

**Rules of Practice and Procedure
of the
Court of Common Pleas
Family Court Division
Stark County, Ohio**

Stark County Family Court Local Rules of Court

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RULES OF COURT

RULE 9 GENERAL

9.01 Name of Division

The Domestic Relations and Juvenile Court shall be severally identified as the Court of Common Pleas of Stark County, Ohio, Family Court Division

9.02 The *Ohio Rules of Civil Procedure*, the *Superintendence Rules of the Supreme Court*, and the *Ohio Rules of Juvenile Procedure* shall apply in all actions where applicable. The Rules of the General Division of the Stark County Court of Common Pleas shall apply to all proceedings before this Court, except to the extent that those General Division Rules conflict with these rules, or to the extent that the General Division Rules are inapplicable.

RULE 10 COSTS

10.01 A deposit shall be required to secure court costs in all Family Court cases.

10.02 Waiver of Deposit: Waiver of Costs

The Court may, by endorsement on the pleading, waive the deposit for costs, upon good cause shown and upon the filing with the Clerk of an affidavit, identifying assets and earnings of the party, together with a statement that counsel has received no fees. In such case, said deposit shall be made prior to the hearing upon the merits of such cause unless the Court determines that trial without costs is necessary in the interest of substantial justice.

10.03 Amended Petitions for Dissolution of Marriage

Upon the filing of an amended petition for dissolution of marriage in a divorce or legal separation action, there shall be deposited with the Clerk the requisite court deposits as upon the filing of a petition for dissolution of marriage.

10.04 Court Deposits applied

Upon final judgment, the Clerk of Courts is authorized and directed to forthwith apply the deposit for costs to the costs in the case, regardless of the party against whom costs are assessed.

The Clerk shall thereupon assess the costs against the proper party, and notify and bill such party, reimbursing the court costs depositor upon receipt of such costs.

RULE 11 SERVICE AND NOTICE

11.01 If the residence of a Defendant in an action for divorce, annulment, or legal separation is unknown, or if the Defendant is not a resident of this State or is a resident of this State but absent from this State, notice of the pendency of the action shall be given by publication as provided by rule 4.4(A) of the *Ohio Rules of Civil Procedure*.

If publication is made by posting and mail as authorized by rule 4.4(A)(2), where the plaintiff is proceeding *in forma pauperis*, such posting shall be made in a conspicuous place in Stark County Courthouse, 115 Central Plaza, North, Canton, Ohio 44702, the Stark County Office Building, 110 Central Plaza, South, Canton, Ohio 44702, the Stark County Board of Elections, 3525 Regent Avenue Northeast, Canton, OH 44705, and the Canton City Hall, 218 Cleveland Avenue, South, Canton, Ohio 44702.

11.02 When a complaint for divorce is filed, the attorney shall supply the Clerk with the appropriate number of copies for service.

If personal service by the sheriff is requested, the attorney shall provide the original plus one copy of the complaint and the original plus two copies of any other pleadings to be served.

If service by certified mail is requested, the attorney shall provide the Clerk with the original plus one copy of the complaint and any other pleadings.

Appointment of Process Servers

11.03 Process Server (one-time appointment).

If a party desires personal service to be made by special process server pursuant to Civil Rule 4.1, that party must file with the Clerk of Courts an entry appointing a process server. The following must be stated in the entry of appointment:

1. The name of the person to be appointed as process server;
2. That the person to be appointed as process server is 18 years of age or older;
3. That the person to be appointed as process server is not a party or counsel for a party in the action.

11.04 Process server (continuing appointment).

A person may apply to be designated as a “standing process server” for cases filed in this court by filing an application supported by an affidavit setting forth the following information:

1. The name, address and telephone number of the applicant;
2. That the applicant is 18 years of age or older;
3. That the applicant agrees not to attempt service of process in any case in which the applicant is a party, counsel for a party, or related to a party by blood or marriage;
4. That the applicant agrees to follow the requirements of Civil Rules 4 through 4.6 and any applicable local rules, and specific instructions for service of process as ordered by the court in individual cases.

Recording order of appointment

The applicant requesting designation shall also submit an order captioned “In re: the appointment of (name of applicant) as standing process server” and stating as follows:

“It appearing to the Court that the following applicant has complied with the provisions of Local Rule 11.04, (name of applicant) is hereby designated as a standing process server authorized to make service of process in all cases filed in this Court, to serve until further order of this Court.”

The Clerk of Courts shall record such appointment on the Court’s general docket and shall retain the original application and judgment entry. In any case thereafter, the Clerk of Courts shall accept a time-stamped copy of such an order as satisfying the requirements of Civil Rule 4.1(B) for designation by the Court of a person to make service of process.

RULE 12 PLEADINGS AND FILING REQUIREMENTS

Attorneys are required to include their attorney registration number issued by the Supreme Court of Ohio on all documents filed within any Division.

12.01 In any complaint or counterclaim filed in the Family Division of the Court, it shall be an affirmative duty to identify all children conceived or born to the wife during marriage. Non-disclosure of such information shall be construed as an affirmative representation of non-parenthood; which if untrue, shall constitute a fraud upon the Court and for which the Court may make any appropriate order.

12.02 It is necessary for each of the parties to a divorce, legal separation, dissolution or annulment proceeding to have made full and complete disclosure of their financial status prior to the date of any hearings. The Clerk of Courts shall not accept for filing, any

divorce, legal separation, petition for dissolution, annulment or counterclaim which does not include signed, sworn, current financial statements of the parties. **A copy of the financial statement shall be delivered to opposing counsel prior to the hearing.**

If unemancipated children are involved, the Clerk of Courts shall not accept for filing, any divorce, legal separation, dissolution, paternity, custody complaint or motion or child support action which does not include a signed, sworn, Uniform Child Custody Jurisdiction and Enforcement Act (U.C.C.J.E.A.) form and an application for IV-D services provided by CSEA. A completed child support worksheet must also accompany petitions for dissolution of marriage with unemancipated children. All of the required forms are provided on the Court's website at starkcountyohio.gov/family-court.

12.03 There is an affirmative duty to update financial statements through amendment prior to any court hearing. If the information originally filed remains current, the initial filing will suffice.

12.04 All parents filing divorce, dissolution, legal separation or complaints for custody which involve minor children shall successfully complete an educational program for parents as ordered and approved by the court. Non-compliance by a parent shall not delay the issuance of the final entry. Contempt may be commenced against the non-compliant party by the Court or other party. Sanctions may include suspension of parenting time, dismissal, a jail sentence and/or fine and court costs.

Successful completion of an educational program for parents may also be required by order of the court in connection with motions for post-decree relief concerning allocation of parental rights or parenting time with minor children.

12.05 All motions, memoranda contra and replies shall be filed and titled in the following manner:

1. Motion:
 Motion of (Plf/Dft) (Party Name)
 (To/For) (Type of Motion)
2. Memorandum Contra:
 Memorandum Contra of (Plf/Dft) (Party Name)
 To (Plf/Dft) (Party Name)
3. Reply:
 Reply to (Plf/Dft) (Party Name)
 To (Plf/Dft) (Party Name)
 Memorandum Contra to Motion Filed (Date of Motion)

12.06 All judgment entries submitted by counsel should be titled as follows:

1. State the reason for the entry; or
2. Relate the entry to the motion decided and the date of decision;
3. Indicate whether or not it is a final entry; and
4. If it is a final decree of divorce, legal separation, dissolution, or shared parenting adopt the separation agreement and/or shared parenting plan previously filed, unless either or both have been amended, then attach the amended separation agreement and /or amended shared parenting plan to the final decree.

For Example:

FINAL JUDGMENT ENTRY SUSTAINING PLAINTIFF BROWN'S MOTION FOR MODIFICATION FILED JUNE 8, 2000

12.07 Temporary Restraining Order

Upon motion, the filing of a divorce complaint, legal separation complaint, counterclaim or answer, the Clerk of Courts shall issue the court's standard mutual restraining orders. The mutual restraining order shall be accepted by plaintiff and served upon defendant along with the summons. The mutual restraining order shall read as follows:

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

Plaintiff

vs.

Defendant

CASE NO:

JUDGE:

MUTUAL RESTRAINING ORDER

MUTUAL RESTRAINING ORDER

Pursuant to Local Rule, with the filing of this complaint, neither party shall:

- Threaten, abuse, annoy or interfere with the other party or the parties' children;
- Create or incur debt (such as a credit card) in the name of the other party or in the parties' joint names or cause a lien or loan to be placed against any of their real or personal property;
- Sell, dispose of, or dissipate any asset (other than regular income) including but not limited to: real property, tangible personal property, existing bank accounts, tax refunds, or bonuses of either party or a child;
- remove household goods or furniture from the marital residence without approval from the court or the other party
- change or fail to renew present health, life, home, automobile, or other insurance coverage; remove the other party as beneficiary on any life or retirement benefits without further order of this court; or
- change or establish a new residence for the parties' minor children without the written consent of the other party or permission of the court.

RULE 13 DOMESTIC RELATIONS CASE MANAGEMENT PLAN

The Court hereby establishes the following plan for the filing, assignment, and hearing of matters in the Domestic Relations Division. The time frame established for each phase is to be followed as closely as possible with the primary goal to move each case as expeditiously as possible (refer to Local Rule 13.04 for continuances). It is the responsibility of each party to be prepared in advance of any scheduled hearing. The Court may at any time refer a case for mediation or arbitration in order to seek a timely and equitable resolution of the case. The inability of the Court to meet these guidelines shall not be grounds for the dismissal of a case.

Schedule of events by the type of case - scheduling starts with the date of filing the complaint and continues sequentially.

Divorce

1-21 days	Temporary Hearing
1-4 months	Call of the Docket
4 months	Pre-trial
4-12 months	Trial if no children
4-18 months	Trial with children

Dissolution

4-6 weeks	Hearing
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Motions

1-2 weeks	Temporary or initial hearing
1-2 months	Pre-trial
2-6 months	Trial

Change of Custody

1-2 weeks	Temporary hearing
2-4 months	Pre-trial
2-9 months	Trial

13.01 Divorce

- (A) Upon the filing of a complaint for divorce, legal separation, or annulment, the assignment commissioner shall assign the case for a date and time certain for a pre-trial hearing which shall be approximately four (4) months from the date of filing.
- (B) All complaints shall contain the following notice provision after the operative, factual paragraphs and before the request for service:

Notice of Hearing

If no answer is filed to this complaint or if the parties have entered into a written separation agreement, this matter will be heard as an uncontested trial on the _____ date of _____, 20____, at _____ o'clock _M. (This hearing will be a pre-trial if an answer has been filed by the defendant and the parties have not reached an agreement. Otherwise, this matter will be the final hearing. Both parties shall be present at the pre-trial).

- (C) The judge or magistrate shall have the authority to schedule the final trial of a case in front of a magistrate. That decision will be made at the pre-trial hearing.
- (D) Failure to Answer. A divorce or legal separation case shall be deemed to be uncontested unless an answer, motion or stipulation for leave to plead, is filed within twenty-eight (28) days after completion of service. When such a case has been set down for final hearing as an uncontested case, the defendant may not introduce evidence on his behalf except by leave of court for good cause shown. A plaintiff in an uncontested divorce hearing is required to present at least one (1) witness who can corroborate grounds and truthfulness of the plaintiff's testimony.
- (E) Trial or hearing date.
 - 1. Pursuant to Ohio Rule of Civil Procedure 75(J) no action for divorce, annulment, or legal separation may be heard and decided until the expiration of forty two (42) days after service of process or twenty eight (28) days after the service of a counterclaim which may be designated a cross-complaint, unless the plaintiff files a written waiver of such twenty eight (28) day period.
 - 2. Pursuant to O.R.C. 3105.64, in the case of a dissolution of marriage, the hearing shall be not less than thirty (30) days nor more than ninety (90) days after the filing of the petition for dissolution of marriage.
- (F) Any case coming before the court as an uncontested trial because the defendant has failed to file an answer, may not be heard by the court, unless a proposed judgment entry is submitted to the Court at the time of the trial. Pursuant to Civil Rule 75(M), testimony of a party must be supported by other credible evidence.

13.02 Dissolution

Upon the filing of a petition for dissolution, the Assignment Commissioner shall immediately assign a date which is approximately six (6) weeks from the date of filing.

13.03 Motions

When a motion for a temporary order, modification of a prior order or contempt is filed, the Domestic Relations Assignment Commissioner shall immediately assign a hearing date within the parameters issued by the Court.

13.04 Pre-trial Conference

- (A) For the purpose of this rule, pre-trial shall mean a court supervised conference, chiefly designed to produce an amicable settlement.

The term “party” or “parties” used hereinafter shall mean the party or parties to the action and/or his or her attorney or attorneys of record.

- (B) A pre-trial conference shall be held at a date and time certain in all contested cases [approximately four (4) months from filing]. Said date and time shall be assigned to all cases when a complaint for legal separation, divorce or annulment is filed. All self-represented parties, except those joined for the sole purpose of being enjoined from releasing assets during the pendency of the case, and counsel shall appear at the pre-trial. Parties who are represented by counsel are not required to appear in court for their pre-trial conference but must be available for purposes of consulting with their counsel regarding settlement or scheduling. Any application for continuance of the conference shall be made by written motion to the judge assigned to the case.

Failure to appear in accordance with the previous paragraph at the pre-trial hearing may result in sanctions, including, but not limited to, payment of attorney fees to the adverse party.

In the event that neither the defendant nor his/her attorney appears for the pre-trial, the court, at plaintiff's request, may hear evidence and decide the case on the pre-trial date

If neither the plaintiff nor his/her attorney appear at the pre-trial and no counterclaim has been filed, the court may dismiss the action.

If service has not been perfected by twenty-eight (28) days prior to the date of the pre-trial, the case may be dismissed.

- (C) All discovery shall be completed no later than seven (7) days prior to the scheduled pre-trial date, unless otherwise permitted by leave of Court.

- (D) A Pre-trial Statement is to be completed utilizing the following format. The form is to be electronically emailed to the assigned Judge's office no later than fourteen (14) days prior to the Pre-trial hearing. Copies of the form are to be distributed to opposing counsel, if any, and the Guardian Ad Litem, if applicable

The assigned judge will thereafter review the Pre-trial Statement and make a determination if appearances are required for the scheduled oral pre-trial hearing.

If no hearing is required, counsel and parties will be notified and excused from attending the scheduled Pre-trial hearing and an order will be filed setting the trial date or issuing other orders.

If a hearing is required, counsel will be required to appear in person for the scheduled hearing and a record will be made.

If either party is unrepresented, an oral hearing will be required and the unrepresented party will be required to appear.

As set forth in paragraph (B), above, parties represented by counsel are permitted to appear in court for the Pre-trial conference; however, personal appearance is not necessary, provided that the client can be reached for settlement proposals and scheduling.

COURT OF COMMON PLEAS
FAMILY COURT DIVISION
STARK COUNTY, OHIO

No. _____ Case
Plaintiff/Movant

JUDGE _____

PRE-TRIAL STATEMENT
Date of Pre-trial _____

Defendant/Respondent

1. Have proposals been exchanged?
2. List all stipulations:
3. Name(s) of witnesses you expect to call and estimate of the length of time the case will take.
4. Is Allocation of Parental Care at issue?
5. Are all reports/appraisals completed?
6. What are the remaining issues?
7. Attach proposed child support and spousal support calculations, if applicable.
8. Is an oral Pre-trial hearing requested?

Date:

Counsel for:

(E) At the pre-trial conferences, the following shall be considered:

1. Settlement of the case;
2. Agreement upon and simplification of the issues;
3. The number of witnesses to approximate the length of trial;
4. Establishment of a trial date;
5. Any other matters as may aid in the disposition of the case.

(F) At the conclusion of the pre-trial conference, a pre-trial order shall set the matter for a date and time certain for trial. That order shall be given to each counsel or to any party not represented by counsel and shall be filed with the Clerk.

