- (5) a list of all exhibits expected to be introduced at trial;
- (6) a list of all witnesses intended to be called at trial;
- (7) a summary of the information required in the affidavit of income, expenses, and financial disclosure;
- (8) In the event child support is an issue in the matter, each party shall produce all financial information necessary to prepare a child support computation worksheet pursuant to the requirements set forth in Ohio Revised Code §3119.01 et seq., including annual earnings, cost of health insurance, work-related child-care costs, and other deductions permitted by law and shall provide a completed proposed child support summary worksheet pursuant to statute even if a deviation is being requested. Any necessary information in the possession of other parties or persons should be obtained through Discovery prior to the hearing;
- (8) whether the case is suitable for mediation; and
- (9) the estimated length of the trial.

The Court recognizes that this initial "Pretrial Statement" may be limited in scope at the time of the Case Management Conference. However, counsel are urged to provide as much information as is reasonably possible to educate the Court as to the facts, issues, law and evidence that may come before the Court at trial. A second "Pretrial Statement" will be required for the final pretrial conference.

(F) Upon the failure of a party or his trial attorney either to serve and file with the Court the Pretrial Statement required under this Rule or to attend the Case Management Conference, the Court may impose sanctions as authorized by Civil Rule 37.

(G) The Court will prepare a written Order which recites the action taken at the Case Management Conference, and which may contain discovery deadlines, dispositive motion deadlines, and deadlines for the disclosure of all witnesses that may be called at trial. In addition, counsel will be ordered to submit proposed jury instructions to the Court via email, at least two weeks prior to trial. The Order will be entered and served upon counsel or record.

#### **RULE 15 PRETRIAL CONFERENCES AND TRIAL BRIEFS**

(A) A final pretrial conference will be scheduled approximately 30 days prior to the trial date. All trial counsel and parties must appear at the final pretrial conference. Cases involving insurance require the presence of an insurance company representative with full authority to settle. The Court may, prior to the pretrial conference, excuse the presence of such representative upon providing notice to opposing counsel, and only if the insurance representative can be available by telephone with full authority to settle. A "Pretrial Statement" as set forth in Local Rule 14(E) is required. The final pretrial conference will involve a detailed discussion concerning the conduct of the trial and any anticipated motions that have not yet been heard by the Court. At the conclusion of the pretrial conference, the Court will prepare a written Order which recites the action taken.

(B) Not later than ten (10) days prior to the trial date in a civil case, trial counsel shall file with the Court and serve upon opposing counsel a trial brief delineating the factual questions involved in the case and the legal issues and the authorities which counsel relies upon to support the case.

#### **RULE 16 MEDIATION**

(A) The Court of Common Pleas, General Division, incorporates by reference, R.C. 2710 "Uniform Mediation Act" and Rule 16 of the Rules of Superintendence.

(B) The court has discretion to encourage parties to use mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by the mediator.

(C) Exceptions. Mediation is prohibited in the following:

- (1) As an alternative to the prosecution or adjudication of domestic violence;
- (2) In determining whether to grant, modify, or terminate a protection order;
- (3) In determining the terms and conditions of a protection order;
- (4) In determining the penalty for violation of a protection order.

(D) All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one shall disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator or mediation department where possible.

(1) Exceptions. All mediation communications are confidential with the following exceptions:

- a. Parties may share all mediation communications with their attorneys;
- b. Certain threats of abuse or neglect of a child or an adult;
- c. Statements made during the mediation process to plan or hide an ongoing crime;
- d. Statements made during the mediation process that reveal a felony.

(E) Parties represented by counsel may attend mediation without counsel only where the right to have counsel present at the mediation has been specifically waived. Parties waiving counsel at mediation must fill out and sign a "Waiver of Counsel at Mediation" form prior to participation in mediation. Parties may consult with counsel at any time during the mediation process, and may consult with counsel prior to signing any agreement. Waivers may be rescinded at any time.

(F) The Judge or Magistrate may refer or order a case to mediation at any point in a case. Any party may request to participate in mediation by filing a motion or joint motion with the court, or by making an oral request for a referral to mediation on the record.

(G) Upon completion of mediation or once the time frame for mediation has lapsed, the mediator shall file a notice to the court that mediation is complete or has not happened within the established time frame.

(H) A mediator shall meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R.16.22 governing mediators and mediation.

(I) A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or provider and explain the reasons for any opposition.

(J) Parties who are ordered into mediation shall attend scheduled mediation sessions. The court may order parties to return to mediation at any time.

(K) If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the court that the mediation is terminated.

(L) Upon referral of a case to mediation, the court may elect to stay all filing deadlines for up to 60 days. The clerk of courts shall not accept for filing any documents while a case is in mediation unless expressly permitted by these rules or by court order. Only the following documents may be filed while a mediation stay is in effect:

- (1) Motion to lift the mediation stay;
- (2) Response to a motion to lift mediation stay;
- (3) Motion or Stipulation to Dismiss the case;
- (4) Notice related to counsel;
- (5) Court Journal Entry resolving all pending matters before the Court.

(M) It is the policy of this court to determine matters in a timely manner. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The mediation may be continued by the mediator or the judge or magistrate who referred the case.

(N) The Coshocton County Common Pleas Court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees shall be shared equally. Mediation shall not be ordered where a party is indigent unless the mediation is available at no cost to the party.

(O) If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned judge or magistrate.

(P) Mediation Agreements with signatures of the parties shall be filed with the Court within 14 calendar days.

(1) The Mediator shall reduce to writing, and parties shall sign, any agreement reached in mediation. Any agreement reached during mediation shall not be binding upon the parties until approved by the Court. If the Mediation Agreement concerns the allocation of parental rights and responsibilities, the Court shall consider the best interests of the minor children.

(2) If the agreement is approved by the parties and attorneys, the Court shall either:

- a. Hold a confirmation hearing to approve the terms of the agreement;
- b. Issue a Judgment Entry approving the Mediation Agreement; or
- c. If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.

(3) If the parties do not reach an agreement, the Mediator shall issue a report stating only that the parties did not reach an agreement, and the case shall be returned to the Court's trial docket.

(B) The Court may order mediation on its own motion, or at the request of a party. Mediation will be ordered in foreclosure cases at the request of a defendant. Mediation will be conducted by a certified

mediator selected by the Court. However, the parties may choose a certified mediator as agreed upon. The court, upon ordering mediation, will submit an order setting forth certain deadlines and requirements of the parties, who will also be responsible for paying the costs of mediation.

#### **RULE 17 CRIMINAL CASE MANAGEMENT PLAN**

(A) This rule is merely procedural in nature and creates no substantive rights on behalf of any party. Exceptions to this rule may be granted, if deemed appropriate by the Court.

(B) At arraignment, the court shall establish a date for a scheduling conference at which a pretrial conference will be scheduled, or a trial date given, or both. The scheduling conference will be conducted on a non-oral basis. The scheduling conference may be held with the magistrate if the judge is unavailable.

(C) If the Court is advised that the case will be resolved by a negotiated plea agreement, a change of plea hearing will be set and journalized.

(D) Discovery shall be governed by Criminal Rule 16. However, in an effort to regulate discovery consistent with Criminal Rule 16, the Court hereby establishes this rule concerning time. After a written demand for discovery is made, the Prosecuting Attorney shall provide all discoverable material to defense counsel within twenty-one (21) days if the defendant is not incarcerated, or within ten (10) days if the defendant is incarcerated for the charge that is the subject of the discovery request. A certification to the Court that discovery has been provided should be filed. The filing of the certification prompts the timing of reciprocal discovery by the defendant. Reciprocal discovery from the defendant shall be provided within fourteen (14) days after the Prosecuting Attorney's certification has been filed. Both sides are under a continuing duty to disclose discoverable materials. Discoverable material not provided in accordance with this rule, or Criminal Rule 16, may be excluded from admission at trial.

(E) Motions, other than motions made during trial or hearing, shall be in writing unless the court permits them to be made orally. A motion shall state with particularity the grounds upon which it is made and shall set forth the relief or order sought. Motions shall be supported by a memorandum containing citations of authority and may also be supported by an affidavit.

(F) The court may, in its discretion, schedule one or more pretrial conferences as the demands of a particular case necessitate. At the conclusion of the pretrial conference, a memorandum shall be prepared of the matters discussed and agreed upon.

Normally pretrial conferences shall be scheduled only after discovery and reciprocal discovery deadlines have passed. A representative of the Office of the Prosecuting Attorney who has full authority to compromise and negotiate plea arrangements and defense counsel shall attend the pretrial conference. Defendant shall attend the pretrial conference as a term and condition of bond. Defense counsel's responsibility to notify the defendant of the necessity to attend the pretrial conference is non-delegable.

(G) Failure by a party or counsel to comply with the provisions of this rule or any order made pursuant to this rule may result in the granting of a continuance or the prohibition of a party from introducing material in evidence not disclosed pursuant to this rule. Additionally, the offending party or counsel may be required to show cause why they should not be punished for contempt of court. If the offending party is the State of Ohio, an order of dismissal with or without prejudice may be entered, or the court may make any such other order and impose such sanction as it deems just under the circumstances.

(H) In order to assist the court in meeting its responsibilities to provide all defendants "a speedy and public trial" under the statutes of the State of Ohio and the Constitutions of the United States and the State of Ohio, the Prosecuting Attorney shall prepare and provide to the court a monthly case status sheet. The case status sheet shall be provided to the Court no later than the 14<sup>th</sup> day of each month, and shall show a summary of each case as follows:

- case number
- name of defendant
- charges
- bond
- arrest date
- arraignment date
- scheduling conference date
- pretrial date
- trial date
- speedy trial deadline
- name of defense counsel

**RULE 18 TRANSCRIPT PROCEDURES**

(A) The Clerk shall not permit any party or any person to make a copy of or remove trial transcripts from a file. Attorneys, parties to the action, or other interested parties shall be referred to the Court Reporter of the Court in which the case is pending or in which the case was tried.

