RULES OF PRACTICE AND PROCEDURE

for the

HARRISON COUNTY COURT OF COMMON PLEAS
Judge T. Shawn Hervey

100 West Market Street-Cadiz, Ohio 43907
(General Division)

RULES EFFECTIVE DATE: August 1, 2013

AMENDMENT TO RULES:

SEPTEMBER 1, 2013

- **Amendment to Court Costs in Criminal Cases-Effective September 1, 2013, to-wit: A one-time fee of $50.00 for a Pretrial Diversion Fee regarding offenders ordered to participate in a Pretrial Diversion Program under the supervision of the Community Corrections Program of this Court. Judgment Entry dated August 29, 2013 is attached to the Local Rules and incorporated hereto.**

JANUARY 9, 2014

- **RULE 47 – GUARDIAN AD LITEM**

- **47.0** Court Procedures & Responsibilities for Guardian Ad Litem – Appointment. This Court will follow the Ohio Surpeme Court – Rules of Superintendence - Rule 48: Guardian Ad Litem-Section (G) – Responsibilities of the Court.

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RULES OF PRACTICE AND PROCEDURE OF COMMON PLEAS COURT

HARRISON COUNTY

(General Division)

RULE 1

DIVISIONS OF THE COURT

1.01 The Court of Common Pleas of Harrison County shall be divided into two divisions: the General Division with jurisdiction in Criminal, Civil and Domestic Relations matters and the Probate-Juvenile Division. These rules apply only to the General Division of the Common Pleas Court.

RULE 2

TERM OF COURT

2.01 The Court shall be in continuous operation for the transaction of judicial business.

2.02 There shall be one term of court, commencing on January 1 of each calendar year.

RULE 3

HOURS OF SESSION

3.01 The sessions of the courts shall begin at 9:00 A.M. and close at 12:00 noon and shall resume at 1:00 P.M. and close at 4:30 P.M. on Monday through Friday each week except on those days designated by law as legal holidays. Such days and hours may be modified by the trial judge to meet special circumstances or the exigencies of trial.

RULE 4

ASSIGNMENT COMMISSIONER

4.01 The Court shall have an Assignment Commissioner responsible for maintaining the Court's trial docket and to set for hearing all matters coming before the Court.

4.02 The Assignment Commissioner shall also be charged with implementing the Court's Case Management Plan as directed by the terms of the plan and the judge.

RULE 5

CASE MANAGEMENT PLAN

5.01 This Court has enacted a Case Management Plan, effective on July 1, 1991, for the efficient handling of cases; prompt resolution of legal issues; avoidance of unnecessary delay; and to insure fair and speedy deliverance of justice.

5.02 This Court's Case Management Plan is an attempt to balance several countervailing pressures; an ever increasing case load; a need for a framework for scheduling purposes; a necessity for flexibility to meet the unique responsibilities of a one judge unified jurisdiction court; inadequate funding and staffing and a lack of sufficient equipment. Time Management and Resource Management must be considered in the implementation of the Case Management program.

RULE 6

PROCEDURE FOR SCHEDULING INDIVIDUAL CASES

6.01 If both or all legal counsel of record are new, plaintiff's counsel or movant's counsel shall confer with the Assignment Commissioner prior to filing the pleading(s) with the Clerk of Courts. This applies to new case filings and Motion filings in previously docketed cases. Prior to filing the pleadings, an informal Scheduling Conference shall be held to set a Final Trial date, a Pre-Trial date, Motion Hearing date or any other date necessary. The Assignment Commissioner shall conduct the Scheduling Conference in person or by phone in the Court office.

6.02 If there is no legal counsel of record, opposing counsel shall nevertheless request the Assignment Commissioner to set a Final Trial date and Pre-Trial date, as well as Motion Hearing date, if applicable.