RULE 14 CONDUCT OF HEARING AND TRIALS

14.01 All trials and hearings authorized by Ohio Revised Code Sections 2151.23, 3113.31 and Chapter 3105, may be heard by the judge of this division to whom the case has been assigned, by one of the judges of the Common Pleas Court of Stark County, by a visiting judge, or by any magistrate appointed by this Court.

14.02 Order of Reference pursuant to Rule 40 of the Ohio Rules of Juvenile Procedure, Rule 53 of the *Ohio Rules of Civil Procedure*, Rule 14 of the Ohio Traffic Rules, Rule 19 of the Ohio Rules of Criminal Procedure, and Section 2151.16 of the Ohio Revised Code empowers and authorizes magistrates to do all things consistent with those rules as well as the following in all cases to which they are assigned:

1. Rule on any motions, including, but not limited to, ex parte, discovery, temporary, pretrial, or post-judgment motions in any case within the Court;
2. Conduct hearings, including, but not limited to, initial, temporary order, or pretrial in any case before the Court;
3. Conduct a bench trial of any case before the Court. For a case to that will be tried to a jury, the parties must provide unanimous written consent in order for a Magistrate to hear a jury trial;
4. Be invested with general powers to regulate all proceedings in every case, as if by the Court, and do all acts and take all measures necessary or proper for the efficient performance of the magistrate's duties;

14.03 Pursuant to Rule of Superintendence, No. 11, of the Ohio Supreme Court, tape or digital recordings may, at the discretion of the judge or magistrate, be made of all hearings in this Court. In matters before the juvenile division, the court shall make a record of adjudicatory and dispositional proceedings in abuse, neglect, dependent, unruly, and delinquent cases; permanent custody cases; and proceedings before magistrates. In all other juvenile court proceedings a record shall be made upon request of a party or upon motion of the court. Recordings of hearings shall be preserved for a minimum of three (3) years. (Transcripts are addressed in Local Rule 7.08 for all divisions).

14.04 All judgment entries in divorce, legal separation and annulment cases shall be submitted to the Court by counsel not later than fourteen (14) days after a decision is rendered. If such judgment entries are not submitted, upon notice of such failure to the parties or their counsel by ordinary mail to the last known address of the parties and/or counsel, the Court may either dismiss the case or order the Clerk to enter a judgment in accordance with the decision rendered by the Court.

14.05 Continuance or Advancement

All requests of continuances must:

1. Be in writing;
2. State the reason for the request;
3. Contain a space for insertion of the new date for the hearing;
4. Contain the filing date of the present case;
5. If the request for continuance is being made due to a conflict with another case, contain the case name, case number, type of case (civil or criminal), Judge's and county's name where it is to be heard, and when the conflicting case was assigned for trial;
6. Contain an affirmation that opposing counsel was contacted and does/does not have an objection to the continuance;
7. Contain specific language as to the type of proceeding being continued i.e. final divorce, motion for temporary orders, etc.

No case will be heard on its merits without regular assignment. For good cause shown, the Court, through separate court order, may grant leave to hear a case on a date other than that regularly assigned. If any case, after publication in a regular assignment schedule, is continued for any reason, that case may be thereafter assigned without publication upon notice to counsel of record or the adverse party, if not represented by counsel.

RULE 15 MOTIONS

15.01 Motions requiring a hearing shall be assigned for hearing by the Assignment Commissioner at the time of filing (see Local Rule 13). No case will be heard at a time other than as scheduled in Local Rule 13 without the approval of the assigned judge or magistrate.

15.02 Motions filed which do not request hearings are to be copied directly to the assigned Judge's office for rulings. Failure to provide copies to the judge may result in delayed rulings.

15.03 All motions for support and/or legal separation, temporary or modification, must be accompanied by a signed, sworn, current affidavit of income and expenses, affidavit of health insurance and an affidavit of property, copies of which shall be filed and served on the opposing party. Any motion filed without the required preceding financial and health insurance information is subject to immediate dismissal. The required statements are provided on the Court's website at: starkcountyohio.gov/family-court

as well as on the Ohio Supreme Court website at:

<http://www.supremecourt.ohio.gov/JCS/CFC/DRForms/default.asp>

In any action wherein children are involved, for temporary child support filed, completed child support guideline worksheets must be presented to the magistrate or judge at the start of the hearing by the party requesting the child support. (The party against whom the motion is brought must cooperate and provide, upon request, financial information to the movant prior to the time of hearing.) In regard to motions for modification of child support filed, the movant must file and serve a completed child support guideline worksheet on the other party as soon as obtained, through good faith efforts, but no later than immediately preceding the scheduled time of the hearing. Completed child support guideline worksheet means that financial information must be provided for both parties, and in regard to modifications the information must be supported by appropriate documentation. Child care costs must be supported by actual proof of payments made.

15.04 Failure to Appear

- (A) When a motion is called for hearing and neither party appears without notifying the court, the motion is subject to dismissal.
- (B) When a motion is called for hearing and either of the parties fails to appear without having notified the Court, the Court may either dismiss the motion or grant an order after hearing.

15.05 Contempt

- (A) The party filing any contempt action shall file therewith an affidavit which shall set forth the claimed reason for the contempt and shall identify the specific court order the contemnor has allegedly violated by identifying the filing date of the order and the specific paragraph, article or section where the order may be found. A copy of the court order the contemnor has violated shall be attached to the affidavit. If the claim is a failure of payment of support the affidavit shall include the amount of delinquency claimed. In the event the claim is for failure to pay medical expenses, the affidavit shall include the amount of such medical expenses. The party against whom the contempt action has been filed shall be served with a copy of the affidavit along with the motion for an order in contempt.
- (B) Contempt Arrest. When a party is taken into custody pursuant to an order, other than upon execution of sentence, he/she shall be brought before the Court as soon thereafter as possible; provided, if he/she is released on bond, he/she shall appear as directed by the Court to answer the charges.

15.06 Pre-trial Orders

Following the hearing of any motion filed in this Court, the magistrate may enter orders without judicial approval in pre-trial proceedings under Civil Rule 16, in discovery proceedings under Civil Rule 26 to 37, temporary restraining orders under Civil Rule 75(H), in hearings under Civil Rule 75(M) and other orders as necessary to regulate the proceedings. Such orders will be prepared and signed on a form issued by the Court and identified as a "Magistrate's Order" in the caption. The order will then be filed with the Clerk of Courts and served upon all parties or their attorneys. It shall not be necessary for counsel for either of the parties to prepare or submit a judgment entry setting forth such order, although counsel for either party may prepare and cause such order to be approved and filed if counsel for either party shall determine that such formal judgment entry ought to be filed.

15.07 Referred Matters

Following the hearing of any action referred by the Court to a magistrate which are not matters in which the magistrate is permitted to enter orders without judicial approval, the magistrate shall prepare, sign and file a magistrate's decision of the referred matter with the Clerk of Courts who shall serve copies on all the parties or their attorneys. It shall not be necessary for counsel for either of the parties to prepare or submit a judgment entry setting forth such decision, although counsel for either party shall determine that such formal judgment entry ought to be filed. In the event that a party intends to file an appeal of the Court's decision, that party shall cause to be prepared and signed a formal judgment entry in conformity with the original handwritten entry.

15.08 The following procedure shall be applicable to all motions filed in this Court which are initially continued for the formal presentation of evidence (trial).

- (A) After being assigned, such evidentiary hearings on pending motions will be continued only for good cause shown and only by the magistrate or judge to whom such evidentiary hearing has been assigned.
- (B) If a continuance of said hearing is granted from a date and time certain, the evidentiary hearing on said motion will be set at such time as will be determined by the magistrate or judge to whom such motion has been assigned.
- (C) Movant must comply with the affidavit requirement in Local Rule 15.03, Local Rule 15.05, and Local Rule 16.02 in contempt and modification of allocation of parental rights. Failure to comply may result in dismissal.
- (D) After an evidentiary hearing date on a pending motion has been set for a date and time certain, unless a continuance is approved by the judge or magistrate to whom such hearing has been assigned, the motion shall either go forward, be settled, or be dismissed by the Court.

RULE 16 ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

16.01 In all cases involving parental rights of children, compliance with the Uniform Child Custody Jurisdiction and Enforcement Act (U.C.C.J.E.A.) is mandatory. Failure to comply can have serious consequences for the parties and counsel. The Court will hear no case involving parental rights without evidence of compliance with this Act.

16.02 Attached to a motion for modification of allocation of parental rights shall be an affidavit of the moving party reciting facts sufficient to establish a *prima facie* case for granting the requested relief. The Court may summarily dismiss the motion or make other appropriate orders including investigation, pre-trial, interim placement of children, visitation, and support pending the hearing on the motion. Such interim orders may be made upon statements of counsel, the affidavits supplied, and a parental rights investigation, if any.

16.03 Procedure upon Motions for Modification of Allocation of Parental Rights

- (A) Parent Coordination, a parenting evaluation or a psychological evaluation may be required in contested parental rights cases. The Court may sign any appropriate order requiring the examination and cooperation of the parties and their children.
- (B) Assignment - The Assignment Commissioner may assign the case for oral hearing following the receipt of notice that the written evaluation has been received by the moving party's attorney and a copy mailed to the adverse attorney. Such evaluation will be delivered at the oral hearing.
- (C) Oral Hearing - The Court or magistrate will conduct the oral hearing as a pre-trial. If the affidavit is insufficient, the Court may dismiss the motion or grant a continuance for the purpose of correcting the deficiency. If testimony is necessary, the case will then be assigned for trial.

16.04 Parenting Time Schedule

The Court has approved the following Parenting Time Schedules; however, nothing in this Rule prevents the litigating parties from Creating their own parenting time schedule.

Stark County Parenting Time Schedule #1
Stark County Parenting Time Schedule #2
Stark County Parenting Time Schedule #3
Stark County Parenting Time Schedule #4
Stark County Parenting Time Schedule #5

***Schedules located in “Forms and Links” tab of Family Court website.**

**STARK COUNTY FAMILY COURT
PARENTING TIME SCHEDULE #1**

PARENT 1: _____ PARENT 2: _____

Pursuant to Ohio Revised Code §3109.04, the Court must consider the best interest of the child when establishing a parenting order. The Court further finds that as it is generally in the best interest of the child(ren) to enjoy a continued meaningful relationship and companionship with both parents on a consistent and frequent basis, *the presumption is that parents should share the time equally.*

No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child(ren), as the child(ren) grows older. This parenting schedule takes into account the changing developmental needs of the child(ren). This parenting schedule represents the minimum requirements for parenting time. It is each parent’s responsibility to tailor this schedule as necessary to meet the best interest of their child(ren). It is the affirmative duty of the parent exercising physical custody of the child(ren) to make certain that the child(ren) goes for all parenting time periods with the other parent. It is recognized that each situation and each child is different. Liberal parenting time arrangements are encouraged, as contact with both parents is important to the child(ren).

Parenting time between the child(ren) and parents may take place at such times as the parties may agree, however, absent agreement of the parties to the contrary, each parent shall follow these requirements.

I. Standard Parenting Order

A. Infant – up to Age 2

Unless otherwise agreed or the Court Order states otherwise, Parent 1 is the parent designated as the residential parent. Parent 2 is the non-residential parent and may spend at a minimum two mid-week visits and alternating weekends, Saturday morning to Sunday evening. If the parents cannot agree as to the days and times, the following schedule shall be followed:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1
		Parent 2 5:30 pm to 8:30 pm		Parent 2 5:30 pm to 8:30 pm		Parent 2 10:00 am
		Parent 1		Parent 1		
Parent 2	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1
		Parent 2 5:30 pm to 8:30 pm		Parent 2 5:30 pm to 8:30 pm		
Parent 1 6:00 pm		Parent 1		Parent 1		
Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1
		Parent 2 5:30 pm to 8:30 pm		Parent 2 5:30 pm to 8:30 pm		Parent 2 10:00 am
		Parent 1		Parent 1		
Parent 2	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1	Parent 1
		Parent 2 5:30 pm to 8:30 pm		Parent 2 5:30 pm to 8:30 pm		
Parent 1 6:00 pm		Parent 1		Parent 1		

B. Children: Age 2 – up to Age 13

Beginning at the age of 2, the parents shall share equal parenting time, unless there are clearly defined special circumstances that would prevent them from doing so. Each parent is considered the residential parent when the child is with them, unless the court order states otherwise. Unless otherwise agreed by the parties, the following 2-2-5-5 schedule shall be followed:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Parent 2	Parent 2	Parent 1	Parent 1	Parent 2	Parent 2	Parent 1
	Parent 1 4:00 pm*		Parent 2 4:00 pm*		Parent 1 4:00 pm*	
Parent 1	Parent 1	Parent 1	Parent 1	Parent 2	Parent 2	Parent 2
			Parent 2 4:00 pm*			
Parent 2	Parent 2	Parent 1	Parent 1	Parent 2	Parent 2	Parent 1
	Parent 1 4:00 pm*		Parent 2 4:00 pm*		Parent 1 4:00 pm*	
Parent 1	Parent 1	Parent 1	Parent 1	Parent 2	Parent 2	Parent 2
			Parent 2 4:00 pm*			

* Pick up time will be 4:00 pm if there is no school, if there is school then pick up time shall be after school *

C. Teenager: Age 13 – 18

Unless otherwise agreed, parties may continue to use the above 2-2-5-5 schedule or may follow a week-on, week-off schedule with exchange times being 6:00 pm every Friday. The schedule used shall be used with the following considerations:

1. Parents are urged to understand a child's normal social development during these sensitive years, when the teenager normally spends less time with either parent.
2. In exercising parenting time with a teenager, parents shall make reasonable efforts to accommodate a teenager's participation in the teenager's academic, athletic, extracurricular, and social activities.

D. Summer Schedule

During summer break from school, unless otherwise agreed, parents shall follow the standard parenting schedule.

Each parent is responsible for any daycare, babysitting or supervision expenses during the exercise of their extended summer companionship, unless parents have already arranged, and agreed upon, daycare, babysitting, or supervisory providers. Any parent taking a vacation with the child(ren) shall do so during their week of companionship.

Summer school necessary for the child(ren) to pass to the next grade, or as recommended by the appropriate school official, must be attended, and official notice of such requirement must be shared between the parents. In the event a parent elects to exercise their companionship time during summer school, they shall be responsible to make sure that the child(ren) attends summer school as necessary.

Each parent shall make their best efforts to get the child(ren) to scheduled activities during summer parenting time.

E. Summer Vacations

Each party shall be entitled to three (3) weeks of summer vacation parenting time during the summer, unless otherwise agreed. Each party shall be entitled to have two (2) of the three (3) weeks of vacation as uninterrupted vacation time. Each party shall give the other not less than sixty (60) days advance written notice of their intent to vacation. In even-numbered years, Parent 1 shall have the first choice and shall choose his/her two (2) week uninterrupted parenting time by advising Parent 2 of that time period on or before May 1 of that year. In odd-numbered years, Parent 2 shall have the first choice and shall choose his/her two (2) week uninterrupted parenting time by advising Parent 1 of that time period on or before May 1 of that year. Neither parent shall have more than a two (2) week, or fourteen (14) day, period of uninterrupted parenting time during the summer without the consent of the other parent.

Each party shall exercise their vacation time in a manner that creates the least interference with the other party's parenting time. Each party shall be entitled to two (2) periods of vacation flex time which may be attached to the beginning or end of any declared vacation dates. Vacations flex days shall be taken in three (3) consecutive days. Flex days must be taken together. No make-up time shall be given to the other parent for the utilization of flex days. Three (3) days flex time shall only be utilized for out of state vacations of seven (7) days or greater duration and only during the summer vacation unless otherwise agreed to by the parties. Each party shall provide a written thirty (30) day notice prior to vacation along with an itinerary and contact information to the other party.

Each parent must provide the other parent with written notification of the destination, times of arrival, departure, and method of travel if the vacation will be outside the parent's state of residence or if the travel will be for greater than twenty-four (24) hours.