(B) This Rule applies to civil, criminal, and domestic relations proceedings in the Coshocton County Common Pleas Court.

(C) As directed by the Judge or Magistrate, recording of proceedings held in this Court shall be by stenographic and/or audio electronic recording devices.

(D) In accordance with Rule 11 of the Ohio Rules of Superintendence for the Courts of Ohio, and applicable to civil, criminal, and domestic relations proceedings, the expense of a copy of an electronically recorded hearing shall be the responsibility of the attorney of record or party requesting the copy. Unless waived by the Judge or Magistrate, the cost of an electronic recording shall be \$10.00, or other fee established by the court, and payable to the Coshocton County Common Pleas Court. The requesting party shall submit a written request for the recording to the Assignment Commissioner, including the requesting party's name and address, associated case name, and the date of the hearing. The recording shall not be released in any format until payment is received and upon approval of the Judge or Magistrate assigned.

(E) Requests from members of the press or from the public for recordings of court proceedings shall be made in writing and directed to the Assignment Commissioner.

(F) Recordings of grand jury proceedings shall be released only upon order of the Court.

(G) Recordings of *in camera* interviews of children shall be released only upon order of the Court.

(H) Official Transcripts of proceedings must be prepared by a court reporter who has been certified by the Court. The cost of an arrangement for preparation of the transcript is the responsibility of the requesting party or attorney.

**RULE 19 NOTARIES PUBLIC: EXAMINATION AND APPOINTMENT (Rescinded)**

Notary Public examinations are no longer provided by the Coshocton County Bar Association. Persons interested in submitting applications for a notary commission, renewals, online authorizations and updates to contact information must submit an application electronically to the Ohio Secretary of State.

**RULE 20 PROCEDURE IN DOMESTIC RELATIONS PROCEEDINGS**

(A) IN GENERAL

Except as clearly inapplicable or as otherwise specified in this Rule, procedure in domestic relations proceedings shall be in conformity with the other Rules of this Court.

(B) DEPOSIT FOR COSTS

In all actions filed in this Court seeking divorce, spousal support, legal separation, or annulment or the allocation of parental rights and responsibilities, the filing party shall make a security deposit with the Clerk in the amount of \$200.00.

In all actions seeking dissolution of marriage the filing party shall make a security deposit with the Clerk in the amount of \$200.00.

(C) DOMESTIC RELATIONS CHECKLIST

The items contained on the following checklists are **MANDATORY**.

<b>Divorce with Children</b>	<b>Divorce without children</b>
<input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order <input type="checkbox"/> Complaint for Divorce <input type="checkbox"/> Disclosure of Personal Identifier Information <input type="checkbox"/> Affidavit of Basic Information, Income and Expenses (Affidavit 1) <input type="checkbox"/> Affidavit of Property and Debt (Affidavit 2) <input type="checkbox"/> Parenting Proceeding Affidavit (Affidavit 3) <input type="checkbox"/> Health Insurance Affidavit (Affidavit 4) <input type="checkbox"/> Title IV-D Application and Collection Agreement * <input type="checkbox"/> Health Insurance Affidavit <input type="checkbox"/> Request for Service/Instructions to the Clerk of Courts for Service <input type="checkbox"/> Mutual Standard Restraining Order Optional: Motions, Affidavits for Temporary Orders	<input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order <input type="checkbox"/> Complaint for Divorce <input type="checkbox"/> Disclosure of Personal Identifier Information <input type="checkbox"/> Affidavit of Basic Information, Income and Expenses (Affidavit 1) <input type="checkbox"/> Affidavit of Property and Debt (Affidavit 2) <input type="checkbox"/> Title IV-D Application and Collection Agreement (if spousal support is specifically requested) * <input type="checkbox"/> Request for Service/Instructions to the Clerk of Courts for Service <input type="checkbox"/> Mutual Standard Restraining Order Optional: Motions, Affidavits for Temporary Orders
<b>Answer to Divorce Complaint with Children</b>	<b>Answer to Divorce Complaint without Children</b>
<input type="checkbox"/> Answer	<input type="checkbox"/> Answer

<p>____ Disclosure of Personal Identifier Information</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p> <p>____ Affidavit of Property and Debt (Affidavit 2)</p> <p>____ Parenting Proceeding Affidavit (Affidavit 3)</p> <p>____ Health Insurance Affidavit (Affidavit 4)</p> <p>____ Title IV-D Application and Collection Agreement *</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	<p>____ Disclosure of Personal Identifier Information</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p> <p>____ Affidavit of Property and Debt (Affidavit 2)</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>
<p><b>Counterclaim to Divorce Complaint with Children</b></p>	<p><b>Counterclaim to Divorce Complaint without Children</b></p>
<p>____ Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p>____ Answer with Counterclaim</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1) Affidavit if not filed contemporaneously with Answer</p> <p>____ Affidavit of Property and Debt (Affidavit 2) if not filed contemporaneously with Answer</p> <p>____ Parenting Proceeding Affidavit (Affidavit 3) if not filed contemporaneously with Answer</p> <p>____ Health Insurance Affidavit (Affidavit 4)</p> <p>____ Title IV-D Application and Collection Agreement if not filed contemporaneously with Answer *</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	<p>____ Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p>____ Answer with Counterclaim</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1) if not filed contemporaneously with Answer</p> <p>____ Affidavit of Property and Debt (Affidavit 2) if not filed contemporaneously with Answer</p> <p>____ Title IV-D Application and Collection Agreement if not filed contemporaneously with Answer (if spousal support is specifically requested) *</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>
<p><b>Dissolution with Children</b></p>	<p><b>Dissolution without Children</b></p>
<p>____ Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p>____ Disclosure of Personal Identifier Information</p> <p>____ Petition for Dissolution</p> <p>____ Waiver of Service of Summons</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p>	<p>____ Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p>____ Disclosure of Personal Identifier Information</p> <p>____ Petition for Dissolution</p> <p>____ Waiver of Service of Summons</p> <p>____ Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p>

<p><input type="checkbox"/> Affidavit of Property and Debt (Affidavit 2)</p> <p><input type="checkbox"/> Parenting Proceeding Affidavit (Affidavit 3)</p> <p><input type="checkbox"/> Health Insurance Affidavit (Affidavit 4)</p> <p><input type="checkbox"/> Separation Agreement</p> <p><input type="checkbox"/> Parenting Plan or Shared Parenting Plan including Parenting Time Schedule</p> <p><input type="checkbox"/> Parenting Proceeding Affidavit</p> <p><input type="checkbox"/> Child Support Worksheet</p> <p><input type="checkbox"/> Title IV-D Application and Collection Agreement *</p>	<p><input type="checkbox"/> Affidavit of Property and Debt (Affidavit 2)</p> <p><input type="checkbox"/> Separation Agreement</p> <p><input type="checkbox"/> Title IV-D Application and Collection Agreement (if spousal support is specifically requested) *</p>
<p><b>Complaint for Allocation of Parental Rights and Responsibilities (Custody), and Parenting Time (Companionship and Visitation)</b></p>	
<p><input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p><input type="checkbox"/> Disclosure of Personal Identifier Information</p> <p><input type="checkbox"/> Complaint/Motion</p> <p><input type="checkbox"/> Parenting Proceeding Affidavit</p> <p><input type="checkbox"/> Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p> <p><input type="checkbox"/> Health Insurance Affidavit (Affidavit 4)</p> <p><input type="checkbox"/> Request for Service/Instructions to the Clerk of Courts for Service</p> <p><input type="checkbox"/> Title IV-D Application and Collection Agreement *</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	
<p><b>Complaint for Child Support or Motion to Modify Child Support</b></p>	
<p><input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p><input type="checkbox"/> Disclosure of Personal Identifier Information</p> <p><input type="checkbox"/> Complaint/Motion</p> <p><input type="checkbox"/> Affidavit of Basic Information, Income and</p>	

<p>Expenses (Affidavit 1)</p> <p><input type="checkbox"/> Health Insurance Affidavit (Affidavit 4)</p> <p><input type="checkbox"/> Request for Service/Instructions to the Clerk of Courts for Service</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	
<p><b>Answer to Complaint for Child Support</b></p>	
<p><input type="checkbox"/> Answer</p> <p><input type="checkbox"/> Disclosure of Personal Identifier Information</p> <p><input type="checkbox"/> Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	
<p><b>Counterclaim to Complaint for Child Support</b></p>	
<p><input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p><input type="checkbox"/> Disclosure of Personal Identifier Information</p> <p><input type="checkbox"/> Answer with Counterclaim</p> <p><input type="checkbox"/> Affidavit of Basic Information, Income and Expenses (Affidavit 1)</p> <p><input type="checkbox"/> Health Insurance Affidavit (Affidavit 4)</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	
<p><b>Motion for Contempt</b></p>	<p><b>Domestic Violence</b></p>
<p><input type="checkbox"/> Filing fee or Financial Disclosure/Fee Waiver Affidavit and Order</p> <p><input type="checkbox"/> Disclosure of Personal Identifier Information</p> <p><input type="checkbox"/> Motion for Contempt</p> <p><input type="checkbox"/> Affidavit in Support of the Motion</p> <p><input type="checkbox"/> Summons in Complaint</p> <p><input type="checkbox"/> Request for Service/Instructions to the Clerk of Courts for Service</p> <p>Optional: Motions, Affidavits for Temporary Orders</p>	<p>Please use the standard forms packet provided by the Ohio Supreme Court</p> <p><a href="http://www.supremecourt.ohio.gov">www.supremecourt.ohio.gov</a></p>

\* (See Clerk of Court's Office or available at [http://ssp.benefits.ohio.gov/apspspp/pdf/JFS\\_07076.pdf](http://ssp.benefits.ohio.gov/apspspp/pdf/JFS_07076.pdf))

**\*\*Note: It is the responsibility of the parties or their counsel to ensure that the information contained on Affidavits 1-4 is updated with the most current and accurate information while the matter is pending.**

(D) PROCEDURE ON MOTIONS

(1) Motions for Pendente Lite. Upon order of a judge or magistrate, any motion may be submitted for decision upon brief written statements of reasons in support and opposition pursuant to Civ.R. 7(B). Should the Court determine that a hearing is necessary, one will be scheduled by the Assignment Commissioner. The moving party shall file with the Clerk a Motion with a brief memorandum or statement of facts that supports the party's reasons for the need of a hearing. The memorandum or statement of facts must contain the authorities relied upon and/or any affidavits or other supporting documents required or appropriate to support the Motion.