6.03 At any time following service of the Complaint, the judge may make a Scheduling Order. The Judge or the Assignment Commissioner shall conduct a Scheduling Conference in person, or by telephone and this shall be an informal procedure in form and manner as the Court desires. The purpose of said Scheduling Order is to limit time and to expedite the resolution of the instant case. A time limit shall be placed upon:

a. Joiner of new parties;
b. Amendment of pleadings;
c. Completion of discovery;
d. Motion filing;
e. Any other matters the Court deems to be in the best interest of justice.
The Scheduling Order shall be modified only by the Court by written order.

6.04 All cases filed with the Harrison County Clerk of Courts not containing a Notice of Hearing shall be brought to the attention of the Common Pleas Assignment Commissioner by the Clerk of Courts by the close of the next business day following filing of said case.

a. The Assignment Commissioner shall then assign appropriate dates to each case and shall prepare notices of said dates to be sent to the appropriate parties and return said case file to the Clerk of Courts by the close of the next business day following receipt of the file.

b. The Clerk of Court's Office shall mail the Notices prepared by the Assignment Commissioner as directed by legal counsel for the service of the pleadings to which the Notice is attached. If no directions are included, said Notices of Hearings are to be mailed by regular U.S. mail by the close of the next business day following receipt thereof to the last address of record.

c. Notices for local legal counsel may be placed in the filing slot maintained for said legal counsel by the Clerk of Courts. Legal counsel has the responsibility of checking the box regularly. Notice is considered made once the Notice is placed in the legal counsel's box.

RULE 7

UNIFORM SCHEDULE PROVIDED

7.01 Because of this Court's necessity to schedule a variety of hearings and proceedings in several different areas, the Court finds it appropriate to set aside certain days and dates of each and every month for certain kinds of hearings and proceedings. These are set forth as follows:

7.02 MONDAYS: Mondays shall be reserved for the purpose of hearing Pre-Trials, Non Oral Hearings, Garnishment Hearings and any other matter that will be conducted in the Judge's Chambers.

7.03 TUESDAYS: Tuesdays shall be dedicated to the hearing of Criminal Cases. Hearings will be held in the Large Court Room.

7.04 WEDNESDAYS: Wednesdays shall be scheduled for various hearings as follows:

a. Oral Hearings when needed – Large Court Room
b.

7.05 THURSDAYS: The schedule shall be as follows:

a. Judge's Chambers – Pre-Trial Hearings, Non-Oral Hearings and any other matters deemed necessary.
b. Oral Hearings when needed – Small Court Room

7:06 FRIDAYS: Large Court Room
a. Contested Divorces
b. Other Domestic Cases
c. Motions - Contempt

RULE 8

MONITORING PROGRESS OF CASES

8.01 The Common Pleas Court Administrator and other designated Court personnel shall monitor the progress of each case and keep appropriate records, issue necessary notices, report to the Judge any information requested by the Judge and the Common Pleas Court staff and shall keep legal counsel informed of the status of their cases.

8.02 The Assignment Commissioner shall notify the Plaintiff's or Movant's legal counsel after 15 days of filing any action when there is no service of the parties to be served. If within another 15 days, Plaintiff's or Movant's legal counsel has not been able to obtain service, this Court shall dismiss the filed action for lack of prosecution (civil cases only), subject to refiling. The Assignment Commissioner shall prepare and send such other Notices of proposed court action as the Court deems appropriate in a timely fashion.

8.03 In assigning cases for trial, the Assignment Commissioner shall set Trial date, Pre-Trial date and Motion Hearing date as follows:

a. DOMESTIC RELATIONS:

(1) **MOTIONS** shall be scheduled for the 2nd Wednesday of each month.

(2) **DISSOLUTIONS** shall be scheduled for the sixth Monday after Filing or as soon as the calendar permits.

(3) **DIVORCES** shall be scheduled for the eighth Monday following filing. All Uncontested divorces shall proceed as filed, provided there is proper service of process. Contested divorces shall be heard as set, but for Pre-Trial, not final trial. Counsel shall advise the Court no later than Thursday before the Monday trial date that the case is contested. The Court shall then assign a new trial date, if necessary, and the parties shall meet in a Pre-Trial Conference at the initial trial date.