Each parent shall get the child(ren) to scheduled activities during summer vacation time.

F. Days of Special Meaning and Holiday Parenting Time

Any days of special meaning, such as religious holidays, not mentioned below should be discussed and written into the court order.

Mother's Day and Father's Day: Unless otherwise specifically agreed upon or ordered by the Court, Mother's Day and Father's Day shall be spent with the appropriate parent. Unless the parties agree otherwise, the time shall be from 9:00AM to 8:00PM. The child(ren) shall spend the rest of the weekend with the parent who would otherwise be entitled to companionship that weekend under these rules.

Child(ren)'s Birthday: The child(ren)'s birthday shall be spent with the Parent 1 in even-numbered years and Parent 2 in odd-numbered years. Unless otherwise agreed, the parenting time shall be 10 a.m. to 8 p.m. for a child(ren) not in school on his/her birthday and 5 p.m. to 8 p.m. for a child(ren) in school on his/her birthday. The other parent can celebrate on another date. The child(ren)'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(ren). Siblings shall be permitted to participate if the exercising parent desires.

Holiday Parenting Time: Parents are encouraged to modify holiday parenting time by agreement to reflect the customs and traditions of their family. Parents who want to change the agreement for a holiday must do so at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

Martin Luther King Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

President's Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Spring Break

As agreed, or **6 p.m. on the last day of school**
Ending time- **6 p.m. on the night before school resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

Easter

As agreed, or **Saturday at 6:00 p.m.**
Ending time- **Sunday at 6:00 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Memorial Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Labor Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Columbus Day/ Indigenous Persons Day:

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Thanksgiving Day

As agreed, or **6 p.m. on the last day of school**
Ending time- **Friday at 12:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Thanksgiving Weekend

As agreed, or **Friday at 12:00 p.m.**
Ending time- **6 p.m. on the night school before resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

Christmas Break

As agreed, or **6 p.m. on the last day of school**
Ending time- **1 p.m. Christmas Day**

Parent 1 (Odd years)
Parent 2 (Even years)

As agreed, or **1 p.m. Christmas Day**
Ending time- **1 p.m. New Year's Day**

Parent 1 (Even years)
Parent 2 (Odd years)

As agreed, or **1 p.m. New Year's Day**
Ending time- **6 p.m. the night before school resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

II. Rules Governing Parenting Time

Parents are encouraged to work together to establish rules and guidelines that make the companionship beneficial for both parents and the child(ren). Unless otherwise agreed upon between the parents, the following Rules Governing Parenting Time shall apply:

A. Conflicting Schedules / Order of priority:

In the event that there exists any conflict between parenting time schedules, the following is the order of priority:

- First priority: Holidays and Days of Special Meaning;
- Second priority: Vacation periods or extended parenting times;
- Third priority: Weekends and mid-weeks (regular parenting times).

B. Exchanges and Transportation

The parent receiving the child(ren) for the parenting time is responsible for picking up and transporting the child(ren). The other parent is responsible for picking up and transporting the child(ren) at the conclusion of the visit. The child(ren) may be transported by any trusted adult with a valid driver's license and insurance, and with legal car restraints. Each parent must have their own legally appropriate car restraints.

Both parents shall transport and exchange all personal items and specialized equipment including, but not limited to, emotional security items (e.g favorite blanket, favorite toy, etc), specialized extracurricular equipment, uniforms, instruments, bicycles, etc. If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the child(ren) shall be sent with sufficient medication to last the entire parenting time period and written instructions for the administration of the medication, and the name and telephone number of the physician or other appropriate medical care provider. Absent extraordinary circumstances, all prescribed medication shall be exchanged and given to the child(ren) as per the prescribing doctor's prescription.

C. Illness

It is expected that the parents will follow the parenting time schedule despite any illness of the child(ren), unless both parents agree that this would not be advisable due to the child(ren)'s condition.

Both parents should use common sense as to a sick child(ren) and be sensitive to the child(ren)'s needs. In the event that a child(ren) is ill, medications and instructions for special care shall travel with the child(ren). Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury or treatment, as well as the name, address and phone number of all treatment facilities and medical professionals involved.

Each parent shall promptly notify the other parent of a child(ren)'s illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with either parent's time with the child(ren).

D. Telephone, Computer, and/or Other Methods of Electronic Communication

Each parent shall have reasonable communication with the child(ren) during the other parent's parenting time, not to exceed once a day between the hours of 9am and 8pm. If a parent attempts to reach the child(ren) via a phone call and the child(ren) is/are not available, the child(ren) should return the telephone call as soon as practical.

Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, e-mail, or other electronic communication between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or e-mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.

Each parent shall keep the other parent informed of a telephone number where the child(ren) can be reached.

E. Child(ren)'s Extracurricular Activities

A parent should not enroll the child(ren) in extracurricular activities that will unreasonably interfere with the other parent's parenting time. Both parents shall make best efforts to transport the child(ren) to all activities. Parents need to realize the significance of these activities in their child(ren)'s lives, and flexibility is encouraged. It is the responsibility of the parents to discuss the child(ren)'s extracurricular activities in advance, including times, dates and transportation needs, so that the child(ren) are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e. activity schedules, maps, instructions) that are distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities.

F. School issues and Information

Each parent must provide time for the child(ren) to study and complete homework assignments, papers or other school-assigned projects, even if the completion of this work interferes with the parent's plans with the child(ren).

Each parent shall be responsible to obtain their own copies of grade reports, disciplinary notices and/or communications, including information regarding school pictures. Each parent is responsible to set up his or her own online access to school records and information, if available. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate.

G. Relocation

The relocating party shall file a notice of intent to relocate with the Court in advance of the move pursuant to the following timeline:

- 30-day notice if the move shall be within Stark County
- 60-day notice if the move shall be in the State of Ohio, but out of Stark County
- 90-day notice if the move shall be out of the State of Ohio

The non-relocating parent may file a written responsive pleading to the relocation notice within fourteen (14) days of service to address reallocation of parenting time.

H. Records Access

Except as specifically modified or otherwise limited by court order, and subject to statutory restrictions on files maintained by the Child Support Enforcement Agency and files maintained by any Education Institution when the non-residential parent is involved in a domestic violence situation, each parent is entitled to access under the same terms and conditions as the other parent to any record that is related to the child(ren) and to which either is legally provided access, including school records and medical records.

NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 is in Contempt of Court.

I. Day Care Center Access

Except as specifically modified or otherwise limited by court order, and in accordance with statutory requirements of operating a daycare, each parent is entitled to equal access to any day care center, during his/her parenting time, that is or will be attended by the child(ren).

J. School Activities Notice

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

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

NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 (J) is in Contempt of Court.

K. IT IS ORDERED, ADJUDGED and DECREED that the parties abide by these orders in the best interest of the child(ren). Failure of either party to abide by these orders could result in a finding of contempt.

STARK COUNTY FAMILY COURT PARENTING TIME SCHEDULE #2

PARENT 1: _____ **PARENT 2:** _____

Pursuant to Ohio Revised Code §3109.04, the Court must consider the best interest of the child when establishing a parenting order. The Court further finds that as it is generally in the best interest of the child(ren) to enjoy a continued meaningful relationship and companionship with both parents on a consistent and frequent basis.

No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child(ren), as the child(ren) grows older. This parenting schedule represents the minimum requirements for parenting time. It is each parent's responsibility to tailor this schedule as necessary to meet the best interest of their child(ren). It is the affirmative duty of the parent exercising physical custody of the child(ren) to make certain that the child(ren) goes for all parenting time periods with the other parent. It is recognized that each situation and each child is different. Liberal parenting time arrangements are encouraged, as contact with both parents is important to the child(ren).

Parenting time between the child(ren) and parents may take place at such times as the parties may agree, however, absent agreement of the parties to the contrary, each parent shall follow these requirements.

1. Weekends:

Beginning on a specific date _____, every other weekend from Friday night at 6 p.m. to Monday morning before school or 8 a.m. during the summer or other times when school is not in session. The parent enjoying weekend parenting time is responsible for transporting the child(ren) to school, other daycare, or extracurricular activities as necessary.

2. Midweek:

In addition, the child(ren) shall spend a minimum of two (2) week days of parenting time from 5 p.m. to 8 p.m. on two (2) consecutive evenings:

(check one of the following)

- ☐ Monday - Tuesday
- ☐ Tuesday - Wednesday
- ☐ Wednesday - Thursday

Upon agreement of the parties, the midweek visit may be an overnight rather than two consecutive days.

If a child(ren) is/are in a child care arrangement, the nonresidential parent may not pick up the child(ren) from the caretaker without the prior written permission of the residential parent.

3. Summer Vacations:

Each party shall be entitled to three (3) weeks of summer vacation parenting time during the summer, unless otherwise agreed. Each party shall give the other not less than sixty (60) days advance written notice of their intent to vacation. The nonresidential parent's choice of vacation has priority over the residential parent's choice, unless the residential parent is required by an employer to give more than a sixty (60) day notice of intent to take a vacation and the nonresidential parent has no such requirement. Likewise, the residential parent must give the nonresidential parent not less than sixty (60) day advance written notice of vacations or special plans for the child(ren) to avoid planning conflicts.

A parent's week of summer vacation may be added to their regularly scheduled weekend for a maximum scheduled vacation period of ten (10) days. No makeup time is required.

Each party shall exercise vacation on their parenting time only. Each party shall be entitled to two (2) periods of vacation flex time which may be attached to the beginning or end of any declared vacation dates. Vacations flex days shall be taken in three (3) consecutive days. Flex days must be taken together. No make-up time shall be given to the other parent for the utilization of flex days. Three (3) days flex time shall only be utilized for out of state vacations of seven (7) days or greater duration and only during the summer vacation unless otherwise agreed to by the parties. Each party shall provide a written thirty (30) day notice prior to vacation along with an itinerary and contact information to the other party.

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

Each parent must provide the other parent with written notification of the destination, times of arrival, departure, and method of travel if the vacation will be outside the parent's state of residence or if the travel will be for greater than twenty-four (24) hours.

Each parent shall get the child(ren) to scheduled activities during summer vacation.

If summer vacation interrupts a routine weekend, it does not change the weekend rotation. (i.e. Vacation may cause one parent to have 3 weekends in a row.)

4. Days of Special Meaning and Holiday Parenting Time:

Any days of special meaning, such as religious holidays, not mentioned below should be discussed and written into the court order.

Mother's Day and Father's Day: Unless otherwise specifically agreed upon or ordered by the Court, Mother's Day and Father's Day shall be spent with the appropriate parent. Unless the parties agree otherwise, the time shall be from 9:00AM to 8:00PM. The child(ren) shall spend the rest of the weekend with the parent who would otherwise be entitled to companionship that weekend under these rules.

Child(ren)'s Birthday: The child(ren)'s birthday shall be spent with the Parent 1 in even-numbered years and Parent 2 in odd-numbered years. Unless otherwise agreed, the parenting time shall be 10 a.m. to 8 p.m. for a child(ren) not in school on his/her birthday and 5 p.m. to 8 p.m. for a child(ren) in school on his/her birthday. The other parent can celebrate on another date. The child(ren)'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(ren). Siblings shall be permitted to participate if the exercising parent desires.

Holiday Parenting Time: Parents are encouraged to modify holiday parenting time by agreement to reflect the customs and traditions of their family. Parents who want to change the agreement for a holiday must do so at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

Martin Luther King Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

President's Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Spring Break

As agreed, or **6 p.m. on the last day of school**
Ending time- **6 p.m. on the night before school resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

Easter

As agreed, or **Saturday at 6:00 p.m.**
Ending time- **Sunday at 6:00 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Memorial Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Labor Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Columbus Day/ Indigenous Persons Day:

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Thanksgiving Day

As agreed, or **6 p.m. on the last day of school**

Parent 1 (Even years)

Ending time- **Friday at 12:00 p.m.**

Parent 2 (Odd years)

Thanksgiving Weekend

As agreed, or **Friday at 12:00 p.m.**

Parent 1 (Odd years)

Ending time- **6 p.m. on the night school before resumes**

Parent 2 (Even years)

Christmas Break

As agreed, or **6 p.m. on the last day of school**

Parent 1 (Odd years)

Ending time- **1 p.m. Christmas Day**

Parent 2 (Even years)

As agreed, or **1 p.m. Christmas Day**

Parent 1 (Even years)

Ending time- **1 p.m. New Year's Day**

Parent 2 (Odd years)

As agreed, or **1 p.m. New Year's Day**

Parent 1 (Odd years)

Ending time- **6 p.m. the night before school resumes**

Parent 2 (Even years)

If the holiday interrupts a weekend, it does not change the weekend rotation and the holiday time is not made up. (i.e. Thanksgiving may cause one parent to have 3 weekends in a row.)

5. Conflicting Schedules / Order of Priority:

In the event that there exists any conflict between parenting time schedules, the following is the order of priority:

- First priority: Holidays and Days of Special Meaning;
- Second priority: Vacation periods or extended parenting times;
- Third priority: Weekends and mid-weeks (regular parenting times).

6. Exchanges and Transportation:

The parent receiving the child(ren) for the parenting time is responsible for picking up and transporting the child(ren). The other parent is responsible for picking up and transporting the child(ren) at the conclusion of the visit. The child(ren) may be transported by any trusted adult with a valid driver's license and insurance, and with legal car restraints. Each parent must have their own legally appropriate car restraints.

Both parents shall transport and exchange all personal items and specialized equipment including, but not limited to, emotional security items (e.g favorite blanket, favorite toy, etc), specialized extracurricular equipment, uniforms, instruments, bicycles, etc. All prescribed medication shall be exchanged and given to the child(ren) as per the prescribing doctor's prescription.

If the nonresidential parent is late more than thirty minutes, he/she shall forfeit that parenting time unless the nonresidential parent notified the residential at least one hour prior thereto. However, if an unforeseen event/emergency prevents timely notification, then notification must be given as soon as possible. Parents should communicate to prevent the forfeiture of parenting time.

Parenting time does not mean picking up the child(ren) and then leaving them with someone else, except for short periods of time.

7. Illness:

It is expected that the parents will follow the parenting time schedule despite any illness of the child(ren), unless both parents agree that this would not be advisable due to the child(ren)'s condition.

Both parents should use common sense as to a sick child(ren) and be sensitive to the child(ren)'s needs. In the event that a child(ren) is ill, medications and instructions for special care shall travel with the child(ren). Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury or treatment, as well as the name, address and phone number of all treatment facilities and medical professionals involved.

Any weekend parenting time that is missed due to the illness of a child(ren) shall be made up the following weekend or as the parents may mutually agree. Each parent shall promptly notify the other parent of a child(ren)'s illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with either parent's time with the child(ren).

8. Telephone, Computer, and/or Other Method of Electronic Communications:

Each parent shall have reasonable communication with the child(ren) during the other parent's parenting time, not to exceed once a day between the hours of 9am and 8pm. If a parent attempts to reach the child(ren) via a phone call and the child(ren) is/are not available, the child(ren) should return the telephone call as soon as practical.

Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, e-mail, or other electronic communication between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or e-mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.

Each parent shall keep the other parent informed of a telephone number where the child(ren) can be reached.

9. Child(ren)'s Extracurricular Activities:

A parent should not enroll the child(ren) in extracurricular activities that will unreasonably interfere with the other parent's parenting time. Both parents shall make best efforts to transport the child(ren) to all activities. Parents need to realize the significance of these activities in their child(ren)'s lives, and flexibility is encouraged. It is the responsibility of the parents to discuss the child(ren)'s extracurricular activities in advance, including times, dates and transportation needs, so that the child(ren) are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e. activity schedules, maps, instructions) that are distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities.

10. School Issues and Information:

Each parent must provide time for the child(ren) to study and complete homework assignments, papers or other school-assigned projects, even if the completion of this work interferes with the parent's plans with the child(ren).