(2) Orders Pendente Lite. After any temporary alimony or child custody and support order is granted pendente lite in accordance with Civil Rule 75(N), any written request for oral hearing to modify such temporary order pursuant to Civil Rule 75(N) must be filed with the Clerk of the Court after service of a copy on opposing party or counsel. A request for oral hearing shall not suspend or delay the commencement of support payments previously ordered or change the custody of children until the order is modified by Journal Entry after the oral hearing. The written request for oral hearing shall be heard within twenty-eight (28) days.

(3) Contemporaneous with the filing of a Complaint for Divorce, Legal Separation or Annulment, the Plaintiff shall submit a Mutual Restraining Order as set out in Appendix F or an order substantially similar in context, which shall be applicable to all parties. These shall be issued without the necessity of a Motion or Affidavit. This shall not preclude a litigant from requesting other relief by way of a Restraining Order which shall be by Motion supported by Affidavit. The Court may issue emergency ex parte orders when it appears to the Court, by motion and affidavit, that a party or a third party is about to dispose of or encumber property so as to defeat another party in obtaining an equitable division of marital property, a distributive award, spousal or other support, and/or to effectuate or enforce a prior court order.

(4) Other Orders. Other than motions for spousal support, child support and custody pendente lite and motions to advance, all cases shall proceed as follows: A motion setting forth the relief sought and the grounds for relief sought ~~and the grounds for relief~~ shall be filed and served upon the opposing party together with a notice of the time and place set for hearing if an oral hearing has been set by the Court.

(5) Motions to Vacate Premises/Motions for Exclusive Use of the Marital Residence may not be granted without an oral hearing. All Motions shall state the facts upon which the Motions are based and be supported by an affidavit. No motion to vacate the premises will be granted ex parte unless it is shown to the satisfaction of the Court that:

- (a) Acts of physical violence have occurred or are highly probable;
- (b) Threats of imminent serious physical harm have occurred;
- (c) Abuse has been committed toward any child; or
- (d) The opposing party has already vacated the premises more than 30 days prior.

The proceedings on all such motions shall then be in accordance with Rule 11 of this Court.

(E) PROPERTY DISPOSITION IN HEARING ON MERITS

In a hearing on the merits before the Court the Property Statement must be filed by the plaintiff and objections or exceptions, if any, filed by the defendant prior to such hearing.

(F) DEFAULT PROCEEDINGS

In cases of default, plaintiff must serve a copy of an entry of Dismissal or Judgment of Divorce, Alimony, Annulment or other final entry on Defendant by regular mail addressed to defendant's last known address.

(G) INVESTIGATIONS AND POST DECREE MOTIONS

- (1) Pursuant to Ohio Revised Code section 3109.04(C) and Ohio Civil Rule 75(D), the court may cause an investigation to be made as to the character, health, family relations, past conduct, present living conditions, earning ability, and financial worth of the parties to the action. The report of the investigation shall be confidential, but shall be made available to the parties or their counsel upon written request not less than three days before hearing. The court may tax as costs all or any part of the expenses of each investigation. The report shall be signed by the investigator, and the investigator shall be subject to cross-examination by either parent concerning the contents of such report. During the course of such investigation, the Court contemplates that the assigned investigator shall include within any report a factual summary of information regarding; their observations of each parent's home; all official records involving each parent and family and household member, including police, medical and psychiatric records; a summary of the investigator's conversations and interactions with each minor child; and the investigator's concerns regarding parenting issues. This is not intended to be exclusive or exhaustive, nor to limit the scope of investigation. Rather, this list is intended as a statement by the court as to the minimum content of any report of investigation.
- (2) In actions for divorce or alimony, investigations are not required prior to a hearing on Motion for Custody *pendent elite*. After a *pendente lite* hearing on custody and prior to a final order, and in post decree change of custody proceedings, an investigation may be ordered on written request filed by either party. The Court also may *sua sponte* require an investigation.

(H) TIME STANDARDS.

No trial or hearing in a domestic relations matter shall be continued beyond the mandatory time standards imposed by the Ohio Revised Code or rule of court.

(I) PARENTING/VISITATION TIME (Appendix G)

This Court ordered Parenting/Visitation Plan is designed to insure that child(ren) will have frequent and consistent contact with both parents.

**PLEASE NOTE:** Summer vacations shall take precedence over the holiday schedule and the holiday schedule shall take precedence over the normal weekly schedule. The child's Birthday, Religious & Ethnic Holidays, Mother's Day and Father's Day shall take precedence over all other days not listed below.

**(1) Weekend and Midweek Companionship**

(a) **For children from birth through age 13.** Every other weekend from Friday after school (as soon as the non-residential parent can pick up the child) until Sunday at 6:00 p.m. plus one evening a week, as the parties can agree. If the parties cannot agree, the midweek will be Wednesday from 4:30 p.m. until 8:00 p.m. and weekends from 6:00 p.m. Friday until Sunday at 6:00 p.m., unless otherwise ordered by the Court.

(b) **For a child age 14 and older.** Visitation is expected to take place weekly, with the days and times to be agreed upon between the child and the non-residential parent. If the child and non-residential parent cannot agree upon weekly visitation, upon the filing of a motion the matter will be set for hearing.

**(2) Summer Vacation** (One option must be selected at the time the parenting time order is issued.)

**Option 1 - 4 Weeks** (Commencing at Age 18 Months)

(a) For children from ages 18 months up to 5 years vacation shall be taken in no longer than one or two week segments. For children ages 5 and older vacation may be taken in one, two, three, or four-week periods.

(b) During any vacation when the children are in the vicinity, the residential parent shall have the same mid-week visitation as the non-residential parent.

(c) Non-residential parent's schedule shall have priority over the residential parent's schedule, unless residential parent's vacation time is mandated by provisions of his/her employment (such as annual plant shut-down). The parties shall give written notice to the other as the vacation schedule at least 60 days in advance.

**Option 2 - Two-week rotating schedule**

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

**Option 3 - One-week rotating schedule**

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

**Option 4 - Summer divided on July 15**

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

more than fourteen days, uninterrupted by the other parent's weekend and midweek parenting time. Holiday parenting time takes precedence over the summer parenting time schedule.

Each party must provide the other party with his/her vacation destination and telephone number, where he/she can be reached, times of arrival and departure, and method of travel.

**(3) Holiday Parenting/Visitation, Commencing at 18 months.**

HOLIDAY	EVEN #D YEARS	ODD #D YEARS	DAYS & TIMES
Martin Luther King Day	residential	non-residential	9:00 a.m. to 7:00 p.m.
President's Day	non-residential	residential	9:00 a.m. to 7:00 p.m.
Easter Sunday	residential	non-residential	9:00 a.m. to 7:00 p.m.
Spring Break	residential	non-residential	5:30 p.m. the day school ends to 7:00 p.m. day school resumes
Memorial Day	non-residential	residential	5:30 p.m. on the Friday preceding to Monday at 7:00 p.m.
Fourth of July	residential	non-residential	5:30 p.m. the day preceding to 10:00 a.m. on the 5 <sup>th</sup>
Labor Day	non-residential	residential	5:30 p.m. on the Friday preceding to Monday at 7:00 p.m.
Halloween	residential	non-residential	4 hours on "trick or treat" day/night
Thanksgiving	residential	non-residential	5:30 p.m. on the Wednesday before the Holiday to Friday at 7:00 p.m.
	non-residential	residential	7:00 p.m. on Friday to Sunday at 7:00 p.m.
Christmas Eve	residential	non-residential	8:00 p.m. on 12/23 to 8:00 p.m. on 12/24
Christmas Day	non-residential	residential	8:00 p.m. on 12/24 to 8:00 p.m. on 12/25
New Year's Holiday	residential	non-residential	5:30 p.m. on 12/31 to 7:00 p.m. on 1/1*
Holiday Break	divide equally (or as the parties may otherwise agree in writing)	divide equally (or as the parties may otherwise agree in writing)	

**\*New Year's Holiday shall be based upon the 12/31 calendar year.**

**(4) Days of Special Meaning, Commencing at age 18 months, from 10:00 a.m. to 7:00 p.m.**

- (a) Religious or ethnic holidays, Mother's and Father's Day-alternate between the parties yearly.
- (b) Children's birthdays with residential parent in even-numbered years and non-residential parent in odd-numbered years. All siblings to attend.

**(5) Make-up Days**

Make-up days shall be given if, due to an emergency, the child or non-residential parent cannot visit at the schedule time, or if the residential parent denies visitation time with just cause. All make-up days shall be rescheduled and exercised within 30 days.

