

## RULES OF LOCAL PRACTICE

If a case involves complex legal issues requiring full judicial review, the Court shall issue a temporary support order within the time limits set forth above, which temporary order shall be in effect until a final support order is issued in the case. All cases in which the imposition of an order under O.R.C. Section 3113.21(D) is contested shall be completed within forty-five days of the service of notice upon Obligor as required by O.R.C. Section 3113.21(B), (C), or (D). The failure of the court to complete a case within the required forty-five day period does not affect the ability of the court to issue any order under Section 3113.21 or any other section of the Revised Code for the payment of support, does not provide any defense to any order for the payment of support that is issued under this section or any other section of the Revised Code, and does not affect any obligation to pay support.

[Rule 20(H) added December 29, 1988]

### (I) STANDARD VISITATION GUIDELINES.

#### PREAMBLE

Given the stress that ending a marriage places upon a mother and father, most parents find specific visitation guidelines helpful. At a time when the separation and division that the parents are experiencing may make it difficult for them to reach cooperative agreements, the guidelines establish the nonresidential parent's visitation schedule with the child(ren). The establishment of such a schedule provides children with the certainty that both parents will continue to be involved in their lives in a frequent and predictable way during this period of transition for all members of the family. The goal of the court in providing a specific schedule of visitation is best expressed in the findings of the authors Wallerstein & Kelly:

Children profit by continued exposure to both parents. The future condition of the divorced family is predicted by the ability of the parents to communicate effectively on parenting matters and to allow for each to influence and direct the child(ren's) development. Continued contact between the child and both parents predicts the child's successful adaptation to divorce. (Wallerstein & Kelly, "Surviving the Break-Up", 1980)

#### ORDER FOR VISITATION

In all actions for divorce, dissolution, legal separation, or annulment which involve a child or children, the court shall order

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that the nonresidential parent shall have the following visitation with the minor child(ren):

### 1. WEEKENDS

On alternate weekends commencing with the week after the filing date of this order from 6:00 P.M. Friday to 6:00 P.M. Sunday unless otherwise agreed upon by the parties.

### 2. MID-WEEK

A minimum of one week day visitation from 5:00 P.M. to 8:00 P.M., longer upon agreement of the parties, commencing with the week after the first alternate weekend visitation.

If the parents cannot otherwise agree, the day for mid-week visitation shall be Wednesday.

### 3. HOLIDAYS

For the purpose of visitation, ten holidays shall be divided between the parties:

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| (1) <u>New Year's Day</u> from 6:00 P.M. on December 31 to 8:00 P.M. on January 1   | (2) <u>Martin Luther King Day</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday |
| (3) <u>Easter</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday         | (4) <u>Memorial Day</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday           |
| (5) <u>Fourth of July</u> from 6:00 P.M. on July 3 to 8:00 P.M. on July 4           | (6) <u>Labor Day</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday              |
| (7) <u>Thanksgiving</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday   | (8) <u>Presidents' Day</u> from 6:00 P.M. the day before to 8:00 P.M. on the holiday        |
| (9) <u>Christmas Eve</u> from 6:00 P.M. on December 23 to 10:00 A.M. on December 25 | (10) <u>Christmas Day</u> from 10:00 A.M. to 8:00 P.M. on December 26                       |

In odd-numbered years (e.g., 1991) the residential parent shall have the child(ren) on the odd-numbered holidays (left column), and the nonresidential parent shall have visitation on the even-numbered holidays (right column). In the even-numbered years (e.g., 1992) the nonresidential parent shall have visitation on the

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odd-numbered holidays and the residential parent shall have the children on the even-numbered holidays. When the holiday visitation schedule conflicts with the alternating weekend visitation schedule or the mid-week visitation, the holiday visitation schedule shall take precedence.

### 4. DAYS OF SPECIAL MEANING

(a) Mother's Day and the mother's birthday shall be spent with the mother; Father's Day and the father's birthday shall be spent with the father, regardless of which parent is otherwise entitled unless the parties agree otherwise. If the parties cannot agree on times, the time is 10:00 A.M. to 8:00 P.M. The child(ren) shall then spend the remainder of the time with the parent who is scheduled to have the child(ren) for that time.