Each parent shall be responsible to obtain their own copies of grade reports, disciplinary notices and/or communications, including information regarding school pictures. Each parent is responsible to set up his or her own online access to school records and information, if available. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate.

11. Relocation:

The relocating party shall file a notice of intent to relocate with the Court in advance of the move pursuant to the following timeline:

- a. 30-day notice if the move shall be within Stark County
- b. 60-day notice if the move shall be in the State of Ohio, but out of Stark County
- c. 90-day notice if the move shall be out of the State of Ohio

The non-relocating parent may file a written responsive pleading to the relocation notice within fourteen (14) days of service to address reallocation of parenting time.

12. Records Access:

Except as specifically modified or otherwise limited by court order, and subject to statutory restrictions on files maintained by the Child Support Enforcement Agency and files maintained by any Education Institution when the non-residential parent is involved in a domestic violence situation, each parent is entitled to access under the same terms and conditions as the other parent to any record that is related to the child(ren) and to which either is legally provided access, including school records and medical records.

NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 is in Contempt of Court.

13. Day Care Center Access:

Except as specifically modified or otherwise limited by court order, and in accordance with statutory requirements of operating a daycare, each parent is entitled to equal access to any day care center, during his/her parenting time, that is or will be attended by the child(ren).

14. School Activity Notice:

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

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

NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 (J) is in Contempt of Court.

15. IT IS ORDERED, ADJUDGED and DECREED that the parties abide by these orders in the best interest of the child(ren). Failure of either party to abide by these orders could result in a finding of contempt.

**STARK COUNTY FAMILY COURT
PARENTING TIME SCHEDULE #3**

PARENT 1: _____ **PARENT 2:** _____

Pursuant to Ohio Revised Code §3109.04, the Court must consider the best interest of the child when establishing a parenting order. The Court further finds that as it is generally in the best interest of the child(ren) to enjoy a continued meaningful relationship and companionship with both parents on a consistent and frequent basis.

No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child(ren), as the child(ren) grows older. This parenting schedule represents the minimum requirements for parenting time. It is each parent's responsibility to tailor this schedule as necessary to meet the best interest of their child(ren). It is the affirmative duty of the parent exercising physical custody of the child(ren) to make certain that the child(ren) goes for all parenting time periods with the other parent. It is recognized that each situation and each child is different. Liberal parenting time arrangements are encouraged, as contact with both parents is important to the child(ren).

Parenting time between the child(ren) and parents may take place at such times as the parties may agree, however, absent agreement of the parties to the contrary, each parent shall follow these requirements.

16. Weekends:

Beginning on a specific date _____, every other weekend from Friday night at 6 p.m. to Monday morning before school or 8 a.m. during the summer or other times when school is not in session. The parent enjoying weekend parenting time is responsible for transporting the child(ren) to school, other daycare, or extracurricular activities as necessary.

17. Midweek:

In addition, the child(ren) shall spend a minimum of one (1) week day of parenting time from 5 p.m. to 8 p.m. If the parents cannot agree on a day, the day for the midweek parenting time is Wednesday.

If a child(ren) is/are in a child care arrangement, the nonresidential parent may not pick up the child(ren) from the caretaker without the prior written permission of the residential parent.

18. Summer Vacations:

Each party shall be entitled to two (2) weeks of summer vacation parenting time during the summer, unless otherwise agreed. Each party shall give the other not less than sixty (60) days advance written notice of their intent to vacation. The nonresidential parent's choice of vacation has priority over the residential parent's choice, unless the residential parent is required by an employer to give more than a sixty (60) day notice of intent to take a vacation and the nonresidential parent has no such requirement. Likewise, the residential parent must give the nonresidential parent not less than sixty (60) day advance written notice of vacations or special plans for the child(ren) to avoid planning conflicts.

A parent's week of summer vacation may be added to their regularly scheduled weekend for a maximum scheduled vacation period of ten (10) days. No makeup time is required.

Each party shall exercise vacation on their parenting time only. Each party shall be entitled to two (2) periods of vacation flex time which may be attached to the beginning or end of any declared vacation dates. Vacations flex days shall be taken in three (3) consecutive days. Flex days must be taken together. No make-up time shall be given to the other parent for the utilization of flex days. Three (3) days flex time shall only be utilized for out of state vacations of seven (7) days or greater duration and only during the summer vacation unless otherwise agreed to by the parties. Each party shall provide a written thirty (30) day notice prior to vacation along with an itinerary and contact information to the other party.

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

Each parent must provide the other parent with written notification of the destination, times of arrival, departure, and method of travel if the vacation will be outside the parent's state of residence or if the travel will be for greater than twenty-four (24) hours.

Each parent shall get the child(ren) to scheduled activities during summer vacation.

If summer vacation interrupts a routine weekend, it does not change the weekend rotation. (i.e. Vacation may cause one parent to have 3 weekends in a row.)

19. Days of Special Meaning and Holiday Parenting Time:

Any days of special meaning, such as religious holidays, not mentioned below should be discussed and written into the court order.

Mother's Day and Father's Day: Unless otherwise specifically agreed upon or ordered by the Court, Mother's Day and Father's Day shall be spent with the appropriate parent. Unless the parties agree otherwise, the time shall be from 9:00AM to 8:00PM. The child(ren) shall spend the rest of the weekend with the parent who would otherwise be entitled to companionship that weekend under these rules.

Child(ren)'s Birthday: The child(ren)'s birthday shall be spent with the Parent 1 in even-numbered years and Parent 2 in odd-numbered years. Unless otherwise agreed, the parenting time shall be 10 a.m. to 8 p.m. for a child(ren) not in school on his/her birthday and 5 p.m. to 8 p.m. for a child(ren) in school on his/her birthday. The other parent can celebrate on another date. The child(ren)'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(ren). Siblings shall be permitted to participate if the exercising parent desires.

Holiday Parenting Time: Parents are encouraged to modify holiday parenting time by agreement to reflect the customs and traditions of their family. Parents who want to change the agreement for a holiday must do so at least one week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

Martin Luther King Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

President's Day

As agreed, or **Sunday at 6:00 p.m.**
Ending time- **Monday at 6:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Spring Break

As agreed, or **6 p.m. on the last day of school**
Ending time- **6 p.m. on the night before school resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

Easter

As agreed, or **Saturday at 6:00 p.m.**
Ending time- **Sunday at 6:00 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Memorial Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Labor Day

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Odd years)
Parent 2 (Even years)

Columbus Day/ Indigenous Persons Day:

As agreed, or **Sunday at 6 p.m.**
Ending time- **Monday at 6 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Thanksgiving Day

As agreed, or **6 p.m. on the last day of school**
Ending time- **Friday at 12:00 p.m.**

Parent 1 (Even years)
Parent 2 (Odd years)

Thanksgiving Weekend

As agreed, or **Friday at 12:00 p.m.**
Ending time- **6 p.m. on the night school before resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

Christmas Break

As agreed, or **6 p.m. on the last day of school**
Ending time- **1 p.m. Christmas Day**

Parent 1 (Odd years)
Parent 2 (Even years)

As agreed, or **1 p.m. Christmas Day**
Ending time- **1 p.m. New Year's Day**

Parent 1 (Even years)
Parent 2 (Odd years)

As agreed, or **1 p.m. New Year's Day**
Ending time- **6 p.m. the night before school resumes**

Parent 1 (Odd years)
Parent 2 (Even years)

If the holiday interrupts a weekend, it does not change the weekend rotation and the holiday time is not made up. (i.e. Thanksgiving may cause one parent to have 3 weekends in a row.)

20. Conflicting Schedules / Order of Priority:

In the event that there exists any conflict between parenting time schedules, the following is the order of priority:

- First priority: Holidays and Days of Special Meaning;
- Second priority: Vacation periods or extended parenting times;
- Third priority: Weekends and mid-weeks (regular parenting times).

21. Exchanges and Transportation:

The parent receiving the child(ren) for the parenting time is responsible for picking up and transporting the child(ren). The other parent is responsible for picking up and transporting the child(ren) at the conclusion of the visit. The child(ren) may be transported by any trusted adult with a valid driver's license and insurance, and with legal car restraints. Each parent must have their own legally appropriate car restraints.

Both parents shall transport and exchange all personal items and specialized equipment including, but not limited to, emotional security items (e.g favorite blanket, favorite toy, etc), specialized extracurricular equipment, uniforms, instruments, bicycles, etc. All prescribed medication shall be exchanged and given to the child(ren) as per the prescribing doctor's prescription.

If the nonresidential parent is late more than thirty minutes, he/she shall forfeit that parenting time unless the nonresidential parent notified the residential at least one hour prior thereto. However, if an unforeseen event/emergency prevents timely notification, then notification must be given as soon as possible. Parents should communicate to prevent the forfeiture of parenting time.

Parenting time does not mean picking up the child(ren) and then leaving them with someone else, except for short periods of time.

22. Illness:

It is expected that the parents will follow the parenting time schedule despite any illness of the child(ren), unless both parents agree that this would not be advisable due to the child(ren)'s condition.

Both parents should use common sense as to a sick child(ren) and be sensitive to the child(ren)'s needs. In the event that a child(ren) is ill, medications and instructions for special care shall travel with the child(ren). Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury or treatment, as well as the name, address and phone number of all treatment facilities and medical professionals involved.

Any weekend parenting time that is missed due to the illness of a child(ren) shall be made up the following weekend or as the parents may mutually agree. Each parent shall promptly notify the other parent of a child(ren)'s illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with either parent's time with the child(ren).

23. Telephone, Computer, and/or Other Method of Electronic Communications:

Each parent shall have reasonable communication with the child(ren) during the other parent's parenting time, not to exceed once a day between the hours of 9am and 8pm. If a parent attempts to reach the child(ren) via a phone call and the child(ren) is/are not available, the child(ren) should return the telephone call as soon as practical.

Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, e-mail, or other electronic communication between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or e-mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.

Each parent shall keep the other parent informed of a telephone number where the child(ren) can be reached.

24. Child(ren)'s Extracurricular Activities:

A parent should not enroll the child(ren) in extracurricular activities that will unreasonably interfere with the other parent's parenting time. Both parents shall make best efforts to transport the child(ren) to all activities. Parents need to realize the significance of these activities in their child(ren)'s lives, and flexibility is encouraged. It is the responsibility of the parents to discuss the child(ren)'s extracurricular activities in advance, including times, dates and transportation needs, so that the child(ren) are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e. activity schedules, maps, instructions) that are distributed in connection with the child(ren)'s activities. The parent who has the child(ren) during the time of scheduled activities is responsible for transportation, attendance and other arrangements. Both parents are encouraged to attend all of their child(ren)'s activities.

25. School Issues and Information:

Each parent must provide time for the child(ren) to study and complete homework assignments, papers or other school-assigned projects, even if the completion of this work interferes with the parent's plans with the child(ren).

Each parent shall be responsible to obtain their own copies of grade reports, disciplinary notices and/or communications, including information regarding school pictures. Each parent is responsible to set up his or her own online access to school records and information, if available. Both parents are encouraged to participate in parent-teacher conferences, school trips, school programs and other school events in which parents are invited to participate.

26. Relocation:

The relocating party shall file a notice of intent to relocate with the Court in advance of the move pursuant to the following timeline:

- d. 30-day notice if the move shall be within Stark County
- e. 60-day notice if the move shall be in the State of Ohio, but out of Stark County
- f. 90-day notice if the move shall be out of the State of Ohio

The non-relocating parent may file a written responsive pleading to the relocation notice within fourteen (14) days of service to address reallocation of parenting time.

27. Records Access:

Except as specifically modified or otherwise limited by court order, and subject to statutory restrictions on files maintained by the Child Support Enforcement Agency and files maintained by any Education Institution when the non-residential parent is involved in a domestic violence situation, each parent is entitled to access under the same terms and conditions as the other parent to any record that is related to the child(ren) and to which either is legally provided access, including school records and medical records.

NOTICE TO KEEPER OF RECORDS: Any keeper of a record who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 is in Contempt of Court.

28. Day Care Center Access:

Except as specifically modified or otherwise limited by court order, and in accordance with statutory requirements of operating a daycare, each parent is entitled to equal access to any day care center, during his/her parenting time, that is or will be attended by the child(ren).

29. School Activity Notice:

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

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

NOTICE TO SCHOOL OFFICIALS AND EMPLOYEES: Any school official or employee who knowingly fails to comply with this order or with Ohio Revised Code §3109.051 (J) is in Contempt of Court.

30. IT IS ORDERED, ADJUDGED and DECREED that the parties abide by these orders in the best interest of the child(ren). Failure of either party to abide by these orders could result in a finding of contempt.

**STARK COUNTY FAMILY COURT
PARENTING TIME SCHEDULE #4**

(Transitional Parenting Time Schedule)

1. For an initial four (4) week period commencing Saturday/Sunday _____, the nonresidential parent shall have parenting time with the child(ren) each Saturday/Sunday from 2:00 p.m. to 4:00 p.m., in the home of _____, or at such alternative time or location as is mutually agreed to by the parties.
2. For the following four (4) week period, commencing _____, the nonresidential parent shall have parenting time each Saturday/Sunday from 1:00 p.m. to 5:00 p.m., outside of the residential parent's presence at the nonresidential parent's home or that of a member of his family.
3. For the following four (4) week period, commencing _____, the nonresidential parent shall have overnight parenting time each Friday/Saturday night from 6:00 p.m. Friday/Saturday to 6:00 p.m. Saturday/Sunday.
4. **At the end of the above twelve (12) week period, the nonresidential parent shall have parenting time in accordance with the Court's Local Parenting Time Order, a copy of which is attached hereto as Stark County Family Court Parenting Time Schedule # _____ (if no schedule number is referenced then the nonresidential parent shall have parenting time pursuant to Stark County Family Court Parenting Time Schedule #3).**
5. Should the nonresidential parent fail to observe the schedule set forth in Paragraph 1, then parenting time shall not expand as set forth in Paragraph 2. Should there be a failure to observe the schedule set forth in Paragraph 2, then parenting time shall not expand as set forth in Paragraph 3. Should there be a failure to observe the schedule as set forth in Paragraph 3, then parenting time shall not expand as set forth in Paragraph 4.
6. In order to exercise parenting time under any of this Court's Local Parenting Time Schedules, it is expected that the nonresidential parent will provide appropriate accommodations for each child(ren), including but not limited to a car seat and crib if needed.

**STARK COUNTY FAMILY COURT
PARENTING TIME SCHEDULE #5
(long-distance)**

Parenting time between the child(ren) and parents may take place at such times as the parties may agree, however, absent agreement of the parties to the contrary, each parent shall follow these requirements.

1. The nonresidential parent shall be afforded eight (8) weeks of parenting time with the child(ren) during the traditional summer school vacation months of June, July, and August.

These visits may occur in blocks of time of _____ weeks. The nonresidential parent shall provide advanced notice of intent to exercise this parenting time of not less than sixty (60) days. The nonresidential parent's choice of vacation has priority over the residential parent's choice unless the residential parent is required by an employer to give more than a sixty (60) day notice of intent to take a vacation and the nonresidential parent has no such requirement. Likewise, the residential parent must give the nonresidential parent not less than sixty (60) day advance written notice of vacations or special plans for the child(ren) to avoid planning conflicts.

Summer school necessary for the child(ren) to pass to the next grade must be attended. Extended parenting time may be scheduled by either parent during a mandatory summer school period, but the child(ren) must attend all classes.

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

2. The nonresidential parent shall be responsible for picking up the child(ren) or otherwise arranging transportation at the commencement of parenting time. The residential parent shall be responsible for picking up the child(ren) or otherwise arranging transportation at the conclusion of parenting time.
3. The nonresidential parent shall be entitled to one (1) additional week during Christmas holiday and one (1) additional week during the Easter break. Christmas parenting time shall commence December 26th and will run until January 1st. Easter parenting time shall be arranged by the nonresidential parent at least thirty (30) days in advance and may include Easter day during odd numbered years.
4. The nonresidential parent is entitled to reasonable parenting time at such times as the parent may return to Stark County.