**(6) School Work**

Each parent shall provide adequate time for the child to study and complete homework assignments, even if the completion of homework interferes with the parent's plans for the child. Each parent is responsible for providing the other parent with information about these homework assignments.

**(7) Extracurricular Activities**

Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The party with the child at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parties. **The parents shall consult with each other about the scheduling of extracurricular activities.**

**(8) Change of Residence within Ohio**

If the residential parent intends to move his or her residence, the residential parent shall immediately file a written notice with the Clerk of Courts. The written notice shall include the following.

- (a) The case number under which the original visitation order was issued;
- (b) The residential parent's name, old address and new address; and
- (c) The non-residential parent's name and present address.

Upon receipt of this notice, the Clerk shall file the original and send the non-custodian a copy of the notice unless the custodian has filed with the notice a motion requesting a hearing pursuant to O.R.C. 3109.051(G) (See Appendix H)

**(9) Removal from Ohio**

The residential parent shall not remove the child(ren)'s residence from the State of Ohio without first obtaining either written consent of the non-residential parent in a Judgment Entry providing for a modified visitation schedule or an order of this Court.

**(10) Access to Records, Day Care and Activities**

Each party is entitled, under the same terms and conditions under which access is provided to the custodian, to access:

- (a) any school, health, or agency records or reports that are related to the child(ren);
- (b) any child day care center which the child attends; and
- (c) any student activity in which the child(ren) participated. O.R.C. 3109.051(H),(I),(J).
- (d) each party shall provide the name and contact information of all providers to the other party.

### **(11) Transportation**

Unless the parties agree otherwise, the non-residential parent has the responsibility for obtaining the children at the beginning of a visitation period, and the residential parent has the responsibility for picking up the children after their visit. The child(ren) and the residential parent have no duty to wait for the non-residential parent to arrive for more than 30 minutes. The non-residential parent who is more than 30 minutes late for a particular companionship period shall forfeit that visitation. If a party is unavailable to pick up the child(ren), an adult licensed driver who is well-known to the children may substitute for the party. All child restraint laws must be complied with by any person driving with the child(ren). No person transporting the child(ren) may be under the influence of drugs or alcohol.

### **(12) Electronic Communication**

A parent and the child shall be permitted to communicate with each other by available electronic media (e.g. telephone, cell phone, email, web cam, etc...). Telephone and cell phone calls shall be made during the child's normal waking hours. If the child is unavailable for conversation when a call from a parent is made, the parent exercising physical custody of the child shall permit the child to return the call within a reasonable time. Each party shall communicate with the child(ren) as often as the parties agree. If the parties cannot agree, each parent shall be permitted to communicate with the child once during a 48 period that the minor child is not in his/her care. -Also, each party shall have the right to communicate with a child who is on vacation with the other party as often as the parties agree; absent agreement, each party may communicate with the child at least twice per week. Communication shall be during the normal hours a child is awake; and if the child is unavailable, each party shall be responsible to see that the child timely returns the communication.

### **(13) Medication/Illness**

Because parenting includes the responsibility to care for the child during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the child's illness. A parent shall immediately notify the other parent when a child suffers any illness or injury that requires treatment by a physician or other health care provider. If the child(ren) is taking medication (prescription or non-prescription) upon the advice of a physician, the residential parent shall send with the child(ren) sufficient medication to last the entire visitation period; written instructions for the administration of the medication to the child(ren); and the name and telephone number of the physician. If visitation time is cancelled due to the child(ren)'s illness or injury, then the time shall be made up within sixty (60) days at a time of the non-residential parent's choosing.

**Unless specifically excluded, the Court's Standard Parenting Time Order shall be incorporated into every parenting time order.**

### **(J) GUARDIAN AD LITEM**

#### **(1) Applicability**

This rule shall apply in all domestic relations cases where the court appoints a guardian *ad litem* to protect and act in the best interest of a child.

#### **(2) Definitions**

For purposes of this rule:

(a) "Guardian *ad litem*" means an individual appointed to assist a court in its determination of a child's best interest.

(b) "Child" means:

(i) A person under eighteen years of age, or

(ii) A person who is older than eighteen years of age who is deemed a child until the person attains twenty-one years of age under section 2151.011(B)(6) or section 2152.02(C) of the Revised Code.

(iii) A child under R.C. 3109.04 or a disabled child under R.C. 3119.86 who falls under the jurisdiction of this court.

### **(3) Responsibilities of the Court**

(a) To ensure only qualified individuals perform the duties of guardians *ad litem* and the requirements of Superintendence Rule 48 through 48.07 are met, the Court shall do all of the following:

(i) Maintain a public list of approved guardians *ad litem* and maintain individual privacy pursuant to Sup.R. 44 through 47;

(ii) Establish criteria, which include all requirements of Sup.R. 48 through 48.07, for appointment and removal of guardians *ad litem*;

(iii) Coordinate the application and the appointment process; maintain files and the records required under Sup.R. 48 through 48.07; maintain information regarding educational opportunities, and receive written comments and complaints regarding the performance of guardians *ad litem* operating before the Court;

(iv) Maintain files for all applicants and for individuals approved for appointment as guardians *ad litem* with the Court. The files shall contain all records and information required under Sup.R. 48 through 48.07 and Local Rules for the selection and the service of guardians *ad litem*, including a certificate or other satisfactory proof of compliance with education requirements;

(v) Review a criminal and civil background check and investigation of information relevant to the fitness of the applicant to serve as a guardian *ad litem*;

(vi) Review guardian *ad litem* reports, written or oral, to ensure the guardian *ad litem* has performed those responsibilities required under Sup.R. 48 through 48.07;

(vii) Conduct, at least annually, a review of the Court's list to determine that guardians *ad litem* are in compliance with the education requirements of Sup.R. 48.05 and local rules, have performed satisfactorily on all assigned cases during the preceding calendar year, and are otherwise qualified to serve;

(viii) Require guardians *ad litem* on the Court's list to certify annually by January 1 of each year they are unaware of any circumstances that would disqualify them from serving and to report the education they have attended to comply with Sup.R. 48.05; and

(ix) Develop a process for comments and complaints regarding the performance of guardians *ad litem* and provide for a timely review and disposition of the comment or complaint. (Appendix I) The Court shall maintain a written record in the file of the guardian *ad litem* regarding the nature and disposition of any comment or complaint.

### **(4) Appointment of Guardian *Ad Litem***

#### **(a) Qualifications**

(i) An applicant seeking to serve as a guardian *ad litem* shall successfully complete a minimum of 12 hours of pre-service education as prescribed in Sup.R. 48.04.

(ii) Upon completion of the required pre-service education, an applicant seeking to serve as a guardian *ad litem* shall submit to the Court the Application for the Guardian *Ad Litem* Appointment List (Appendix J) and complete the background process of the Court.

(iii) The application shall provide the following documents in addition to the application:

- A. A resume stating the applicant's education, foreign language proficiency, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a guardian *ad litem*;
- B. A copy of the applicant's criminal background check;
- C. The applicant's Background Disclosure Statement;
- D. For attorney guardians *ad litem*, a copy of malpractice insurance declaration page indicating current malpractice coverage;
- E. For CASA guardians *ad litem*, proof of completion of the required education to become a CASA.

**(b) Maintaining Appointment**

(i) To remain on the Court's appointment list, the guardian *ad litem* shall submit annually by January 1st both of the following:

- A. The Annual Compliance Statement (Appendix K) certifying qualifications and that the guardian *ad litem* is unaware of any circumstances that would disqualify the guardian *ad litem* from serving;
- B. Certificates of completion that the required annual six hours of continuing education required by Sup.R. 48.05 has been satisfied.

(ii) The Court will review its list of guardians *ad litem* annually to determine if all persons on the list are in compliance with the education requirements of the Supreme Court of Ohio. The Court will also conduct an annual review of the performance of each guardian *ad litem* on assigned cases during the preceding calendar year.

(iii) If the Court determines an individual is no longer qualified to serve as a guardian *ad litem*, the individual will be removed from the list of approved guardians *ad litem* and shall not be eligible for any new appointments until the individual has cured the issue resulting in disqualification. The Court shall retain discretion to continue a current guardian *ad litem* appointment pursuant to Sup.R. 48.05(B).

**(5) Procedure of Appointment**

(a) Upon motion of the Court or either party, the Court may appoint a guardian *ad litem* to protect the best interest of the child and shall appoint a guardian *ad litem* when required under 3109.04.

(i) The Court shall appoint a guardian *ad litem* from the Court's public list of approved guardians *ad litem* so the workload is equitably distributed taking into consideration the complexity of the issues, the parties, the children involved in the case, and the experience, expertise, and demeanor of available guardians *ad litem*. The distribution of appointments shall be made in an objectively rational, fair, neutral, and nondiscriminatory manner.

(ii) If a party to the case objects to the appointment of a particular guardian *ad litem*, the party shall file a motion supported with an affidavit that states the objection with specificity. The Court shall make a ruling.

(iii) Whenever appropriate, the same guardian *ad litem* shall be reappointed for a specific child in any subsequent case.

(iv) In allocation of parental rights and responsibilities cases, a guardian *ad litem* shall not be appointed in a dual role as a guardian *ad litem* and as an attorney for the child.

(v) The guardian *ad litem* shall be considered a party to the proceeding and as such have full access to court records and shall have the right to obtain court records and any agency personnel or records, including physicians and mental health professionals, educational facilities, other professionals, or an individual who may be relevant to the best interest of the child.