(b) The child's birthday shall be spent with the mother in the even-numbered years and with the father in the odd-numbered years. If the parties cannot otherwise agree, the time is 10:00 A.M. to 8:00 P.M. for a child not in school on the birthday and 5:00 P.M. to 8:00 P.M. for a child in school on the birthday. The child's birthday is to be spent with the designated parent even if the other parent is entitled to weekend, midweek, holiday or vacation with the child unless the parties agree otherwise. Brothers and sisters may attend the birthday event at the discretion of the parent designated in the first sentence above.

### 5. VACATION

(a) The nonresidential parent shall have no less than four (4) weeks nor more than six (6) weeks of visitation each year. Until the child(ren) reaches school age, this may be at any time. Thereafter it will be during the summer school vacation months. Vacation visitation is to be arranged by the nonresidential parent with not less than sixty (60) days advance notice to residential parent. The nonresidential parent's choice of vacation has priority over the residential parent's choice unless the residential parent's vacation is an annual mandatory shut-down of the residential parent's place of employment, in which case the residential parent's vacation has priority. Likewise, the residential parent must give the nonresidential parent not less than sixty (60) days advance notice of vacations or special plans for the child(ren) to avoid planning conflicts.

(b) Vacation visitation shall be exercised in minimum periods of one (1) week, and the nonresidential parent shall have the right to determine whether to exercise vacation in periods of two (2), three (3), four (4), five (5), or six (6) weeks. However, the vacation visitation of the nonresidential parent shall be concluded

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at least ten (10) full days before school begins each year the child(ren) is in school unless the parties agree otherwise.

(c) Each parent must provide the other parent with destination, times of arrival and departure, and method of travel if any portion of the vacation will be outside the parent's community.

(d) Weekends which normally would be spent with the residential parent and which fall during the nonresidential parent's vacation shall be given to the residential parent or made up within ninety (90) days. Weekends which normally would be spent with the nonresidential parent and which fall during the residential parent's vacation shall be given to the nonresidential parent or made up within ninety (90) days.

(e) Summer school necessary for the child to pass to the next grade must be attended. Extended vacation visitation may be scheduled by the nonresidential parent during a mandatory summer school period, but the child shall attend all classes.

### 6. KEEPING THE CHILDREN TOGETHER

If the parents have more than one child, visitation shall be exercised with all children together unless the parties agree otherwise.

### 7. TRANSPORTATION

The nonresidential parent shall pick-up and return the child(ren). If unavailable for the pick-up or delivery of the child(ren), the nonresidential parent must use a responsible adult known to the child(ren) for this purpose. 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. Only licensed drivers may transport the child(ren).

### 8. PROMPTNESS

Each parent shall be prompt for pick-up and return of the child(ren). The residential parent has no duty to wait for the nonresidential parent to pick up the child(ren) longer than thirty (30) minutes, unless the nonresidential parent notifies the residential parent that (s)he will be late, and the residential parent agrees to remain available after the thirty minute waiting period. A parent who is more than thirty (30) minutes late for visitation shall lose that companionship period. A parent who has a pattern of lateness shall be subject to penalties under the law.

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### 9. RETURNING THE CHILD(REN) AFTER EXERCISING COMPANIONSHIP

The nonresidential parent shall return the child(ren) at the end of the scheduled companionship period, not early, not late, and not on a different day, unless the parties have otherwise agreed in advance. The residential parent or other responsible adult known to the child(ren) shall be present when the child(ren) is returned.

### 10. CANCELLATION OF COMPANIONSHIP BY NONRESIDENTIAL PARENT

The nonresidential parent shall give notice of intent NOT to have visitation not less than twenty-four (24) hours in advance unless a last minute emergency occurs. A parent who chooses not to exercise visitation forfeits that time. Since the schedule presumes ordinary visitation times will be spent with the child(ren), noncancelled visitation time where the parent fails to appear upsets the child(ren) considerably as well as the residential parent. A parent who continually fails to keep his or her commitment to visitation may have rights of companionship modified and may be subject to other legal remedies as well upon motion of the residential parent.