5. The nonresidential parent is entitled to contact with the child(ren) at least once a week at the nonresidential parent's cost. This contact may be by telephone, mail, e-mail, or other electronic communication available. If the nonresidential parent attempts to reach the child(ren) via phone call and the child(ren) is/are not available, the child(ren) should return the telephone call as soon as practical. The residential parent shall keep the nonresidential parent informed of a telephone number where the child(ren) can be reached. Each parent shall encourage free communication between the child(ren) and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, e-mail, or other electronic communication between the child(ren) and the other parent, whether initiated by the child(ren) or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or e-mail between the child(ren) and either parent shall be strictly confidential and shall not be opened or read by the other parent.
6. These orders will be modified by the Court if there is good cause shown for such change.
7. IT IS ORDERED, ADJUDGED and DECREED that the parties abide by these orders in the best interest of the child(ren). Failure of either party to abide by these orders could result in a finding of contempt. This includes the orders that require the residential parent to take the child(ren) for parenting time on the ordered days.

16.05 Supervised Parenting Time Services

If an entry orders someone to receive supervised parenting time through an independent monitor then the entry requiring the supervised parenting time shall continue until further court order. Any supervised parenting time shall be controlled by "Exhibit I".

16.06 Seminar for Unmarried parents: Working Together for Kids Workshop

All parents filing initial actions relating to the allocation of parental rights and responsibilities, whether by Complaint or by Motion, shall complete an on-line educational seminar for parents who have child(ren) together but who are not married to each other. Completion of this seminar may also be required by order of the court after the filing of motions concerning the modification of parental rights and responsibilities and modifications or enforcement of parenting time.

Every parent and/or attorney filing an initial action concerning the allocation of parental rights and responsibilities shall first go to the Clerk of Courts to pay filing fees and obtain a case number. The filing parent or attorney shall proceed to the Juvenile Assignment Office to obtain information concerning the seminar, including the Order to complete the seminar, the registration and instruction sheet for completing the on-line seminar, a flyer about mediation, and to obtain an initial court date. Copies of the Order to Complete the Seminar, the Registration and Instruction sheet and the mediation flyer shall be returned to the Clerk of Courts and shall be included among the pleadings that are filed and served upon the opposing parent.

Except where specifically disqualified or waived, the Clerk of Courts shall not accept for filing any initial Complaint or Motion for the allocation of parental rights and responsibilities that does not have the Order to Complete the Working Together for Kids Educational Seminar, the Registration and Instruction sheet and the mediation flyer attached. Upon completion of the Working Together for Kids Educational Seminar, the parties will obtain a Certificate of Completion, the original of which will be filed in the case and made part of the record of the case.

Failure of the moving party to comply with this rule shall result in a dismissal of their pleadings.

Failure of the non-moving party to comply with this rule may result in the imposition of appropriate sanctions, including, but not limited to, contempt of court proceedings, dismissal of counter-pleadings or the suspension of parental rights and responsibilities.

The on-line seminar is most effective when both parents complete the seminar. The on-line seminar consists of an interactive video that can be completed at the parties' convenience.

The moving party must complete the on-line seminar prior to the initial court hearing. Please be advised that if the party filing the action does not complete the on-line seminar prior to the initial court hearing, the matter shall be dismissed.

Failure of the non-moving party to comply with this rule may result in the imposition of appropriate sanctions, including, but not limited to, contempt of court proceedings, dismissal of counter-pleadings or the suspension of parental rights and responsibilities.

RULE 17 GUARDIAN AD LITEM

17.01 General provisions and definitions that apply to both Divisions of this Court.

(A) Definition:

Guardians Ad Litem are advocates for the child/ren. When an attorney is appointed as a Guardian Ad Litem and not as an attorney for the child/ren, the Guardian Ad Litem will advocate for the best interest of the child. Guardians Ad Litem shall assist the Court in its determination of the best interest of the child.

(B) Mandatory Training:

In order to be appointed as a Guardian Ad Litem in the Stark County Court of Common Pleas, Family Division, the individual must attend a Guardian Ad Litem training seminar provided and approved by the Supreme Court of Ohio. In order to be appointed as a Guardian Ad Litem in the Stark County Court of Common Pleas, Family Court Division, the individual must attend the Guardian Ad Litem Pre-Service education provided and approved by the Supreme Court of Ohio, as forth in Ohio Superintendence Rule 48, Section 48.04. In order to be added to the list of court approved guardians ad litem, an individual must contact the proper

court personnel and show proof of attendance at the seminar mentioned. Guardian Ad Litem continuing education is required in accordance with the Ohio Superintendence Rule 48, Section 48.05.

17.02 Guardian Ad Litem Appointed in Juvenile Delinquency, Unruly or Dependent/ Neglect/Abuse Cases:

(A) Minimum Duties:

1. A Guardian Ad Litem shall perform the following duties:
 - (a) Meet with the child/ren at least once before the dispositional hearing, or state in his or her report why this is unnecessary or impracticable.
 - (b) Observe the child interact with each parent and or custodian, or state why this is impracticable or unnecessary in his or her report.
 - (c) Unless otherwise directed by the Court, the Report of the Guardian Ad Litem is to be filed with the Clerk of Courts at least seven (7) days prior to the hearing, and is a matter of record in the case.
 - (d) The Guardian Ad Litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration. Counsel for a party may petition the assigned judge for authorization to distribute the report to their client. The Guardian Ad Litem may petition the assigned judge to restrict distribution of the report for good cause. The conversations that the Guardian Ad Litem has with the parties and children are not confidential in nature.
2. A Guardian Ad Litem may request of the Court for good cause shown, that the Court order the parties to submit to physical evaluation, psychological or psychiatric evaluation or parenting evaluations. The request must be timely made and the Court shall afford the parties a reasonable opportunity to respond. When the Court orders that an evaluation be done, it shall determine the party responsible for the payment of the charges for same. The Court may apportion the charges for such evaluation between the parties and may tax the charges as costs, as may appear appropriate.

(B) Access to Records:

In all cases wherein a Guardian Ad Litem is appointed to represent the best interest of a child, orders will issue allowing the Guardian Ad Litem to have access to and make copies of records and reports, as provided herein:

1. Upon representation of the order allowing access and such identification as

may be reasonably required by the person, agency or office from whom the information is sought, the Guardian Ad Litem shall be allowed to review and access all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child.

2. The person, agency or office from which the information is sought will not reveal referral sources except as provided in OAC 5101.

(C) Confidentiality of Records and Conversations:

The Guardian Ad Litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration. Counsel for a party may petition the assigned judge for authorization to distribute the report to their client. The Guardian Ad Litem may petition the assigned judge to restrict distribution of the report for good cause. The conversations that the Guardian Ad Litem has with the parties and children are not confidential in nature.

(D) Fees:

Attorney Guardians Ad Litem appointed by the court in a Delinquency, Unruly or Dependent/Neglected/Abuse case, shall charge and be paid in accordance with guidelines established by the State of Ohio Public Defender's Office. The Guardian Ad Litem may apply to the assigned judge for requests of extra- ordinary fees.

17.02 Guardians Ad Litem in Domestic Relations Case and Juvenile Custody Cases

(A) Minimum Duties:

Unless a Guardian Ad Litem is specifically appointed under a Limited Scope of Appointment, under Section 48.02 (B) of the Ohio Rule of Superintendence 48, a Guardian Ad Litem shall perform those duties as set forth in Superintendence Rule 48.03 (D), including but not limited to the following:

Interview each parent separately or state in the report why this is impractical or unnecessary.

Interview the child/ren separately or state in the report why this is impractical or unnecessary.

Observe the child with each parent, foster parent, guardian or physical custodian and visit the child at the residence or proposed residence.

Contact any mental health or medical providers involved

in the case. Contact the child/ren's school if there is one.

Participation in hearings. 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 the duties and scope of appointment of the Guardian Ad Litem are to be addressed.

Unless otherwise directed by the Court, the report of the Guardian Ad Litem is to be filed with the Clerk of Courts at least seven (7) days prior to the pretrial hearing and is a matter of record in the case.

The Guardian Ad Litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration. Counsel for a party may petition the assigned judge for authorization to distribute the report to their client. The Guardian Ad Litem may petition the assigned judge to restrict distribution of the report for good cause. The conversations that the Guardian Ad Litem has with the parties and children are not confidential in nature.

(B) Access to Records:

In all cases wherein a Guardian Ad Litem is appointed to represent the best interest of a child, orders will issue allowing the Guardian Ad Litem to have access to and make copies of records and reports, as provided herein.

1. Upon representation of the order allowing access and such identification as may be reasonably required by the person, agency or office from whom the information is sought, the Guardian Ad Litem shall be allowed to review and access all records related to the medical, dental, psychiatric, psychological, social or legal matters of the child.
2. The person, agency or office from which the information is sought will not reveal referral sources except as provided in OAC 5101.

(C) Confidentiality of Reports and Conversations:

The Guardian Ad Litem report shall be provided to the court, unrepresented parties, and legal counsel. Any other disclosure of the report must be approved in advance by the court. Unauthorized disclosure of the report may be subject to court action, including the penalties for contempt, which include fine and/or incarceration. Counsel for a party may petition the assigned judge for authorization to distribute the report to their client. The Guardian Ad Litem may petition the assigned judge to restrict distribution of the report for good cause. The conversations that the Guardian Ad Litem has with the parties and children are not confidential in nature.

(D) Fees:

At the time of the appointment of the Guardian Ad Litem to the case when the parties are paying the fees of the Guardian Ad Litem, the judgment entry and/or the Exhibit G Order

of Appointment will include the following:

1. Provisions for an initial deposit of fees with the appointed Guardian Ad Litem;
and
2. The portion of fees to be paid by each party.

At any time prior to the conclusion of a case, a Guardian Ad Litem may submit a motion for payment. A Guardian Ad Litem shall submit a motion for payment upon conclusion of the duties. Any motion shall itemize the duties performed, time expended and costs and expenses incurred per Rule 48.03 (H)(1). Unless a hearing is requested by a party or the Court within fourteen (14) days after the motion is submitted, the Court will issue an order regarding payment of Guardian Ad Litem fees or denying any portion of the requested fees, and allocating payment to one or more of the parties as appropriate.

The Court will enforce payment of approved Guardian Ad Litem fees and/or fee deposits pursuant to the terms of Ohio Superintendence Rule 48.02 (I)

RULE 18 CHILD SUPPORT ENFORCEMENT AGENCY (including orders which modify prior orders)

18.01 When a court order is filed that requires one or both of the parties to pay child and/or spousal support and those payments are to be made through the Child Support Enforcement Agency (CSEA), a Personal Identifier Form is to be filed with the Clerk of Courts and CSEA and said entry shall contain the following information:

- (A) Complete name and address of plaintiff and defendant; date of birth of plaintiff and defendant; Social Security number for plaintiff and defendant; driver's license number for plaintiff and defendant; employer's name and address for plaintiff and defendant; pay period for plaintiff and defendant, i.e., weekly/bi-weekly; health insurance carrier name and address for each party; health insurance policy number for each party; the amount of the payment plus processing fees (2%); if there is an arrearage, the amount and how much is to be paid upon same; and the effective date of the order.
- (B) In paternity, criminal non-support, and dependent, unruly, and neglected children cases, the name, and birth dates of all the children should appear in the entry together with that information required under Subsection A above.
- (C) A date certain when the support order shall commence.
- (D) The Personal Identifier Form is confidential and shall be kept separate from the case file. Sup. Rule 45(D)(2).

18.02 When payment is made by check or money order, the case number shall appear on said instrument, or if paying in cash, payor shall inform CSEA of the case number.

18.03 When a child and/or spousal support order is modified or a change of custody is granted, the movant's counsel shall file a time-stamped copy with CSEA through the Clerk

of Courts. The Clerk shall not accept filings of such orders without being provided a CSEA copy.

18.04 The Court is authorized by statute, and will, order employers to withhold support orders and forward the proper amount to the CSEA for distribution. It is recognized that the orders of this Court do not always correspond to the employee pay periods and therefore, this Court authorizes the subject employer to convert the support order into an annual amount and thereafter apportion the annual amount over the number of pay periods in each calendar year, withholding and forwarding the amount withheld each pay period.

All child support payments shall be made payable to one central source for processing:

Ohio Child Support Payment Central
P.O. Box 182394
Columbus, OH 43218

Payments may be made by electronic fund transfer, check or money order to Ohio Child Support Payment Central. Include name of the parties, Social Security number, case number and the support enforcement tracking system (SETS) number on all payments to avoid processing delays. Cash payments will be processed at the Stark County Child Support Enforcement Agency.

RULE 19 JUVENILE CASE MANAGEMENT PLAN

The Court hereby establishes the following plan for the filing, assignment, and hearing of matters in the Juvenile Division. The time frame established for each phase is to be followed as closely as possible with the primary goal to move each case as expeditiously as possible (refer to Local Rule 13.04 for continuances). It is the responsibility of each party to be prepared in advance of any scheduled hearing. The Court may at any time refer the case for informal processing, per Juvenile Rule 9, or for mediation in order to seek a timely and equitable resolution of the case. The inability of the Court to meet these guidelines shall not be grounds for the dismissal of a case.

Schedule of events by the type of case - scheduling starts with the date of filing the complaint and continues sequentially.

Delinquency and Unruly

<i>When detained</i>	Shelter care or detention
24 hours	Detention hearing
1-3 days	Arraignment hearing
15 days	Trial
30-45 days	Disposition

When released to parents' custody

4-6 weeks	Arraignment and disposition if charge admitted
6-8 weeks	Pre-trial
8-12 weeks	Trial and disposition

Dependency, Neglect or Abuse

72 hours	Shelter Care or no contact order hearing
1-30 days	Adjudicatory hearing
30-90 days	Disposition hearing
5-6 months	Administrative review hearing
11 months	Extension request filed
12 months	Case closed if no extension filed

Adult cases

24 hours	Bond hearing if necessary
1-7 days	Arraignment if in jail
3 weeks	Trial if in jail
4-6 weeks	Arraignment if released
8-12 weeks	Trial if before judge
4-6 months	Trial if by jury

Juvenile Traffic Offenders

3-4 weeks	Arraignment or waiver of hearing
5-8 weeks	Trial and disposition

19.01 Waiver of Trial for First Time Juvenile Traffic Offenders

Pursuant to Rules 1,2,9(a), 22 and 29(F)(2)(A) of Ohio Rules of Juvenile Procedure adopted by the Supreme Court of Ohio and to protect the public interest and to substitute therefore, a program of care and rehabilitation for juvenile traffic offenders, the Juvenile Court hereby establishes by this rule a procedure for the waiver of appearance and entry of plea of admission in writing and the acceptance of pre-determined disposition for certain juvenile traffic offenders.

Upon the filing of a uniform complaint, the juvenile is permitted to waive appearance in court if it appears:

1. That the alleged offender is a juvenile between the ages of 14 and 18 years at the time of the offense;
2. That this is the first traffic offense for the offender;
3. That the offense is minor, i.e., a violation involving the assessment of two or less points by the Bureau of Motor Vehicles;
4. That the offense does not allege operating a vehicle without an operator's license, drag racing; willfully fleeing or eluding a police officer; operating a motor vehicle while under the influence of alcohol or of any drug of abuse; or passing a school bus or speeding in a school zone.
5. That the citing officer has not indicated on the face of the Uniform Traffic Citation that a court appearance is necessary.

The juvenile and his/her parent must sign the reverse side of the uniform traffic ticket which shall constitute an admission to the allegations set forth on the uniform traffic ticket. Said ticket is to be returned to the Stark County Clerk of Courts Juvenile Division, along with payment of fine and costs prior to the court appearance date noted on the face of the uniform traffic ticket.

Upon signing the admission to the offense, a fine of fifty dollars (\$50.00) and court costs is imposed. In addition, points, if applicable, will be assessed by the Ohio Bureau of Motor Vehicles on the juvenile's driving record.