## **(6) Order of Appointment**

(a) When appointing a guardian *ad litem* under Sup.R. 48, the Court shall enter an Order of Appointment that includes the following statements:

(i) The person is being appointed as a guardian *ad litem*;

(ii) The appointment shall remain in effect until discharged with an Order of the Court, with the Court filing a final Order in the case, or Court rule;

(iii) The guardian *ad litem* shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices, and other documents filed in the case;

(iv) Provisions for the guardian *ad litem*'s fees and expenses and distribution of payment due by the parties;

(v) The guardian *ad litem*'s report shall include the following language:

### *NOTICE*

*This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.*

(vi) The Court's expectation for the guardian *ad litem* to address a specific issue or issues; and

(vii) In an allocation of parental rights and responsibilities case, the guardian *ad litem* shall be appointed only to represent the best interest of the child.

## **(7) Responsibilities of Guardians Ad Litem**

(a) To provide the Court with relevant information and an informed recommendation regarding the child's best interest, a guardian *ad litem* shall perform the responsibilities stated in this division, unless specifically relieved by the Court in the Order of Appointment.

(i) A guardian *ad litem* shall represent the best interest of the child for whom the guardian is appointed. Representation of best interest may be inconsistent with the wishes of the child whose interest the guardian *ad litem* represents.

(ii) A guardian *ad litem* shall maintain independence, objectivity, and fairness as well as the appearance of fairness in dealings with parties and professionals, both in and out of the courtroom and shall have no *ex parte* communications with the Court regarding the merits of the case.

(iii) A guardian *ad litem* is an officer of the Court and shall act with respect and courtesy to the parties at all times.

(iv) A guardian *ad litem* shall appear and participate in any hearing for which the duties of a guardian *ad litem* or any issues substantially within a guardian *ad litem*'s duties and scope of appointment are to be addressed.

(v) If the guardian *ad litem* is an attorney, they may file pleadings, motions, and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure. The attorney guardian *ad litem* shall be entitled to participate in the hearing in the same manner as counsel.

(vi) If the guardian *ad litem* is not an attorney, the guardian *ad litem* may request the appointment of counsel to file pleadings, motions and other documents as appropriate and call, examine, and cross-examine witnesses under the applicable rules of procedure.

(vii) When a guardian *ad litem* determines a conflict exists between the child's best interest and the child's wishes, the guardian *ad litem* shall, at the earliest practical time, request in writing that the Court promptly resolve the conflict and enter appropriate orders.

(viii) A guardian *ad litem* shall meet the qualifications for guardians *ad litem* for each county where the guardian *ad litem* serves and shall promptly advise each court of any grounds for disqualification or unavailability to serve.

(ix) A guardian *ad litem* shall be responsible for providing the Court with a statement indicating compliance with all initial and continuing education requirements. The compliance statement shall include information detailing the date, location, and number of credit hours received for any relevant education. (Appendix K)

(x) A guardian *ad litem* shall immediately identify themselves as a guardian *ad litem* when contacting individuals in the course of a particular case and shall inform these individuals about the guardian *ad litem*'s role and that documents and information obtained may become part of court proceedings.

(xi) As an officer of the Court, a guardian *ad litem* shall make no disclosures about the case or the investigation except in reports to the Court or as necessary to perform the duties of a guardian *ad litem*. A guardian *ad litem* shall maintain the confidential nature of personal identifiers, as defined in Sup.R. 44, or addresses where there are allegations of domestic violence or risk to a party's or a child's safety. A guardian *ad litem* may recommend that the Court restrict access to the report or a portion of the report, after trial, to preserve the privacy, confidentiality, or safety of the parties or the person for whom the guardian *ad litem* was appointed in accordance with Sup.R. 45. The Court may, upon application, and under such conditions as may be necessary to protect the witnesses from potential harm, order disclosure of or access to the information that addresses the need to challenge the truth of the information received from the confidential source.

(xii) A guardian *ad litem* shall perform responsibilities in a prompt and a timely manner, and, if necessary, a guardian *ad litem* may request timely court reviews and judicial intervention in writing with notice to parties or affected agencies.

(xiii) A guardian *ad litem* whom the Court or a party pays, shall keep accurate records of the time spent, the services rendered, and the expenses incurred in each case; file an itemized statement and accounting with the Court; and provide a copy to each party or other entity responsible for payment.

(xiv) Eligible attorneys shall notify the court of changes in their status, address or telephone number.

#### **(8) Specific Duties of a Guardian Ad Litem**

A guardian *ad litem* shall become informed about the facts of the case and contact all parties. To provide the Court with relevant information and an informed recommendation as to the child's best interest, a guardian *ad litem* shall, at a minimum, do all the following, unless specifically relieved by the Court:

- (a) Meet with and interview the child; observe the child with each parent, foster parent, guardian, or physical custodian; and conduct at least one interview with the child where none of these individuals is present;
- (b) Visit the child at the child's residence in accordance with any Court established standards;
- (c) Ascertain the best interest of the child;
- (d) Meet with and interview the parties, the foster parents, and other significant individuals who may have relevant knowledge regarding the issues of the case;
- (e) Review pleadings and other relevant court documents in the case;
- (f) Review criminal, civil, educational and administrative records pertaining to the child and, if appropriate, to the child's family or to other parties in the case;
- (g) Interview school personnel, medical and mental health providers, child protective services workers, and relevant Court personnel and obtain copies of relevant records;
- (h) Recommend that the Court order psychological evaluations, mental health and/or substance abuse assessments, or other evaluations or tests of the parties as the guardian *ad litem* deems necessary or helpful to the Court;
- (i) Perform any other investigation necessary to make an informed recommendation regarding the best interest of the child.

#### **(9) Reports of Guardians Ad Litem**

(a) A guardian *ad litem* shall prepare a written final report, including recommendations to the Court, within the times set forth in this division or as otherwise ordered by the Court.

(b) The report shall detail the activities performed, hearings attended, persons interviewed, documents reviewed, experts consulted, and all other relevant information considered in reaching the guardian *ad litem*'s recommendations and in accomplishing the duties required by statute, Court rule, or the Court's Order of Appointment.

(c) In proceedings involving the allocation of parental rights and responsibilities, a written report shall be submitted to the Court not less than seven days before the final hearing unless the Court extends the due date.

(d) The Court shall consider the recommendation of the guardian *ad litem* in determining the best interest of the child only when the report or a portion of the report has been admitted as an exhibit.

(e) Unless the Court and the parties agree, the report of the guardian *ad litem* shall not be entered into direct evidence absent the guardian *ad litem*'s testimony. The parties may cross-examine the guardian *ad litem* concerning the contents of the report and the basis for the guardian *ad litem*'s recommendations. The guardian *ad litem*'s report shall not be filed with the Clerk of Courts.

- (f) All reports submitted to the Court shall include the following notice:

*NOTICE*

*This report is being provided to the Court, unrepresented parties, parties, and legal counsel of record. If you are an attorney, you may share its contents with your client. However, any other disclosure of the report must be approved in advance by the Court. Unauthorized disclosure of the report in any fashion through any means, including but not limited to, copying the report, posting it or any portion of it on social media or other mediums, or disclosing all or portions of the report to any person without prior approval, may be subject to Court action including penalties or contempt, which include incarceration and fines.*

**(10) Fees and Payments**

(a) The Court shall inform the parties of the amount of the deposit and the compensation rate before the Order of Appointment is issued.

(i) The guardian *ad litem* shall submit monthly billing to counsel and self-represented litigants.

(ii) The court shall require the parties to post a deposit to secure the fees of the guardian *ad litem* and shall apportion additional fees incurred for the services of the guardian *ad litem* between the respective parties. The total deposit shall be \$500.00 unless otherwise ordered. If any party has filed an affidavit of indigency, the court may, in its discretion, not require that party to pay an initial deposit. The court shall retain jurisdiction to reallocate the guardian *ad litem*'s fees along with all costs of the proceedings, at the conclusion of the case.

(b) The guardian *ad litem* shall sign and submit an entry stating the date on which the final bill was served.

(c) Guardian *ad litem* services exceeding the initial deposit may require additional compensation. The Court, without oral hearing, upon filing of a motion and affidavit by the guardian *ad litem*, may order subsequent deposits or payments.

(d) No later than seven (7) days after final hearing in the matter on which the guardian *ad litem* has been appointed, the attorney/guardian *ad litem* shall submit an affidavit of fees to the court. Nothing herein shall delay the filing of said entries, and they shall be filed in accordance with the Rules of the Supreme Court as to Civil Procedure and Superintendence. In order to protect the fee for the services of the attorney/guardian *ad litem*, the court may require additional deposits, and shall have the discretion to issue a lump sum judgment against the party or parties for the guardian *ad litem* fees due and owing at the time of the final hearing.

(e) When an attorney guardian *ad litem* requires fee arrangements inconsistent with those set forth in the required entry, he/she shall so notify the court prior to accepting an appointment. Any request for fees in excess of the amount authorized in the Order of Appointment or as authorized by the state shall include a request for extraordinary fees and a proposed judgment entry.

**(11) Conflicts of Interest**

(a) A guardian *ad litem* shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A guardian *ad litem* shall avoid self-dealing or associations from which the guardian *ad litem* might benefit, directly or indirectly, except for compensation for services as a guardian *ad litem*.

(b) Upon becoming aware of any actual or apparent conflict of interest, a guardian *ad litem* shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary.

(c) Because a conflict of interest may arise at any time, a guardian *ad litem* has an ongoing duty to comply with this division

**(12) Complaints Regarding Guardians *ad litem*; Motions to Remove Guardian *ad litem***

(a) Comments or complaints regarding the performance of a guardian *ad litem* appointed pursuant to this rule shall be in writing and shall be directed to the judge of the Coshocton County Common Pleas Court, General Division.