### 11. TELEPHONE CALLS

Each parent shall talk over the telephone with the child(ren) as often as the parents agree. If the parents cannot agree, the nonresidential parent shall have telephone privileges at least twice per week. In addition, a parent may call a child once during a scheduled or agreed visitation period that is missed. Also, each parent shall have the right to call a child who is on vacation with the other parent as often as the parties agree; absent agreement, each parent may call the child at least twice per week. Phone calls shall be during the normal hours a child is awake; and if the child is unavailable for conversation, each parent shall be responsible to see that the child timely returns the call.

A child shall be permitted to call a parent.

### 12. MEDICATION/ILLNESS

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 is canceled 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 nonresidential parent's choosing.

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### 13. ADDRESS AND TELEPHONE NUMBERS

Unless the court orders otherwise, each parent shall keep the other parent informed of his or her current address, residence telephone number, and an alternate telephone number in the event of an emergency.

### 14. CHANGE OF RESIDENCE

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 nonresidential parent's name and present address.

Upon receipt of this notice, the Clerk shall file the original and send the nonresidential parent a copy of the notice unless the residential parent has filed with the notice a motion requesting a hearing pursuant to O.R.C. Section 3109.051(G).

### 15. 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 nonresidential parent in a Judgment Entry providing for a modified visitation schedule or an order of this court.

### 16. ACCESS TO RECORDS, ETC.

Subject to O.R.C. Sections 2301.35(G)(2) and 3319.321(F), the nonresidential parent shall be entitled to access to any record related to the child(ren) under the same terms and conditions that access is provided to the residential parent.

**NOTICE TO KEEPERS OF RECORDS:** Knowing failure to comply with this order or with any order issued under O.R.C. Section 3109.051(H)(1) may be contempt of court.

### 17. ACCESS TO DAY CARE

The nonresidential parent shall have access, in accordance with O.R.C. Section 5104.011, to any child day care center attended by the child(ren) under the same terms and conditions that access

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is provided to the residential parent unless the court orders otherwise.

### 18. ACCESS TO STUDENT ACTIVITIES

Subject to O.R.C. Section 3319.321(F), the nonresidential parent shall have access to any student activity involving the child(ren) under the same terms and conditions that access is provided to the residential parent.

**NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES:** Knowing failure to comply with this order or with any order issued under O.R.C. Section 3109.051(J) may be contempt of court.

### 19. NON-COMPLIANCE WITH COURT ORDER

Any of the responsibilities or rights outlined in this schedule may be enforced by the court upon the filing of the appropriate motion by either party.

A parent shall not withhold the rights of companionship because the other parent does not obey a court order to pay support or medical bills, etc. One of the penalties for willful denial of visitation can be a jail sentence. A parent may seek enforcement of a periodic child support or alimony order by calling the Coshocton County Child Support Enforcement Agency, 725 Pine Street, P.O. Box 28, Coshocton, Ohio 43812, (614) 622-8631.

This visitation schedule shall be ordered in each domestic relations case involving minor children unless the parties agree to a different specific visitation schedule which is submitted to the court in writing prior to the filing of the entry ordering this schedule or unless a party by motion requests a hearing to show cause for deviation from this schedule based upon the factors set forth in O.R.C. Section 3109.051(D). This order shall be referred to as the "ORDER FOR VISITATION".

[Rule 20(I) added July 19, 1991]

### (J) SERVICE OF PROCESS IN ACTIONS FOR DIVORCE, ANNULMENT, OR LEGAL SEPARATION.

In an action for divorce, annulment, or legal separation, where service of process is perfected in accordance with Ohio Rule Of Civil Procedure 4.4 (A)(2), the Clerk shall cause notices to be posted conspicuously in the hall outside the office of the Clerk of Courts, in the Title Department of the Clerk of Courts, and in the lobby of the courthouse annex.