The waiver shall constitute an admission to the traffic violation and a waiver of the juvenile's rights to trial before the court, to cross-examine witnesses who appear against him, to subpoena witnesses on his behalf, to remain silent, and to representation of counsel.

If the child is unable to provide appropriate proof of financial responsibility, the child is ineligible to participate in this waiver procedure, and must appear before the Court for hearing and disposition.

If the child and parents, guardian, or custodian avail themselves of this waiver privilege, they must do so in strict compliance with the written instructions and this rule. The Family Court in its discretion may determine that a particular traffic case should not be disposed of by waiver through the juvenile traffic violation bureau.

19.02 Determination of When a Case is Closed

Although it is clear that the jurisdiction of the Juvenile Court is continuing until the age of eighteen (18) for any child found to be within this jurisdiction, it is necessary that the Court and particularly, the Clerk, determine which actions are pending and which have been concluded or terminated. The Clerk of Courts is authorized and directed to consider in addition to those closed by court order, the following cases as also being closed:

1. Complaints for custody where a temporary order of custody has been granted.
2. Delinquency, unruly, dependent, neglected, or abuse cases where no orders have been made within six (6) months.

19.03 Use of Restraints on Juveniles

Physical restraints shall be removed from a juvenile prior to the commencement of a proceeding unless the judge or magistrate before whom the juvenile is appearing determines on the record, after providing an opportunity to be heard, that restraints are necessary because of either of the following:

19.03.1 The juvenile presents a current and significant threat to the safety of the juvenile or another; or

19.03.2 There is a significant risk the juvenile will flee the courtroom.

In addition, the court must find there are no less restrictive alternative to restraints that will alleviate either of the above, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.

- (A) The court shall provide the juvenile or any other party, as defined in Juv.R. 2(Y), an opportunity to be heard before the court orders the use of restraints on a juvenile during a particular court proceeding.
- (B) If restraints are ordered on a juvenile pursuant to this rule, the judge or magistrate shall make written findings of fact in support of the order.
- (C) Any restraint ordered herein shall be the least restrictive necessary to meet the risk requiring the restraint and any restraint shall not unnecessarily restrict the movement of the juvenile's hands.

Nothing in this rule shall prohibit a deputy or other individual from immediately restraining a juvenile during a court hearing should the juvenile's behavior suddenly become disruptive to the extent that restraining the juvenile is necessary to maintain the safety of the juvenile, court personnel or the public.

19.04 Diversion

Pursuant to Juvenile Rule 9(A), the Court uses diversion eligibility criteria which is applied after a charge has been filed. Diversion hearings are conducted in lieu of formal court action for charges meeting eligibility criteria. Informal hearings are no subject to other provisions within these local rules.

Diversion procedures include, but are not limited to, juvenile and parent/guardian hearing date notification, victim notification, request for victim impact statement, restitution considerations and/or requirements, service connection referrals, diversion outcome notification for juvenile, parent/guardian and any victim(s) requesting such notice, diversion case tracking and annual reporting.

Eligibility criteria and the written diversion process are periodically reviewed and updated as needed.

RULE 20 CIVIL PROTECTION ORDERS

20.01 The Domestic Relations Clerk of Court for Stark County shall distribute upon request forms and instruction packets for use in civil protection order proceedings under 3113.31 of the Ohio Revised Code. The packet includes forms and instructions promulgated by the Court which are substantially similar to Forms 10.01-A through 10.01-D set forth in the Rules of Superintendence for the Courts of Ohio (Sup. R 10.01) and which are identified as Forms 10.01-A through 10.01-J.

20.02 An action for a Civil Protection Order pursuant to Section 3113.31 of the Revised Code shall be commenced by filing a petition form that is substantially similar to Form 10.01-D.

20.03 In every case in which the Court issues or approves an ex parte civil protection order, a full hearing civil protection order, or a consent agreement pursuant to section

3113.31 of the Revised Code, the Court shall be provided, as applicable, with a proposed order which is substantially similar to Forms 10.01-H through 10.01-J.

20.04 Every ex parte civil protection order, full hearing civil protection order and consent agreement presented to the Court for approval must include a cover sheet that is substantially similar to Form 10-C.

Every ex parte civil protection order, full hearing civil protection order, consent agreement, order for continuance or order to modify a civil protection order must include Form 10-A which is the Protection Order Notice to NCIC set forth by Sup. R. 10. Petitioners shall be required to supply identifying information on Form 10-A including names, addresses, Social Security numbers, dates of birth, physical description, vehicle information and a list of all protected persons. The Clerk of Courts shall cause Form 10-A to be sent to the Stark County Sheriff's Office which will enter this information into the NCIC.

RULE 21 MEDIATION

21.01 The provisions of the Ohio Uniform Mediation Act under R.C. Chapter 2710 are hereby incorporated by reference.

(A) Actions for Divorce, Annulment, or Legal Separation

At any time after service of summons in any action for divorce, annulment, or legal separation, the Court may, upon its own motion or motion of either or both parties, order the parties to participate in mediation screening and mediation.

(B) Motions to Allocate and/or Motions to Reallocate Parental Rights and Responsibilities or Motions for Contempt for Denial of Parenting Time

Upon the filing of an action to establish parental rights or upon a motion to modify or otherwise address parental rights and responsibilities or upon filing a motion for contempt for denial of parenting time, the court may, upon its own motion or motion of either or both parties, order the parties to participate in mediation screening and mediation.

(C) Voluntary Mediation

Mediation services will also provide voluntary mediation screening to parties wishing to mediate without the need for pending litigation.

(D) Mediation Prohibited

Mediation is prohibited as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant a protection order; in determining the terms and conditions of a protection order; and in determining the penalty for violation of a protection order.

In cases, other than those addressing domestic violence cases or protection orders, if the mediation screener determines that mediation between the parties is not appropriate under the circumstances, the mediation screener shall issue a report, within five (5) business days following the mediation screening, informing the parties or their respective counsel that they have been screened out of mediation, and setting a date certain for the next hearing. In such circumstance, the court may consider and order alternative services including, but not limited to, psychological examinations, counseling and appointment of a guardian ad litem, property evaluations or any other appropriate community resource, which may aid the parties in reaching a settlement.

(E) Mediation Appropriate

If the mediation screener determines that mediation is appropriate for the parties and the parties agree to or are ordered to mediate, then the parties shall participate

in mediation with a court approved mediator. Each party shall then immediately attend an orientation prior to their first mediation session. The orientation will set forth the manner in which the mediation will be conducted as well as the scope of the mediation.

The first mediation session shall occur within twenty (20) days following the parties' completion of orientation. Additional mediation sessions may be convened from time to time until all issues are settled in a manner acceptable to the parties or until the mediator determines that continued sessions would not be productive. Except by court order, no mediation shall extend more than sixty (60) days following the parties' completion of orientation. Within seven (7) days of the conclusion of mediation, the mediator shall reduce any mediated agreement to writing on the required form; prepare a "Mediation Outcome Report" on the required form; send copies of the agreement and the report to the parties and their counsel; and send a copy of the "Mediation Outcome Report" to the Stark County Family Court Family Liaison Specialist. The "Mediation Outcome Report" shall be filed with the Court and shall state only the result of the mediation process. Any agreement reached in mediation shall not be binding upon the parties until reviewed and approved by their respective counsel and the Court.

21.02 Procedure for Mediation

(A) Attendance and Participation

Each party shall attend the mediation session in person, unless otherwise directed by the mediator. Each party shall be prepared to negotiate an agreement as to any or all issues. A party is entitled to have their respective counsel present for the mediation sessions. To ensure prompt resolution of any issues in dispute, the mediator shall have the duty and authority to set the time for all mediation sessions, including private (shuttle) meetings between the mediator and each party, provided that a party may object to meeting with the mediator without counsel present. The mediator shall have the authority to establish a deadline for the parties to act upon a proposed settlement as long as the deadline does not fall outside of the time guidelines set by this rule or order of the Court. The mediator shall control all procedural aspects of the mediation not otherwise agreed to by the parties or set by the court. If an agreement is reached, the mediator shall inform each party the agreement has no binding effect until it is adopted by the Court, and that either party may withdraw from the agreement prior to the court's approval of the agreement.

(B) Confidentiality

All mediation proceedings are confidential settlement negotiations. With the exception of the mediation screening report, the "Mediation Outcome Report", and any signed mediated agreement, all matters occurring within mediation shall be kept confidential from the Court. The disclosure by a party of privileged information to the mediator, other party, support person(s), or counsel during mediation shall not constitute a waiver or otherwise adversely affect the privileged nature of the information.

All individuals involved in mediation screening and mediation shall preserve the confidentiality of negotiations, of all written materials utilized in the process, of all information obtained in the process, and of all agreements, unless disclosure is required due to mandatory reporting of an incident involving abuse, neglect or dependency of a child. No mediation screener or mediator shall be subpoenaed, called to testify, or otherwise be subject to process requiring disclosure of confidential information in any proceeding relating to or arising out of the dispute mediated with the exception of a case involving the duty to report an incident involving the abuse, neglect or dependency of a child.

(C) Immunity

Mediation screeners and mediators shall be immune from claims arising out of acts or omissions incident to his or her service as a Court appointee to the fullest extent as provided by law.

21.03 Additional Provisions When Mediating in Special Circumstances

(A) Mediation regarding: Allocation of Parental Rights and Responsibilities or Parenting Time with a Child; or Delinquency or Status Offense Cases

When mediating any of the above issues, if violence or fear of violence is alleged, suspected, or present, mediation shall *not* proceed unless the mediator has specialized training set forth in Section 21.04 of this rule and *all* the following conditions are satisfied:

1. The person who is or may be the victim of domestic violence is fully informed about the mediation process and his or her *right to decline mediation*;
2. The person who is or may be the victim of domestic violence has the option to have a *support person* present at all sessions;
3. The parties have the ability to mediate without fear of coercion or control;
4. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and that person, if indigent, is given referrals to legal counsel and other community support services;
5. Procedures are in place for issuing written findings of fact, as required by O.R.C. §3109.052, to allow for the referral of certain cases to mediation.

(B) Mediation regarding: Child Abuse, Neglect or Dependency Issues

A case may be referred for Mediation at any point after it is filed. Mediation shall *not* proceed in child abuse, neglect, or dependency cases unless the mediator has specialized training set forth in Sections 21.04 and 21.05 of this rule and *all* of the following conditions are satisfied:

1. The Department of Job and Family Service attorney, caseworker, parties and their respective counsel agree that mediation is appropriate under the facts and circumstances of the particular case and the Court approves of the referral to mediation;
2. The Court shall notify all parties and nonparty participants of the time, place and location of the mediation. Such notification to a party shall occur pursuant to Civil Rule of Procedure 5 or, if a nonparty participant, by sending the individual a notice by regular US mail;
3. All parties shall attend mediation with counsel, if any, unless a party provides a written waiver of counsel's attendance. The written waiver must contain a notice in bold print that the waiver may be withdrawn at any time.
4. The mediation coordinator shall have contact information about the Stark County Bar Association Attorney Referral Program and contact information for the local Legal Aid office available for distribution to any party, including victims and suspected victims of domestic violence.

21.04 Responsibilities of Mediator

(A) General responsibilities

In order to provide a fair mediation process for parties, a mediator who mediates for the court shall remain impartial and neutral and shall comply with all of the following:

1. The "Core Values of Mediation" as approved by the Supreme Court Dispute Resolution Section in accordance with recommendations established by the Commission on Dispute Resolution;
2. The "Model Standards of Conduct for Mediators" adopted by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution;
3. The "Model Standards of Practice for Family and Divorce Mediation" adopted by the Association for Family and Conciliation Courts;
4. The "Guidelines for Child Protection Mediation" adopted by the Association for Family and Conciliation Courts, for mediation in juvenile cases of abuse, neglect and/or dependency.

(B) Conflicts of Interest

A mediator shall avoid any actual or apparent conflicts 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 dispute. A mediator shall avoid self-dealing or association from which the mediator might directly or indirectly benefit, except from compensation for services as a mediator.

Upon becoming aware of any actual or apparent conflict of interest, a mediator shall notify the parties as soon as practicable.

The requirements of this Rule are in addition to and do not supersede the requirements of R.C. 2710.08. Wherever a conflict exists between this rule and R.C. 2710.08, the statute shall control.

(C) A mediator shall not offer legal advice.

21.05 A mediator shall meet the qualifications of and comply with all training requirements of Ohio Superintendence Rule 16.23 and this Local Court Rule, adopted pursuant to Ohio Superintendence Rule 16.21.

21.06 Qualification and Training for Domestic Relations and Juvenile Mediators

Any mediator to whom the court makes referrals for the mediation of: Allocation of parental rights and responsibilities; parenting time with minor children; or abuse, neglect, and dependency cases shall satisfy *all* of the following:

- (A) Possess a bachelor's degree, or equivalent educational experience as is satisfactory to the Court, and at least two years of professional experience with families. "Professional experience with families" includes counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the Court;
- (B) Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court, which includes completion of the "Fundamentals of Mediation Training" approved by the Supreme Court Dispute Resolution Section.

*A mediator shall not be required to complete this specific training if, prior to January 1, 2020, the mediator has completed at least twelve hours of basic mediation training; or the mediator has served as a mediator for a minimum of three years or mediated at least forty-five cases.

- (C) After completing the training required by Section 21.04(b) of this rule, complete at least forty hours of specialized family or divorce mediation training that is provided by a training program approved by the Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution;
- (D) Complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the dispute Resolution Section in accordance with standards established by the Supreme Court Advisory committee on Dispute Resolution;
- (E) Comply with Model Standards of Practice for Family and Divorce Mediation as adopted by the American Bar Association, Association of Family and Conciliation Courts and the Association for Conflict Resolution.

21.07. Qualification and Training for Mediating Cases Involving Neglect or Dependency Issues.

Any mediator to whom the court makes referrals for the mediation of abuse, neglect and dependency cases shall, in addition to satisfying all qualification and training requirements set forth in Section 21.04 of this rule, satisfy both of the following:

- (A) Possess significant experience in mediating family disputes as determined by the Court;
- (B) Complete at least thirty-two hours of specialized child protection mediation training either through a formal training session or through a mentoring program approved by the Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution.

21.08 Registration of Mediators

- (A) The Clerk of Court shall establish and maintain a register of qualified mediators. The register of qualified mediators shall be maintained in a location accessible for public viewing upon request. Anyone wishing to be included on the register must fill out the Local Form “Verification of Qualification and Training to Act as a Mediator” and receive approval from all three judges of the Stark County Family Court.
- (B) Any mediator may be removed from the register of mediators at the mediator’s request or at the direction of all three judges of the Stark County Family Court in their discretion. If removed at the mediator’s request, the mediator may later request to be added to the register by submitting a new verification form and receiving approval from all three judges of the Stark County Family Court. Upon receipt of the request and approval by the Court, the Clerk shall add the qualified mediator to the register.

21.09 Mediation Fees

Mediation services shall be ordered at hourly fees, which are consistent with an approved sliding scale. The Court may apportion the costs of mediation between the parties based upon their ability to pay. Absent court order or written agreement of the parties to the contrary, the parties shall equally pay the cost of mediation. No mediator may charge a fee for court ordered mediation greater than the fee provided by the approved sliding scale, unless agreed to otherwise by the parties.