(i) A copy of comments and complaints submitted to the court shall be provided to the guardian *ad litem* who is the subject of the complaint or comment. The judge of the Coshocton County Common Pleas Court, General Division, shall consider the comments and complaints for appropriate action, if any. The judge shall maintain a written record in the guardian *ad litem*'s file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian *ad litem* of the disposition.

(b) Motions to remove a guardian *ad litem* shall be scheduled for hearing before the judge or magistrate.

**(K) PRETRIAL CONFERENCE**

I. WHEN HELD - A pre-trial conference may be held pursuant to Civil Rule 16 whenever responsive pleadings are filed or when deemed necessary by the Court.

II. PURPOSE - The purpose of the conference is to afford counsel and the parties an opportunity to achieve an amicable resolution of the controversy and, in the event that such a resolution is not achieved, to expedite trial of the action. At the time the conference is held, counsel for both parties should be prepared to:

- a. Narrow the legal issues in controversy;
- b. Admit facts not in dispute;
- c. Stipulate to the genuineness of evidence to be introduced at trial, if necessary;
- d. Exchange all applicable documents, reports, and other exhibits;
- e. Advise the Court as to any additional time necessary to complete discovery;
- f. Set a deadline for discovery and memoranda; and
- g. Establish a final hearing date.

III. ATTENDANCE – All counsel of record, as well as their clients, shall be present at Pre-trial Conferences. In the event a party cannot be present at the conference, due to an emergency, the party will provide counsel with a telephone number at which the party may be contacted any time during the Pre-trial Conference, if necessary. In the event counsel fails to appear at such conference, or fails to cooperate in good faith, such counsel may be subject to sanctions as deemed appropriate by the Court. Such Sanctions may include an award of expenses and/ or attorney fees to any party prejudiced by such conduct or dismissal of the action.

The Court may sanction any party who fails to either appear in person before the Court or who fails to provide a telephone number where the party may be reached during the Pre-trial Conference.

(L) DISCOVERY PROCEEDINGS

Except as provided by Civil Rule 65.1, Civil Rules 26 through 37 apply to any actions within this Court, including Post-Decree Motions pursuant to Civil Rule 75(1).

No Discovery pleading shall be considered by this Court unless proof of service is endorsed or demonstrated separately. The proof of service shall state the manner in which service was accomplished, as well as the date it was submitted and be signed in accordance with Ohio Civil Rule 11.

Any requests for Discovery and/or responses to Discovery shall be noted only by the filing of a Notice of Service with the Clerk of Courts. **No Requests for Production of Documents or Interrogatories shall be filed with the Clerk of Courts unless being utilized as an Exhibit for enforcement of Discovery.**

(M) PARENTING SEMINAR

I. All parties filing a dissolution who have children under eighteen must attend the Court Ordered Co-Parenting Seminar.

II. Upon the filing of a Complaint for Divorce With Children, Legal Separation or Annulment, the Clerk shall serve a Co-Parenting Seminar Brochure and Schedule along with the Summons and Complaint on the Defendant.

(N) APPOINTMENT OF COUNSEL, IN SOLDIERS' AND SAILORS' CIVIL RELIEF ACT ACTIONS

In any action or proceeding commenced in this Court governed by the Soldiers' & Sailors' Civil Relief Act of 1940, as amended, the Court may appoint an attorney to represent the defendant and protect his interests, and may set a fee to be taxed in the costs.

(O) AGREEMENTS OF COUNSEL OR PARTIES

Stipulations and agreements of counsel or parties to a suit must be reduced to writing and signed by the parties and their respective counsel, or made by the parties in open court on the record. Otherwise, any such stipulations or agreements shall not be recognized by the Court if disputed by any of the parties. Agreements and stipulations made in open court on the record shall be enforceable upon approval by the Court.

(P) ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

No *Ex Parte* Orders for the allocation of parental rights and responsibilities or parenting time shall be issued except as authorized by statute. Except in emergency situations, the party requesting such orders shall make every good faith effort to provide opposing counsel and unrepresented parties with notice of the application to the Court for such relief.

1. No case can be opened or reopened with only a request for *ex parte* orders. A Complaint or a Motion requesting final orders must accompany the motion for *ex parte* orders.

2. The Court will consider post-decree motions for *ex parte* orders that modify custody or visitation only in situations of extreme emergency. All *ex parte* motions shall be supported by affidavit(s) that set forth such facts as would be admissible as evidence and that contain sufficient facts to support the claim for relief and establish that an extreme emergency exists. The Court, in its discretion, may conduct an *ex parte* hearing with the filing party.

a. The Court considers the following to constitute situations of extreme emergency:

- (i) Attempting to cause, or recklessly causing bodily injury to the child;
- (ii) Committing any act with respect to the child that would result in the child being an abused child (Rev. Code 2151.031) or a neglected child (Rev. Code 2151.03);
- (iii) Engaging in conduct which causes, or is likely to cause, significant emotional and/or mental stress to the child;
- (iv) Engaging in conduct which creates, or is likely to create, an environment which significantly endangers the child's physical health, or mental, moral, or emotional development;
- (v) The residential parent is unavailable due to hospitalization, incarceration, or other emergency.
- (vi) A parent is attempting to flee the jurisdiction with a child.

3. Third party independent corroboration of irreparable harm or extreme emergency is preferable. Such information would include statements from law enforcement or a children services agency.

4. The Court may not consider a proposed *ex parte* order that modifies custody and/or visitation unless all of the following points are addressed in the affidavit(s) in support of the *ex parte* order:

- a. Whether the other party was provided prior notice of the filing party's intent to request an *ex parte* order, and if prior notice was not provided, the reason(s) for not providing notice. If the filing party knows, or has reason to believe, that the opposing party is represented by counsel, or has been represented by counsel within thirty (30) days immediately preceding the filing of the post-decree motion, then notice of the filing party's intent to seek an *ex parte* order shall be provided to that attorney in writing; and
- b. If the filing party does not believe parenting time would be appropriate, or that an order for supervised parenting time would be appropriate, then the affidavit shall include sufficient facts to support a no-parenting time, or supervised parenting time order. (The Court will not consider a proposed *ex parte* order that does not address the issue of parenting time, child support, and health care insurance), and
- c. If the children are school age, and if the filing party resides in a school district other than the opposing party's school district, then the affidavit shall recite that fact. If the filing party is unable to maintain the current school placement for the children, he/she shall explain the reason(s) why in the affidavit; and
- d. Any party obtaining an *ex parte* order of temporary custody shall obtain possession of the child(ren) in the least confrontational manner possible and shall minimize any stress to the children.

5. If the filing party files a motion and affidavit that does not allege than an emergency situation exists for the child, but that a situation exists that demands an expedient resolution, then the motion shall be scheduled for an expedited hearing to occur. The motion, affidavits and notice of hearing shall be personally served on the opposing party.

6. If, after an immediate hearing has been conducted on an *ex parte* order, the Court determines that the filing party's statements were untrue or inaccurate so as to mislead the Court, that party shall be subject to sanctions, including but not limited to, a dismissal of their action, and/or an award of attorney fees and expenses to the opposing party, and/or a contempt citation.

7. All information contained in a financial affidavit must be accurate. Any information that is estimated must be identified as estimated. Omitted or incomplete vital information may result in the Court refusing to enter any temporary orders of support. Similarly, inaccurate, understated, or exaggerated financial information may result in sanctions against the offending party including an immediate termination of any order based upon the information with retroactive application.

**(Q) NOTICE OF INTENT TO RELOCATE**

Either parent must file a Notice of Intent thirty (30) days in advance if he or she intends to move to a residence other than the residence specified in the court Order. (Appendix H). This notice must be filed with the Court that issued the Order. The moving party and the Court shall send a copy of this notice to the other parent, UNLESS the parent has:

1. previously been convicted or plead guilty to a violation of Ohio Revised Code 2919.25 involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding;
2. been convicted of an offense involving a victim who, at the time of the offense, was a member of the family or household that is the subject of the current proceeding and caused physical harm to the victim in the commission of the offense; or
3. acted in a manner resulting in an adjudication that a child has been abused or neglected child.

Upon receipt of this notice, the Court, on its own Motion or 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 to revise the parenting time schedule.

**(R) BANKRUPTCY**

Upon filing of a bankruptcy petition, counsel or parties shall file a Notice of Bankruptcy Case Filing with the Clerk of Courts. 11 U.S.C. Section 62(a)(1) through (8) permits the Court to proceed with any hearings and conferences that do not affect the petition pending in the Bankruptcy Court.

**(S) CUSTODY EVALUATIONS**

**(1) DEFINITIONS**

As used in this rule:

- (a) "Custody evaluation" means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interests of the child.
- (b) "Custody and parenting time" shall include the allocation of parental rights and responsibilities, companionship, and parenting time.
- (c) "Custody evaluator" means an individual meeting the requirements of Sup.R. 91.08. As used in this rule, a custody evaluator can be one of the following:
  - (i) "Court-connected evaluator," a person employed by the court or with whom the Court contracts custody evaluation services.
  - (ii) "Private custody evaluator," a person in private practice who provides custody evaluation services to the Court.

## **(2) APPLICABILITY**

This rule shall apply in all cases whenever child custody or parenting time is an issue. Pursuant to R.C. 3109.04(C), Civ.R. 75, and Juv.R. 32(D), the Court may order a custody evaluation to analyze the needs of a child who is the subject of the action and capacities of the parents or other relevant adults to meet the needs and best interest of the child. The Court shall only consider evaluations completed by a custody evaluator appointed by the Court.