(4) **THE FINAL HEARING** shall be held within ten (10) months of filing the case.

b. OTHER CIVIL CASES:

(1) All other civil cases, excepting complex litigations, shall proceed to Final Hearing within ten (10) months of filing

c. TORTS AND PRODUCTS LIABILITY CASES:

(1) These matters shall be resolved within eighteen (18) months of filing.

d. CRIMINAL CASES:

(1) All criminal matters shall be heard within 270 days of indictment.

e. APPEALS:

(1) All appeals of administrative decisions shall be tried within twelve (12) months of filing with this Court.

RULE 9

CASE/MOTION CODING

9.01 To facilitate record keeping, the coding system shall be changed effective August 1, 1991. Such coding shall be in conformity with Common Pleas Supreme Court Rules and Supreme Court Statistical Report Forms A (General Division) and B (Domestic Relations Division). Each initial pleading of all new civil and domestic relations cases and all post decree domestic relations matters filed in this Court on or after August 1, 1991 shall be coded in conformity with Supreme Court Statistical Reporting Forms A and B. Counsel shall report the correct coding. (Persons representing themselves are likewise obligated.)

The Clerk of Courts may refuse for filing any incorrectly coded or uncoded pleadings after August 1, 1991.

The Alphabetic designations are as follows:

CODES - GENERAL DIVISION - CIVIL

Alphabetic Designation	Application	Explanation
A.	Professional Tort	(medical, legal, accountant malpractice)
B.	Product Liability	
C.	Other Torts	(wrongful death, assault, auto. personal injury, defamation, etc.)
D.	Worker's Compensation	(W.C. appeals)
E.	Foreclosures	(mortgage, judgment lien, mechanics land contract foreclosure)
F.	Administrative Appeals	(unemployment compensation, license suspension, state personal bd. of review, etc.)
G.	Complex Litigation	
H.	Other Civil	(Replevin, money judgments, cognovits)

CODES - DOMESTIC RELATIONS - NEW / POST-DECREE

Alphabetic Designation	Application	Explanation
A.	Term of marriage with children	(divorce with children)
B.	Term of marriage without children	(divorce; annulment)
C.	Dissolution with children	
D.	Dissolution without children	
E.	Change of custody	(post-decree only)
F.	Visitation enforcement/modification	(post-decree only)
G.	Support enforcement/modification	(child support, alimony post-decree only)
H.	Domestic violence	(non-criminal only)
I.	U.R.E.S.A.	(uniform support actions)
J.	Other	(alimony only actions; post-contempts, etc.)

RULE 10

PLEADINGS, MOTIONS -GENERAL FORM

10.01 Pleadings, motions and applications shall be legibly typewritten or printed on letter size paper (approximately 8 1/2" x 11"). The caption at the top thereof, in addition to stating the name of the Court, County and State, shall state the name and address, if known, of each party in the case of complaints, with space for the number and blank space of at least three inches at the top of the first page for endorsement thereon by Clerk. Pleadings filed subsequent to the complaint, including motions and applications shall state the number of the case pursuant to L.R. 9, the name of the first party-plaintiff and first party-defendant on each side. Each pleading, notion or application shall bear the name, office address and telephone number of the Attorney or Law Firm, if any; otherwise, the name of the party filing and the type of action, such as "Complaint for Money Judgment", etc.

10.02 Post Judgment Motions:
In the caption of a Post Judgment Motion there shall be typed the name and address of each party.

RULE 11

SERVICE OF COPIES AND NOTICE

11.01 Upon filing of a Complaint, the person filing the same shall submit to the Clerk a true copy thereof for each party-defendant, and the Clerk shall arrange for service to be made thereon as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law.

11.02 A true copy of each subsequent pleading, motion, response, brief, application or other paper filed in any cause shall be served forthwith by the party filing the same or his counsel upon opposing counsel and each party not represented by counsel, except that transcripts of the proceedings, deposition, and other transcripts of evidence shall not be required to be so served. Such service as well as proof of service shall be made as set forth in the Ohio Rules of Civil Procedure or as otherwise provided by law or local Rule of Court.