RULE 22 RULES TO EXPEDITE JUVENILE COMPETENCY PROCEEDINGS

22.01 General Purpose

The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

22.02 Expedited Hearings

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

22.03 Notice

Upon conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's Guardian ad Litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party of other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

22.04 Stay of Proceedings

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

RULE 23 PARENTING COORDINATION

23.01 Appointment

The Court may appoint a parenting coordinator when it finds any of the following:

- (A) The parties have failed to adequately cooperate and/or communicate with regard to issues involving the child(ren) or have been unable to implement a parenting plan or parenting schedule;
- (B) One or both parties suffer from a medical or psychological condition or disability that results in an inability to reach agreements on or make adjustments in their parenting time schedule without assistance, even when minor in nature;
- (C) The appointment of a parenting coordinator is in the best interests of the child or children involved in the proceedings;
- (D) There is a history of parental conflict that has been unresolved by previous

- litigation or other interventions and from which a child of the parties is adversely affected;
- (E) The parties have a child whose parenting time schedule requires frequent adjustments, specified in an order of the court, to maintain age-appropriate contact with both parties, and the parties have been previously unable to reach agreements on their parenting time schedule without intervention by the court.
 - (F) Upon agreement of the parties.

23.02 Definitions

As used in this rule:

- (A) Domestic abuse
“Domestic abuse” means a pattern of abusive and controlling behavior that may include physical violence; coercion; threats; intimidation; isolation; or emotional, sexual, or economic abuse.
- (B) Domestic violence
“Domestic violence” has the same meaning as in R.C. 3113.31(A)(1).
- (C) Parenting coordination
“Parenting coordination” means a child-focused dispute resolution process ordered by the Court to assist parties in implementing a parental rights and responsibilities or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.
“Parenting coordination” is not mediation subject to R.C. Chapter 2710, R.C. 3109.052, or Sup.R. 16 nor arbitration subject to R.C. Chapter 2711 or Sup.R. 15.
- (D) Parenting coordinator
“Parenting coordinator” means an individual appointed by the Court to conduct parenting coordination.

23.03 Scope

At any point after a parental rights and responsibilities or companionship time order is filed, the Court may order parenting coordination except to determine the following:

- (A) Whether to grant, modify, or terminate a protection order;
- (B) The terms and conditions of a protection order;
- (C) The penalty for violation of a protection order;
- (D) Changes in the designation of the primary residential parent or legal guardian;
- (E) Changes in the primary placement of a child.
- (F) Substantive changes in parenting time
- (G) The modification of child support or the allocation of tax exemptions or benefits or the division of uncovered medical expenses.

23.04 Qualifications

- (A) The Court may appoint an individual as a parenting coordinator who meets all of the following qualifications:
- (1) A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
 - (2) At least two years of professional experience with situations involving children, which includes parenting coordination, counseling, casework, legal representation in family law matters, serving as a guardian ad litem or mediator, or such other equivalent experience satisfactory to the Court;
 - (3) Has completed the following training approved by the Dispute Resolution Section of the Supreme Court:
 - (a) At least twelve hours of basic mediation training;
 - (b) At least forty hours of specialized family or divorce mediation training;
 - (c) At least fourteen hours of specialized training in domestic abuse and dispute resolution;
 - (d) At least twelve hours of specialized training in parenting coordination.
- (B) Parenting Coordinator Qualifications in Abuse, Neglect and Dependency Cases
In addition to the qualifications under 23.04(A) of this rule, the Court may appoint a parenting coordinator to an abuse, neglect, or dependency case, provided the parenting coordinator meets both of the following qualifications:
- (1) Significant experience working with family disputes;
 - (2) At least thirty-two hours of specialized child protection training that has been approved by the Dispute Resolution Section of the Supreme Court.
- (C) Parenting Coordinator Continuing Education to maintain eligibility for appointment, a parenting coordinator shall complete at least six hours per calendar year of continuing education relating to children, mediation, or diversity. The continuing education may include continuing education for lawyers, social workers, psychologists, or other licensed mental health professionals. The continuing education must be approved by the Dispute Resolution Section of the Supreme Court.
- (D) Parenting Coordinator Appointment Order
The Court's appointment order shall set forth all of the following:
- (1) The name of the parenting coordinator and any contact information the Court may choose to include;
 - (2) The specific powers and duties of the parenting coordinator;
 - (3) The term of the appointment;
 - (4) The scope of confidentiality;
 - (5) The parties' responsibility for fees and expenses for services rendered by the parenting coordinator;
 - (6) Parenting coordination terms and conditions;

- (E) **Selection of Parenting Coordinator for Appointment**
The parenting coordinator who meets the qualifications in division 23.04(A) of this rule and, if applicable division 23.04(B), shall be selected using one of the following:
- (1) Use of a Court employee;
 - (2) Random selection by the Court from the Court's roster of parenting coordinators;
 - (3) Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator;
 - (4) Parties select a parenting coordinator from the Court's roster of parenting coordinators;
- (F) **Prohibited Parenting Coordinator Appointments**
The Court shall not appoint a parenting coordinator who does not possess the qualifications in division 23.04(A) of this rule and, if applicable division 23.04(B), or who has served or is serving in a role that creates a professional conflict including, but not limited to, a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; or attorney for either party. Parties may not waive this prohibition.
- (G) **Appointment of Mediator as Parenting Coordinator**
With written consent of the parties, the Court may appoint a mediator to serve as the parenting coordinator with the same family.
- (H) **Termination or Modification of Parenting Coordinator Appointment**
Upon motion of a party, for good cause shown, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

23.05 Parenting Coordinator Responsibilities

- (A) Ability to perform duties
A parenting coordinator shall report to the Court any activity, criminal or otherwise, that would adversely affect the parenting coordinator's ability to perform the functions of a parenting coordinator.
- (B) Compliance with appointment order
A parenting coordinator shall comply with the requirements of and act in accordance with the appointment order issued by the Court.
- (C) Independence, objectivity, and impartiality
A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.
- (D) Conflicts of interest
- (1) A parenting coordinator shall avoid any clear conflicts of interest arising from any relationship 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 parenting coordinator shall avoid

self-dealing or associations from which the parenting coordinator may benefit, directly or indirectly, except from services as a parenting coordinator.

- (2) Upon becoming aware of a clear conflict of interest, a parenting coordinator shall advise the Court and the parties of the action taken to resolve the conflict and, if unable to do so, seek the direction of the Court.

(E) Ex parte communications

A parenting coordinator shall not have ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

(F) Legal advice

A parenting coordinator shall not offer legal advice

(G) Reporting

- (1) A parenting coordinator shall submit a resume to the Court documenting compliance with division 23.04(A) and, if applicable, division 23.04(B); provide an updated resume to the Court in the event of any substantive changes; and notify the Court of any changes to name, address, telephone number and, if available, electronic mail address contained in the resume.

- (2) On or before January 1st of each year, a parenting coordinator shall report to the Court a list of all continuing education training completed during the previous year pursuant to division 23.04(C), including the sponsor, title, date, and location of each training. A parenting coordinator shall not be eligible for appointment until this requirement is satisfied. The parenting coordinator shall complete three hours of continuing education for each calendar year of deficiency.

23.06 Parenting Coordination Procedures

- (A) Parenting coordinators shall screen the parties to determine the capacity of the parties to participate in parenting coordination. Parties should have the capacity to participate in the parenting coordination process without fear of coercion or control.
- (B) Screening for and disclosure of domestic abuse and domestic violence
 - (1) All cases shall be screened for domestic abuse and domestic violence by the parenting coordinator before the commencement of the parenting coordination process and by the parenting coordinator during the parenting coordination process.
 - (2) All parties and counsel shall immediately advise the parenting coordinator of any domestic violence convictions and/or allegations known to them or which become known to them during the parenting coordination process.
 - (3) When domestic abuse or domestic violence is alleged, suspected, or

present, before proceeding, a parenting coordinator shall do each of the following:

- (a) Fully inform the person who is or may be the victim of domestic abuse or domestic violence about the parenting coordination process and the option to have a support person present at parenting coordination sessions;
- (b) Have procedures in place to provide for the safety of all persons involved in the parenting coordination process;
- (c) Have procedures in place to terminate the parenting coordination session/process if there is a continued threat of domestic abuse, domestic violence, or coercion between the parties.

(C) Disclosure of abuse, neglect, and harm

A parenting coordinator shall inform the parties that the parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to a family member's self, another family member, or a third party to child protective services, law enforcement, or other appropriate authority. A parenting coordinator shall report child abuse or neglect pursuant to the procedures set forth in R.C. 2151.421.

(D) Attendance and participation

- (1) Parties shall attend parenting coordination sessions. Requests to reschedule parenting coordination sessions shall be approved by the parenting coordinator.
- (2) A parenting coordinator shall allow attendance and participation of the parties and, if the parties wish, their attorneys.

(E) Referrals to support services

A parenting coordinator shall provide information regarding appropriate referrals to resources including legal counsel, counseling, parenting courses or education, and other support services for all parties, including, but not limited to, victims and suspected victims of domestic abuse and domestic violence.

(F) Parenting coordination agreements, reports, and decisions

- (1) Parties shall sign and abide by agreements reached during a parenting coordination session, which shall be maintained in the parenting coordination file. The parenting coordinator shall provide a copy to each party and their attorneys, if any.
- (2) Upon request by the Court, the parenting coordinator shall prepare a written report including, but not limited to, all of the following:
 - (a) Dates of parenting coordination session(s);
 - (b) Whether the parenting coordination session(s) occurred or was terminated;
 - (c) Requests to reschedule a parenting coordination session(s), including the name of the requestor and the whether the request was approved;
 - (d) Whether an agreement was reached on some, all, or none of the

issues;

- (e) Who was in attendance at each session(s);
- (f) The date and time of a future parenting coordination session(s);
- (g) Whether any decisions were written and if so, the date(s);

- (3) The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective upon approval of the court. The parenting coordinator shall provide copies to the parties and their attorneys, if any. The decision shall be immediately filed with the Court and include all of the following:

- (a) Case caption, including the case number;
- (b) Date of the decision;
- (c) The decision of the parenting coordinator;
- (d) Facts of the dispute and facts upon which the decision is based;
- (e) Reasons supporting the decision;
- (f) The manner in which the decision was provided to the parties;
- (g) Any other necessary information.

- (4) A party may file written objections to a parenting coordinator's decision with the Court and serve all other parties and the assigned Judge to the action within fourteen days of the filing date of the decision. If any party timely files objections, any other party may also file objections with the Court and serve all other parties and the assigned Judge to the action, not later than ten days after the first objections are filed. A hearing may be scheduled, upon request, at the discretion of the Court. A judge or magistrate shall issue a ruling on the objections within thirty days from the date of the last objection filed.

(G) Parenting coordinator evaluations and complaints

- (1) A parenting coordinator shall provide participants with the Parenting Coordinator Evaluation form, provided by the Court, prior to the first parenting coordination session and at the end of the term of the appointment.
- (2) The Court shall complete a review of the parenting coordinators on the Court's roster in January of each year.
- (3) A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Court Administrator, and include all of the following:
 - (a) The case caption, case number and assigned Judge;
 - (b) The name of the parenting coordinator;
 - (c) The name and contact information for the person making the complaint;
 - (d) The nature of any alleged misconduct or violation;
 - (e) The date the alleged misconduct or violation occurred;

- (4) The Court Administrator shall provide a copy of the complaint to the parenting coordinator and the assigned Judge;
 - (5) The parenting coordinator has fourteen days from the date of the receipt of the complaint to respond in writing to Court Administrator;
 - (6) The Court Administrator shall conduct an investigation into the allegations and shall issue a response within thirty days from the date the complaint was received.
- (H) Fees
- A parenting coordinator shall be paid as ordered by the court. All fees shall be determined by the Court and included in the appointment order. Fees shall be waived for indigent parties.
- (I) Stay of Proceedings
- Unless otherwise provided by court order, referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:
- (1) An objection to a parenting coordinator's decision;
 - (2) A motion to lift the stay;
 - (3) A response to a motion to lift the stay;
 - (4) An application to dismiss the case;
 - (5) A notice related to counsel;
 - (6) A motion for changes in the designation of the primary residential parent or legal guardian;
 - (7) A motion for changes in the primary placement of a child;

23.07 Confidentiality and Privilege

Except as provided by law, communications made as part of parenting coordination, including communications between the parties and their children and the parenting coordinator, communications between the parenting coordinator and other relevant parties, and communications with the Court, shall not be confidential. Except as provided by law, parenting coordination shall not be privileged.

23.08 Public Access

The files maintained by a parenting coordinator but not filed with the Clerk of Court or submitted to the Court shall not be available for public access pursuant to Rules 44 through 47 of the Rules of Superintendence for the Courts of Ohio.

23.09 Sanctions

The Court may impose sanctions for any violation of this rule which may include, but is not limited to, attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the Court.

RULE 24 ELECTRONICALLY PRODUCED TICKETS

The use and filing of a uniform traffic ticket that is produced by computer or other electronic means is authorized in the Juvenile Division of Stark County Family Court. A ticket produced by computer or other electronic means shall conform in all substantive respects, including layout and content, to the "Ohio Uniform Traffic Ticket" as set forth within the Ohio Traffic Rules. If an electronically produce ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket as required by the Ohio Traffic Rules. A ticket produced by computer or other electronic means shall not require the signature of the juvenile or parent. The issuing officer who files a ticket electronically, and electronically affixes their signature thereto, shall be considered to have certified the ticket and shall have the same rights, responsibilities, and liabilities as with all other tickets issued pursuant to the Ohio Traffic Rules.

RULE 25 ELECTRONIC ACCESS TO COURT RECORDS

25.01 Viewing of Electronic Records

At the discretion of the Clerk of Courts, certain court records may be made available for electronic viewing via the internet or other means.

25.02 Restrictions of Public Access to Electronic Records

The following information shall not be available for public viewing via the internet or other electronic means:

- (1) Social security numbers of any person;
- (2) Bank account or credit card numbers;
- (3) Separation agreements;
- (4) Shared parenting plans;
- (5) Financial affidavits, Health Insurance Affidavits.
- (6) Family Court Services referrals;
- (7) Income tax returns;
- (8) Third-party pleadings that contain any of the above information;
- (9) Exhibits attached to pleadings or submitted at hearings;
- (10) Letters;
- (11) Pretrial, post-trial, and post-decree briefs, statements, and memoranda;
- (12) Transcripts;
- (13) Qualified Domestic Relations Orders;
- (14) Documents to which public access has been restricted pursuant to division E of Sup.R. 45, or Local Court Rule;
- (15) Items excluded from the definition of "Case Document" pursuant to Sup.R. 44 or other documents which any Superintendence Rule limits public access; or
- (16) Other documents and pleadings as ordered by the court not to be made available for electronic viewing.

25.03 Requests to limit public access to Case Documents

Pursuant to Sup.R.45 and this rule, there is a presumption of public access to case documents.

- (1) A party seeking to limit access to case documents shall file a motion stating with specificity which documents should have limited access and the specific reason for the limitation;
- (2) The motion should specify the level of access that is sought to be limited (e.g. redaction of certain information; restriction of remote access; etc).
- (3) The moving party shall submit a proposed order limiting access to the document(s) to be limited.
- (4) If additional documents filed later in the case are to have limited access, it shall be the responsibility of the party requesting limited access to notify the clerk of the existence of an order which limits access to that document.

RULE 26 COUNSEL AND GUARDIANS AD LITEM APPOINTMENT LISTS

26.01 Right to Counsel

Every party shall have the right to be represented by counsel, and as provided in C.C. 1.352, the right to appointed counsel, if indigent. Appointments of counsel may be made to the Stark County Public Defender or private practice attorneys. Stark County Family Court shall maintain a list of private attorneys willing to accept appointments for Family Court cases. A private attorney must appear on one or more of the following lists in order to be appointed on a particular type of case. The experience and qualifications identified in section (B) of this rule shall be a prima facie basis for the inclusion of a lawyer on one or more of the lists designated below:

List 1. Guardian Ad Litem

- (a) Attorneys who will serve as guardian ad litem in a Domestic Relations or Private Juvenile Custody action.
- (b) For children in dependency, neglect and abuse cases attorneys who will serve in a dual capacity as attorney and guardian ad litem or, if a conflict exists between those roles, solely as guardian ad litem.
- (c) Attorneys who will serve as guardian ad litem for children involved in a delinquent or unruly case.
- (d) Attorneys who will serve as guardian ad litem for a parent or custodian in a dependency, neglect or abuse case.
- (e) Attorneys who will serve as a guardian ad litem for children whose case has been diverted to a specialized docket.