## **(3) DESCRIPTION OF CUSTODY EVALUATION**

(a) Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but not be limited to all of the following:

- (i) Information obtained through interviews, joint or individual, with each party seeking custody or parenting time.
- (ii) Information obtained through interviews with each child.
- (iii) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home.
- (iv) Information obtained through interviews with step or half-siblings residing in the home.
- (v) Information obtained from childcare providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies.
- (vi) Information from home visits or observations of each child with the appropriate adults involved.
- (vii) Results of clinical tests administered.
- (viii) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system.
- (ix) Investigation into any other relevant information about the child's needs.

## **(4) APPOINTMENT OF CUSTODY EVALUATOR**

(a) The Court may appoint a court-connected evaluator or a private custody evaluator to perform a custody evaluation pursuant to Sup.R. 91.04. The Court shall not appoint as a custody evaluator a guardian ad litem appointed to the case pursuant to Sup.R. 48.

(b) Qualifications

- (i) A custody evaluator shall meet the requirements of Sup.R. 91.08.
- (ii) A custody evaluator must complete 40 hours of pre-appointment education provided by the Supreme Court of Ohio or other provider approved by the Supreme Court prior to accepting an appointment.

(c) Private Custody Evaluator

- (i) Upon the Court's own motion or upon motion of a party, the Court shall appoint a private custody evaluator. Within ten (10) days of the appointment, the custody evaluator shall provide the Court with evidence of his/her completion of the required pre-appointment education or continuing education requirements.
- (ii) The custody evaluator shall also submit the following information upon his/her initial appointment as a Custody Evaluator for the Coshocton County Common Pleas Court:

A. A resume stating the custody evaluator's education and licensure, training, experience, and expertise demonstrating the custody evaluator's ability to successfully perform the duties and responsibilities of a custody evaluator.

B. A copy of the custody evaluator's criminal background check.

(iii) If a Custody Evaluator has been appointed as a Custody Evaluator by the Coshocton County Common Pleas Court previously, he/she shall submit the following within ten (10) days of any subsequent appointment:

A. The Annual Compliance Statement certifying qualifications and that the private custody evaluator is unaware of any circumstances that would disqualify the private custody evaluator from serving.

B. Certificate(s) of completion that the required annual six hours of continuing education required by Sup.R. 91.09 has been satisfied.

(iv) If the Court determines that a custody evaluator has not met the annual continuing education requirements, that individual shall not be eligible for any new appointments until the education requirements have been satisfied. The Court shall retain discretion to continue a current custody evaluator appointment pursuant to Sup.R. 91.09(B)(2) until the requirements have been fulfilled.

#### **(5) RESPONSIBILITIES OF THE COURT**

(a) To ensure that only qualified individuals perform the duties of a custody evaluator and that the requirements of Sup.R. 91 are met, the Court shall:

(i) Review a criminal and civil background check and investigation of information relevant to the fitness of the custody evaluator to serve as a private custody evaluator.

(ii) Maintain files for all private custody evaluators who have served as private custody evaluators with the Court. The files shall contain all records and information required under Sup.R. 91 and these local rules for the selection and the service of a private custody evaluator, including a certificate or other satisfactory proof of compliance with education requirements.

(iii) Review the files of private custody evaluators who have served as a private custody evaluator in Coshocton County Common Pleas Court to ensure he/she has performed satisfactorily on all previously assigned cases and are otherwise qualified to serve.

(iv) Make available a form to receive written comments and complaints regarding the performance of custody evaluators and provide for a timely review and disposition of the comment or complaint. See *Appendix L*. The Court shall maintain records related to the receipt and disposition of comments and complaints.

#### **(6) ORDER OF APPOINTMENT**

(a) Upon request of a party or at the Court's discretion, the Court may issue an order requiring a custody evaluation and appointing a custody evaluator.

(b) The order shall include the provisions set forth in Sup.R. 91.05(C).

(i) The name, business address, licensure, and telephone number of the evaluator.

(ii) The purpose and scope of the appointment.

(iii) The term of the appointment.

(iv) A provision that a written report is required and oral testimony may be required.

- (v) Any deadlines pertaining to the submission of reports to the Court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports.
- (vi) A provision for payment of fees, expenses, and any hourly rate or fee that will be charged.
- (vii) Any provision the Court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed.
- (viii) A provision that grants the custody evaluator the right to access information as authorized by the appointment.
- (ix) A provision that requires the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.
- (x) Any other provisions the Court deems necessary.

(c) At such time as the custody evaluation is ordered, those individuals being evaluated shall sign any releases of information so as to allow the custody evaluator to gather the information necessary to conduct the evaluation.

#### **(7) RESPONSIBILITIES OF THE CUSTODY EVALUATOR**

(a) A custody evaluator appointed by the Court pursuant to Sup.R. 91.04 shall do all of the following when performing the custody evaluation:

- (i) Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias.
- (ii) Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner.
- (iii) Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the Court or statute.
- (iv) Immediately identify themselves as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings.
- (v) Refrain from any *ex parte* communications with the Court regarding the merits of the case.
- (vi) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional.
- (vii) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts.
- (viii) Not pressure children to state a custodial preference.
- (ix) Inform the parties of the evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person.
- (x) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion.
- (xi) Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties.

(xii) Upon discovery, notify the Court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

#### **(8) CUSTODY EVALUATOR REPORTS**

(a) A custody evaluator shall prepare a written final report, including recommendations to the Court, at least 30 days prior to the final hearing, unless otherwise ordered by the Court.

(b) The Court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

(c) The report shall include a detailed analysis of the strengths and areas in need of improvement of the parties with respect to meeting the needs of the child, as well as a comparative analysis of the different parenting plans or companionship plans under consideration.

(d) The report shall not be considered an investigation pursuant to Civ.R. 75(D), Juv.R. 32(D), or R.C. 3109.04(C).

(e) All reports submitted to the Court shall include the following notice:

*“The custody evaluator’s report shall be provided to the Court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.”*

#### **(9) DISCLOSURE OF THE CUSTODY EVALUATOR’S REPORT**

(a) The report is not available for public access pursuant to Sup.R. 44-47; however, it is subject to the Rules of Civil Procedure where applicable to discovery in civil actions.

(b) The report and any attachments shall be placed in the confidential envelope within the file.

(c) At the time the report is submitted for filing, the clerk shall file a notice in the public file stating the date that the custody evaluator’s report was filed.

(d) A party may copy a written report of a custody evaluation but, except as permitted by the Court, shall not disseminate the report by any means, including by social media. Any additional disclosure of this report must be approved in advance by the Court. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case.

(e) Unauthorized disclosure or distribution of the report, in whole or in part, may be subject to court action, including the penalties for contempt which include fines and/or incarceration.

(f) No individual shall be permitted to place the content of the report on any form of social media.

#### **(10) TESTIMONY AND REPORT AT HEARING OR TRIAL**

(a) The custody evaluator’s report shall be admitted into evidence at a hearing or trial on the Court’s motion. The report shall be admitted as the Court’s exhibit in the form of the custody evaluator’s expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen days before a hearing or trial.

(b) The Court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

#### **(11) COMMUNICATION TO THE COURT**

A custody evaluator speaks through their report and shall refrain from any *ex parte* communication with the Court. When necessary, a custody evaluator may communicate with the Court to amend the scope or timeframe of their appointment.

#### **(12) FEES AND PAYMENTS**

(a) The Court shall issue an order regarding the allocation of payment of the custody evaluator's fees and expenses. Prior to the appointment, the parties have a right to be heard on the issue of allocation of payment.

(b) The Court shall consider the parties' ability to pay the fees and expenses of the custody evaluator. In making this determination, the Court shall consider all of the following:

(i) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the Court, or evidence of qualification for any means-tested public assistance.

(ii) The complexity of the issues.

(iii) The anticipated reasonable fees and expenses of the custody evaluator, including any reasonable fees or expenses related to potential testimony.

(c) The Court shall issue an order regarding the allocation of payment of the custody evaluator's fees and expenses which shall consist of both of the following:

(i) Any requirement for a party to pay reasonable fees and expenses, including an initial deposit.

(ii) Any requirement for any other entity or individual to contribute toward reasonable fees and expenses.

(d) For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the Court may approve additional fees or expenses, reallocate reasonable fees or expenses, or require a party to reimburse another party in part or in whole for reasonable fees or expenses paid.

#### **(13) RECORD KEEPING**

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of the records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

#### **(14) REMOVAL & RESIGNATION**

(a) The Court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

(b) A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the Court.

#### **(15) CONFLICTS OF INTEREST**

(a) A custody evaluator shall avoid any actual or apparent conflict of interest arising from any relationship or activity including, but not limited to, those of employment or business or from professional or personal contacts with parties or others involved in the case. A custody evaluator shall avoid self-dealing or

associations from which the custody evaluator might benefit, directly or indirectly, except for compensation for services as a custody evaluator.

(b) Upon becoming aware of any actual or apparent conflict of interest, a custody evaluator shall immediately take action to resolve the conflict; shall advise the Court and the parties of the action taken and may resign from the matter with leave of Court; or shall seek Court direction as necessary.

(c) Because a conflict of interest may arise at any time, a custody evaluator has an ongoing duty to comply with this division.

## **RULE 21 JURY MANAGEMENT PLAN**

### **(A) An Opportunity for Public Service**

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group located in Coshocton County, Ohio.

Jury service is an obligation of all qualified citizens. Our system of justice is based upon the right to trial by jury. Failure to attend when summoned to jury duty is a violation of law and subject to a contempt citation.