11.03 In Domestic Relations matters, all motions and applications filed after decree shall be served upon the adverse party pursuant to Civil Rules.

11.04 The Clerk of Courts shall provide and maintain a place for the deposit of notices, pleadings and other documents for each law office maintained in Harrison County. All pleadings subsequent to the original Complaint may be served by placing in the slot designated for each legal counsel or law office. Such action shall constitute full and complete service upon said attorney of record. Such action shall be noted in a Proof of Service when required and shall be deemed by this court as sufficient.

11.05 The Clerk of Courts is authorized to complete service upon the Harrison Co. Treasurer by personal service or an executed waiver of service regardless of the type of service requested. If service cannot be accomplished in a prompt manner in personal service or waiver, the Clerk shall proceed to the manner sought by counsel.

RULE 12

ATTORNEY OF RECORD

12.01 As soon as an attorney ascertains that he represents any party in any suit pending in this Court, he shall immediately notify the Clerk so that proper notation can be made upon the file, the appearance and Court dockets. A copy of a time stamped notice shall be satisfactory evidence that notice was given. Failure to so notify the Clerk shall be deemed a waiver of any notice required under these Court rules.

12.02 All counsel shall be individually responsible for their cases and copies of rulings of the Court shall be placed in the box provided for each counsel or office by the Clerk. Copies will be mailed to out of county counsel at the address stated on the most recent pleading.

RULE 13

WITHDRAWAL

13.01 LEAVE OF COURT REQUIRED

Counsel for any party shall be permitted by the Court to withdraw from an action in all cases where he is obligated to withdraw under Disciplinary Rule 2 - 110 of the Ohio Code of Professional Responsibility. The Court may also permit counsel to withdraw when withdrawal is permitted under Disciplinary rule 2 - 110.

13.02 PROCEDURE:

(1) When Counsel's client consents to counsel's withdrawal, counsel shall file with the Court a written Motion to Withdraw, together with an entry and appearance of substitute counsel. The court need not allow a continuance of the matter because counsel has been substituted.

(2) In all other cases counsel shall file a written Notion to Withdraw with the Court and counsel shall send written notice to the client of the time, date, and place of the hearing of the Motion by certified mail, return receipt requested. A copy of said notice shall be attached to the Motion.

In the event that counsel is unable to locate his client, he shall submit with his Motion a statement as to his efforts to communicate with his client.

(3) If the Motion is granted, counsel shall notify his client of his withdrawal by sending him a copy of theEntry by certified mail, return receipt requested, at the client's last known address. A copy of the Entry permitting withdrawal shall be filed and docketed by the Clerk, with a copy provided to the Assignment Commissioner and all other counsel of record or parties unrepresented by Counsel.

RULE 14

SERVICE BY PUBLICATION

14.01 Counsel for a party desiring service by publication shall submit to the Clerk of Courts the proposed legal notice for such publication.

14.02 This notice shall be promptly published in a local newspaper by the Clerk of Courts. The cost of the legal notice shall be taxed as court costs.

14.03 Pursuant to Civil Rule 4.4 as amended, the Clerk of Courts shall cause to be posted in three (3) conspicuous places notices concerning Domestic Relations matters wherein the whereabouts of the Defendant is unknown and service is being made by publication. All notices, pleadings, etc. required to be posted shall be posted on 1) the bulletin board on the main floor, 2) in the Commissioner's Office on the ground floor and 3) outside the Clerk of Court's office on the top floor.

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO

FILED
13 JUL 18 AM 11:18
LESLIE A. MILLIKEN
CLERK OF COURTS
HARRISON COUNTY, OHIO

IN THE MATTER OF: JUDGMENT ENTRY

COURT COSTS
EFFECTIVE AUGUST 1, 2013

The Court finds that the Ohio General Assembly has amended portions of the Ohio Revised Code to allow for additional funds to be collected by the Courts.