List 2. Counsel for Status Offenses and Misdemeanor Cases

- (a) Attorneys who will represent children charged with unruly, truancy, violation of court order, traffic cases, and all misdemeanors.
- (b) Attorneys who will represent children charged with an OVI offense.

List 3. Counsel for Felony Cases

- (a) Attorneys who will represent children charged with 3rd, 4th and 5th Degree

Felonies.

- (b) Attorneys who will represent children charged with 1st and 2nd Degree Felonies.

List 4. Counsel for Bind over or Serious Youthful Offender (SYO) Offense

- (a) Attorneys who will represent children charged in a bind over case or serious youthful offender (SYO) case.
- (b) Attorneys who will represent children charged with Murder or Aggravated Murder.

List 5. Counsel for Parties in Dependent, Neglect and Abuse cases

List 6. Counsel for Appellate Cases

- (a) Attorneys who will represent parties in dependency, neglect and abuse cases on appeal.
- (b) Attorneys who will represent children charged with unruly, truancy, violation of court order, misdemeanors, and 3rd, 4th and 5th degree felonies on appeal.
- (c) Attorneys who will represent children charged with 1st and 2nd degree felonies on appeal.
- (d) Attorneys who will represent children in cases involving a bind over, serious youthful offender (SYO) offense, Murder or Aggravated Murder on appeal.

List 7. Counsel for Adults Facing Contempt of Court

- (a) Attorneys who will represent adults facing contempt of court allegations.

List 8. Counsel for Children Diverted to a Specialized Docket

- (a) Attorneys who will represent children on a specialized docket case.

List 9. Counsel for Cases Filed Pursuant to RC 2151.85

- (a) Attorneys who will serve in a dual capacity as attorney and guardian ad litem, or if a conflict exists between those roles, solely as attorney or guardian ad litem for children who file a complaint pursuant to RC 2151.85.

List 10. Counsel for a Juvenile Respondent in a Civil Protection Order Case

- (a) Attorneys who will represent a juvenile respondent in a civil protection order cases.

26.02 Application and List Requirements

- (1) In order to be approved and maintain placement on any of the court's list of attorneys or guardians ad litem, an attorney must meet the following standards:
 - (a) Licensed Ohio attorney in good standing;
 - (b) Inform the court of any prior disciplinary complaints against the attorney which resulted in sanctions;
 - (c) Maintain a working telephone with a local telephone number or toll free long distance number, with a secretary and/or voicemail/service to be able to respond to calls from the court or client.
 - (d) Provide an email address.
 - (e) Maintain professional liability (malpractice) insurance in an amount equal to

the minimum coverage required by the Code of Professional Responsibility or provide the client with the required notice pursuant to the Ohio Code of Professional Responsibility 1.4 (c).

- (f) Attorneys are under an ongoing duty to notify the court of changes in their status, address, telephone number, or email.
- (2) Attorneys desiring to be placed on the appointment list shall apply in writing on a form promulgated by the court, the CASA Director, specifying the list(s) from which (s)he is willing to accept appointments. The application shall be accompanied by a resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of an attorney or guardian ad litem.
- (3) Prior to being placed on the appointment list attorneys must fulfill the following requirements:
- (4)

(a) Guardian ad Litem – List 1 (a)-(e)

In order to serve as guardian ad litem, an applicant shall have, at a minimum, the following training:

- (i) Successful completion of a pre-service training course to qualify for appointment and thereafter, successful completion of continuing education training in each succeeding calendar year to qualify for continued appointment.
 - (ii) The pre-service training course must be the six hour guardian ad litem pre-service course provided by the Supreme Court of Ohio, or the Ohio CASA/GAL Association's pre-service training program.
 - (iii) The completion of the six-hour 2006 Juvenile Court seminar video offered through the Stark County Bar Association is required for inclusion on list number 1(d) to act as guardian ad litem for a parent or custodian in a dependency, neglect or abuse case.

(b) Counsel – List 5 and 6(a)

Applicants wishing to receive List 5 and List 6(a) appointments must have: Minimum of six hours of training in dependency, neglect and abuse provided by Stark County Family Court OR any equivalent training OR requisite experience as determined by the Judges.

(c) Counsel – List 2(a) and (b)

Applicants wishing to receive List 2(a) appointments must have: Minimum six hours of CLE in juvenile delinquency practice and procedure OR successful completion of clinical education program on juvenile law OR one year experience as an attorney. Applicants wishing to receive 2(b) appointments must have:

(d) Counsel – List 3(a)

Applicants wishing to receive List 3 appointments must have: Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure AND at least one year of experience as an attorney practicing in the area of juvenile delinquency law.

(e) Counsel – List 3(b)

Applicants wishing to receive List 3(b) and 3(c) appointments must have: Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure AND at least two years' experience as attorney practicing in juvenile delinquency law AND within 10 years preceding the appointment, prior experience as lead trial counsel in at least two bench trials in juvenile court, at least one of which involved a felony-level charge OR as lead counsel in one felony bench trial AND co-counsel in two additional bench trials.

(f) Counsel – List 4(a)

Applicants wishing to receive List 4(a) appointments must have: Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure AND requisite experience to be appointed to a juvenile case based upon the highest degree of charge in the case AND requisite experience to be appointed to an adult case based upon the highest degree felony charged OR co-counsel who meets the adult-case training and experience requirements must also be appointed.

(g) Counsel – List 4(b)

Applicants wishing to receive List 4(b) appointments must have: Within two years prior to appointment, minimum 12 hours CLE in criminal practice and procedure, at least six of which must be in juvenile delinquency practice and procedure AND at least three years' experience as attorney practicing in juvenile delinquency law AND within 10 years preceding appointment, prior experience as lead trial counsel in at least four bench trials in juvenile court, at least three of which involved a felony-level charge OR as lead counsel in three bench trials, two of which involved a felony-level charge AND as co-counsel in three additional bench trials.

(h) Counsel-List 6 (b)-(d)

6 (b) Applicants must have: Completed a minimum of nine hours of continuing legal education, certified by the Ohio Supreme Court Commission on continuing legal education, in the areas of appellate practice and procedure and juvenile delinquency practice and procedure; OR successfully completed a clinical education program focusing on appellate practice and procedure and a minimum of six hours of continuing legal education in the area of juvenile delinquency practice and procedure; OR successfully completed a clinical education program focusing on juvenile delinquency practice and procedure and a minimum of six hours of continuing legal education in the area of appellate practice and procedure.

6 (c) Applicants must have: Within two years immediately prior to appointment, minimum 12 hours CLE, at least six of which in delinquency practice and at least six of which in appellate practice AND at least two years' experience as attorney in juvenile delinquency and appellate law AND within six years preceding appointment, filed appeals in three juvenile delinquency cases.

6 (d) Applicants must have: Requisite training required to handle the appeal of a juvenile case based upon the highest degree of offense charged AND requisite experience to handle the appeal of a juvenile case based upon the highest degree of offense charged AND requisite experience to handle the appeal of an adult case based upon the highest degree of offense charged OR co-counsel who meets the adult-case training and experience requirements must also be appointed.

For all Appellate cases, filing of an *Anders* brief does *not* count as prior experience.

(i) Counsel-List 7 and List 8

Applicants must have: Minimum six hours of CLE in Juvenile Delinquency or Criminal practice and procedure OR successful completion of clinical education program on Juvenile or Criminal law OR one year experience as an attorney. In the case of appointment as counsel on a specialized docket case must also have met the minimum requirements to be appointed on the original charged offense which caused the case to be referred to the specialized docket.

(j) Counsel-List 9

Applicants must have: Met the requirements to be placed upon the guardian ad litem appointment list plus have a minimum of six hours of training in dependency, neglect and abuse provided by Stark County Family Court OR any equivalent training OR requisite experience as determined by the Judges.

(k) Counsel-List 10

Applicants must have: Minimum six hours of CLE in Juvenile Delinquency or Criminal practice and procedure OR successful completion of clinical education program on Juvenile or Criminal law OR one year experience as an attorney.

26.03 Appointments

- (1) Private attorneys who are qualified to receive appointments may, during an enrollment period determined by the court, volunteer to be present for Emergency Shelter Care Hearings to receive available appointments. Attorneys volunteering to be present will receive confirmation of the date(s) the attorney is assigned to be present for Emergency Shelter Care Hearings. Absent an emergency, attorneys who fail to appear for an assigned Emergency Shelter Care Hearing will not be eligible to volunteer to be present for Emergency Shelter Care Hearings during the subsequent enrollment period. Appearing for an Emergency Shelter Care Hearing does not guarantee that an attorney will receive an appointment.
- (2) To equalize appointments among attorneys and guardians on the various appointment lists, all appointments will be assigned on a rotating basis. Excluded from the rotating appointments are companion cases, cases that are dismissed and refiled, multiple cases involving the same client, appointments made from the bench, reappointment of a guardian ad litem, and reappointment of an attorney for a violation of court order. Attorneys who will be unavailable for designated periods of time may notify the CASA Director of the dates of their

unavailability. Once such notification is received, the attorney will not be appointed to any cases during the specified period of unavailability. Appointments shall be reviewed quarterly by the CASA Director to ensure equitable distribution.

- (3) Attorneys and guardian ad litem shall promptly advise the court of any grounds for disqualification or unavailability to serve, and shall certify annually they are unaware of any circumstances that would disqualify them from serving and to report the training they have attended to comply with any applicable division of this rule.

26.04 Removal and Reinstatement

Attorneys and guardians ad litem may be removed at any time and for any reason from the court appointment list(s) with the approval of the Stark County Family Court Judges. Should counsel become ineligible for appointments, an attorney or guardian ad litem must submit a new application requesting reinstatement. Attorneys and guardians ad litem losing eligibility may also be required to complete additional requirements prior to reinstatement. Further, in the interest of justice and for good cause, the trial Court may remove an assigned attorney as defense counsel in a specific case while that matter is pending.

26.05 Annual Review and Evaluation

At least annually, the court shall conduct a review of its list to determine that all individuals are in compliance with the training and education requirements of this rule, that they have performed satisfactorily on all assigned cases during the preceding calendar year and are otherwise qualified to serve.

26.06 Complaints

Written or oral complaints regarding a guardian ad litem shall be directed to the CASA Director.

26.07 Fees and Indigent Defendants

- (1) Payment and/or reimbursement of fees to attorneys who have been appointed to represent indigent Defendants shall be made based on the Stark County Commissioners' most recent fee schedule.
- (2) Extraordinary Fees. The Judges recognize that a set fee cap is inappropriate in some cases because the number of days required to try a case or because of an extraordinary amount of investigative work. In such instances, the Judge, in the Judge's discretion, may allow an amount greater than the suggested amount. Additional payment and/or reimbursement for extraordinary cases will only be made with approval of the trial court.

- (3) Expenses must be approved by the Judge before incurred and itemized when presented for payment. Payment and/or reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee certificate (OPD-1026), Affidavit of Indigency, Journal Entry of Appointment and approved by the trial Judge. Expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, parking and meal expenses, long distance telephone calls, copying, and other necessary items as approved in the discretion of the Court.
- (4) The Judges of the Family Court may reduce or refuse to approve any fee certificate submitted for approval of the court if the fee certificate is submitted outside the filing schedule detailed in the Stark County Commissioners most recent fee schedule.
- (5) Mileage reimbursement shall be at the annual federal mileage rate. For purposes of approved travel directly from the attorney/guardian ad litem residence to attend to Court business (i.e. Trainings/meetings/visits/conferences, etc.), mileage, and travel time, is calculated either from the Court to the destination, or from the attorney/guardian ad litem residence to the destination, **whichever is shorter** (i.e., traveling to Columbus from their residence in Massillon, the attorney/guardian ad litem shall use their residence as their starting destination rather than the Court; traveling to Columbus from their residence in North Canton, the attorney/guardian ad litem shall use the Court as their starting destination rather than their residence). If mileage is paid proof of mileage to and from with total number of miles is required (i.e. MapQuest printout or Google Maps printout must be included). Mileage shall be itemized out in the expenses; while time traveled should be billed as normal time.
- (6) Should a mileage circumstance not be defined by the above, the Court reserves the right to make a mileage calculation determination.
- (7) Attorneys and Guardian ad Litem will not be reimbursed for the following expenses:
 - a) Mileage and parking incurred between the attorney's home and office, the attorney's home and court, or the attorney's office and court.
 - b) Any fixed office overhead expenses.
 - c) Court transcripts or depositions, except as provided by law or prior written court approval.
 - d) Lodging, meals, mileage, and travel by common carrier or otherwise for the client, the client's family, the client's friends, or for the attorney's employees.
 - e) Any expenses that do not comply with OPD reimbursement standards and guidelines.

26.08 Duration of Appointment Lists

The approved trial counsel lists shall remain in effect for a period of two years ending on December 31 of odd-numbered calendar years. Counsel whose name appears on the approved trial counsel lists may file an application for renewal to serve as appointed counsel to sustain eligibility. The renewal application shall be filed no earlier than three months prior to, and no later than, the expiration of the approved trial counsel list then in effect.

26.09 Reinstatement

Counsel who fails to timely file an application for renewal, shall be removed from the new approved trial counsel lists. Reinstatement shall occur upon the filing of an original application to serve as assigned counsel and approval by the Judges. For good cause, the Judges may decline to accept any application for inclusion on any list or remove the name of any lawyer from any list.

26.10 Eligibility for Guardian Ad Litem Appointments

To remain eligible to receive guardian ad litem appointments, each calendar year attorneys accepting guardian ad litem appointments must successfully complete a continuing education training which must be at least three hours in length and be provided by the Supreme Court of Ohio or by the Ohio CASA/GAL Association, or with prior approval of the Judges, be a training that complies with Ohio Rule of Superintendence 48(E)(5).

If a guardian ad litem fails to complete a three hour continuing education course within any calendar year, that person shall not be eligible to serve as a guardian ad litem until this continuing education requirement is satisfied. If the person's gap in continuing education is three calendar years or less, the person shall qualify to serve after completing a three hour continuing education course. If the gap in continuing education is more than three calendar years that person must complete a six hour pre-service education course to qualify to serve.

RULE 27 Agreed Entries

In cases where entries are to be filed pursuant to Civil Rule 58 or a settlement, the judgment entry shall be submitted within thirty (30) days. Failure to submit an entry to the Court within thirty (30) days of the hearing may result in the Court issuing a *Sua Sponte* Motion to Dismiss and the dismissal of the case.

The Court may order either counsel to prepare the judgment entry setting forth the agreement of the parties. Said judgment entry shall be submitted to opposing counsel prior to submission to the Court. If counsel is unable to agree upon the judgment entry,

opposing counsel shall notify counsel preparing the entry, in writing, within five (5) days.

A judgment entry which is sent for signature which is not returned or is not rejected within the five (5) days, may be submitted to the Court without signature of the opposing counsel or party. A judgment entry submitted without signature of the opposing counsel or party shall indicate "submitted but not approved." All judgment entries not signed by both parties shall be accompanied by a copy of the transmittal letter indicating the date on which the judgment entry was sent to opposing counsel or party.

RULE 28 NOTICE OF HEARINGS TO FOSTER/KINSHIP CAREGIVER AND THE RIGHT TO BE HEARD

In accordance with R.C.2151.424, the Court, through the Legal Department of Stark County Job and Family Services, will provide notice to foster caregivers and kinship caregivers of their right to attend hearings and the right to be heard concerning the child(ren) in their care.

Rule 29 Collection and Reporting of fingerprints

Fingerprinting shall be done in accordance with O.R.C. 109.60.

APPENDICES

[Appendix C](#)
[Appendix D](#)
[Appendix E](#)

Exhibit "C" Health Insurance
Exhibit "D" Under the Same Roof Order
Exhibit "G" Guardian ad Litem Order