### **(B) Jury Source List**

The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in Coshocton County, Ohio, and maintained pursuant to law. The jury source list shall be representative and shall be as inclusive of the adult population in Coshocton County, Ohio as is feasible. The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in Coshocton County, Ohio as is feasible. Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

### **(C) Random Selection Procedures**

Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented by the jury commissioners and the court bailiff.

Random selection procedures shall be employed in:

- (1) Selecting persons to be summoned for jury service;
- (2) Assigning prospective jurors to panels; and
- (3) Calling prospective jurors for voir dire.

Departures from the principle of random selection are appropriate:

- (1) To exclude persons ineligible for service;
- (2) To excuse or defer prospective jurors;
- (3) To remove prospective jurors for cause or if challenged peremptorily; and
- (4) To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.

### **(D) Eligibility for Jury Service**

All persons shall be eligible for jury service except those who:

- (1) Are less than eighteen years of age;

- (2) Are not citizens of the United States;
- (3) Are not residents of Coshocton County, Ohio;
- (4) Are not able to communicate in the English language; or
- (5) Have been convicted of a felony and have not had their civil rights restored.

(E) Term of and Availability of Jury Service

The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice. Jury venires shall be summoned for a term of service of one (1) day unless otherwise ordered by the Court. Persons shall not be required to maintain a status of availability for jury service for longer than two (2) weeks.

(F) Exemption, Excuse and Deferral

All automatic excuses or exemptions from jury service, with the exception of any statutory exemptions, are hereby abolished. Eligible persons who are summoned for jury service may be excused from service only if:

- (1) Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or
- (2) They request to be excused because their service would be a continuing hardship to them or tot members of the public and they are excused by the bailiff.

Deferrals for jury service for a reasonably short period of time may be permitted by the judge or bailiff. Requests for excuses and deferrals and their dispositions shall be made in writing or otherwise recorded.

(G) Voir Dire

Voir Dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

To reduce the time required for Voir Dire, basic background information regarding panel members shall be made available to each counsel in writing for each party approximately one week prior to the day on which jury selection is to begin. Trial counsel of record may request a copy of the juror questionnaires, which will be provided and mailed to out-of-town counsel upon request. Anyone obtaining copies of juror questionnaires must destroy the questionnaires upon the conclusion of the case.

The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. The trial judge shall ensure that the privacy of prospective jurors is reasonably protected, and that the questioning is consistent with the purpose of the voir dire process.

In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

(H) Removal From the Jury Panel for Cause

If the trial judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual shall be removed from the panel. Such determination may be made on motion of counsel or by the trial judge.

#### (I) Peremptory Challenges

The exercise of peremptory challenges shall be governed by the Ohio Rules of Civil and Criminal procedure.

#### (J) Administration of the Jury System

The responsibility for administration of the jury system shall be vested exclusively in the Coshocton County Court of Common Pleas. All procedures concerning jury selection and service shall be governed by the Ohio Rules of Court and any applicable statutes.

Responsibility for administering the jury system shall be vested in the bailiff of the Court under the supervision of the Judge of the Court.

#### 21.11 Notification and Summoning Procedures

The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be combined in a single document, delivered by ordinary mail, and phrased so as to be readily understood by an individual unfamiliar with the legal jury system.

The summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

- (b) Determining whether a person meets the criteria for eligibility;
- (c) Providing basic background information ordinarily sought during voir dire examination;
- (d) Efficiently managing the jury system;

The bailiff shall bring to Judge's attention those persons who failed to respond to a summons. The Judge may then Order an investigation with the possibility of a contempt citation.

#### 21.12 Monitoring the Jury System

The Court will collect and analyze the information regarding the performance of the jury system on a regular basis in order to evaluate:

- (b) The representativeness and inclusiveness of the jury source list;
- (c) The effectiveness of qualification and summoning procedures;
- (d) The responsiveness of individual citizens to jury duty summonses;
- (e) The efficient use of jurors; and
- (f) The cost effectiveness of the jury management system

#### 21.13 Juror Use

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum on inconvenience to jurors, and coordinate calendar management and jury management accordingly. The Court shall also determine the minimally sufficient number of jurors to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

#### 21.14 Jury Facilities

The Court shall provide an adequate and suitable environment for jurors.

The entrance and registration area for jurors shall be clearly identified and appropriately designed to accommodate the flow of jurors into the courthouse.

The jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

The jury deliberation room shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.

#### 21.15 Juror Compensation

Persons called for jury service shall receive a reasonable fee for their service and expenses, and such fees shall be paid promptly. Juror compensation shall be \$20.00 per day unless otherwise modified by the Board of County Commissioners.

Employers are hereby prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

#### 21.16 Juror Orientation and Instruction

The Court shall maintain an orientation program designed to increase prospective jurors understanding of the judicial system and prepare them to serve competently as jurors. The orientation program shall be presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials. The orientation and instructions shall be composed of the following:

- (a) Written information upon initial contact prior to service;
- (b) Oral, written, and audiovisual information provided in the prospective jury staging area prior to entrance into the court room;
- (c) Oral preliminary instructions upon reporting to the courtroom for voir dire, as noted below.

The trial judge shall give preliminary instructions, instructions after the empanelment of the jury, and instructions during trial and prior to the commencement of deliberations, pursuant to law.

All communications between the judge and the members of the jury panel from the time of reporting to the court, through voir dire and until dismissal, shall be in writing, on the record, and performed in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

#### 21.17 Jury Size and Unanimity of Verdict

Jury size and unanimity of verdict in civil and criminal cases shall be according to Ohio law.

#### 21.18 Jury Deliberations

Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision making.

The trial judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

The deliberation room shall conform to this rule.

The jury shall not be required to deliberate after a reasonable hour unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon jurors and are required in the interest of justice.

Training shall be provided to personnel who escort and assist jurors during deliberations.

#### 21.19 Sequestration of Jurors

A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

In capital cases, jurors shall be sequestered during deliberations in the guilt phase and penalty phase.

The trial judge shall have the discretion to sequester a jury on motion of counsel or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

Training shall be provided to personnel who escort and assist jurors during the sequestration.

### **RULE 22**

#### **COSHOCTON COUNTY RECOVERY COURT**

##### **Specialized Recovery Court Docket**

Recognizing that the drug and alcohol dependent offender poses special challenges to the criminal justice system, the Court has created the Coshocton County Recovery Court with the intent of protecting the citizens of Coshocton County by reducing the recidivism of drug and alcohol dependent offenders, and by improving and expediting the delivery of services to the addicted criminal defendants through intense supervision and treatment.

##### **Eligibility for Admission to the Recovery Docket**

The Recovery Docket is a program for individuals who have been granted Intervention in Lieu of Conviction, or have been convicted of a felony offense and have been placed on Community Control, and who have been determined to be drug or alcohol dependent and who are amenable to treatment.

Individuals must meet the following criteria to be admitted to the docket:

#### 1. Clinical Eligibility Criteria

- A) The Participant must be diagnosed as substance dependent, and have completed drug/alcohol assessments by a certified licensed provider.
- B) The Participant must be able to understand and comply with program requirements.
- C) The Participant must comply with such other criteria as more specifically set forth in the Program Description.

#### 2. Other Eligibility Criteria

- A) The Participant must have no physical or mental health issues which might hinder participation in the program. (This will be reviewed on a case by case basis).
- B) The Participant must score 15 or higher on the Ohio Risk Assessment System (ORAS) as a result of the Presentence Investigation, unless otherwise approved by the Court.
- C) The Participant must be a resident of Coshocton County, unless otherwise approved by the Court.
- D) The Participant must be receptive to receiving treatment.
- E) The Participant must understand that the Judge has the sole discretion in the admissibility to Recovery Docket.

#### 3. Legal Criteria: The participant

- A) Has been granted Intervention in Lieu of Conviction, or
- B) Is charged with a pending felony offense less serious than a felony of the second degree which must not be a drug trafficking offense, felony OVI and/or a sentence in which prison is mandatory, unless specifically allowed by the Treatment Team and Judge; or
- C) Is on Community Control; or
- D) Is sentenced, upon the request of the Participant, to Recovery Docket as part of Community Control placement and/or through Judicial Release.

The victim notification provision of Revised Code Chapter 2930 shall be followed where applicable.

**RULE 23**  
**VIDEO CONFERENCING**  
**Rescinded**

**RULE 24**  
**MEDIA COVERAGE OF COURT PROCEEDINGS**

24.1 Requests for permission to broadcast, televise, photograph or record during sessions in the Courtrooms shall be made in writing to the Judge presiding at such proceedings. Such request shall be made as far in advance as is reasonably possible but in no event later than forty-eight (48) hours prior to the courtroom session to be broadcast, televised, photographed or recorded. The Judge may waive the advance notice provision upon a showing of good and substantial cause therefore. All requests shall become part of the record of the proceedings.

24.2 Pursuant to Canon 3(A) of the Code of Judicial Conduct and Superintendence Rule 11 of the Ohio Supreme Court the Judge shall grant the request and record that permission in writing setting forth therein, any conditions not provided for by this rule. Provided also that the Judge may impose further conditions upon media representatives during the course of the proceedings if, in the Judge's discretion, they are deemed necessary.

24.3 All media representatives shall consult with the Judge in advance about possible camera and microphone locations inside the courtroom.

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

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

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

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

No equipment shall be used inside the courtroom which produces distracting sounds. All equipment in the courtroom must be set up fully and be operational before the beginning of the court proceedings.

24.5 Media representatives shall place microphones and wiring as unobtrusively as possible after initial consultation with the Judge and his permission therefore is obtained. Only one (1) audio system is permitted in each courtroom.

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

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

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