The attached "Exhibit A" is a detailed account of the costs being collected at the present time, the amount permitted to be collected under the Ohio Revised Code and the proposed increases to take effect August 1, 2013.

The attached "Exhibit B" is a summary of the Deposits required when filing a case with this court.

The Court has determined that additional funds are necessary for the efficient operation of the Court, THEREFORE, the Court ORDERS that the attached "Exhibit A and B" be adopted as the Court Cost Schedule for the Harrison County Common Pleas Court, General Division effective August 1, 2013.

SO ORDERED.

T. Shawn Hervey, Judge

Stamped copies:
Leslie A. Milliken, Clerk of Courts
Harrison County Commissioners
Harrison County Auditor

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO
GENERNAL DIVISION

FILED
13 AUG 29 AM 8:40
LESLIE A. MILLIKEN
CLERK OF COURTS
HARRISON COUNTY, OHIO

IN THE MATTER OF: **JUDGMENT ENTRY**

PRETRIAL DIVERSION FEES COMMENCING
September 1, 2013

Commencing September 1, 2013, the Harrison County Clerk of Courts- Common Pleas Court, General Division, will collect a one-time fee of $50.00 court costs per case for Supervision Fees from offenders ordered to the Pretrial Diversion Program operated under the Harrison County Corrections Program of this Court.

Said monies collected by the Clerk of Court, Harrison County, Ohio for the Pretrial Diversion Program shall be placed in Fund A060 (Probation-Supervision Fees) as revenue for use by the Court of Common Pleas, General Division.

The Court has reviewed this matter and finds that this supervision fees is justified.

WHEREFORE, effective September 1, 2013, Pretrial Diversion Program Supervision Fees for offenders ordered to participate in the Pretrial Diversion Program of the Common Pleas Court will be a one-time fee of $50.00, assessed as court costs unless modified.

SO ORDERED.

T. Shawn Hervey, Judge

Stamped copies:
Leslie A. Milliken-Clerk of Courts
Harrison County Commissioners
John Jackson-Community Corrections Officers
Jackie Dunlap-Common Pleas Court

RULE 15

COURT COSTS

15.01 As of August 1, 2013, the following costs will be in effect for the Harrison County, Ohio Clerk of Courts: (Judgement Entry Attached-Effective Date 8-1-13)

HARRISON COUNTY COMMON PLEAS COURT

	DEPOSIT	
Civil - Foreclosure	$ 400.00	
Preacipe for Order of Sale	$ 300.00	
CIVIL - All other civil		$ 250.00
Cost for each additional Defendant over and above 10 defendant's		$ 10.00
Jury Demand		$ 300.00
Complaint of 3rd Party		$ 135.00
Answer and Counterclaim		$ 80.00
Execution		$ 151.00
JUDGMENT/TAX LIEN FEES		
Filing, Docketing & Endorsing Certificate		$ 10.00
Certificate of Judgment Recording		$ 20.00
Preparation of Certificate of Judgment		$ 5.00
Release Judgment-Civil Court Case		$ 5.00
W/Comp & Dpt. of Taxation Judgment Rel.		$ 25.00
Foreign Judgment Filing Fee		$ 65.00
Debtors Exam		$ 76.00
GARNISHMENT FILINGS		
Wages		$ 151.00
Assets other than wages		$ 125.00

NEW DIVORCE/DISSOLUTION/ANNULMENT CASES	
Divorce	$ 300.00
Dissolution with children	$ 250.00
Dissolution without children	$ 225.00
Answer and Counterclaim	$ 60.00
POST DIVORCE ACTIONS	
Modification with Stipulated Judgment Entry	$ 50.00
Modification without stipulated Judgment Entry	$ 200.00
Contempt (Re-open)	$ 200.00
Mediation Fee	$ 100.00
EXPUNGEMENT	$ 250.00
CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT	$ 100.00
7th District Court of Appeals	$ 175.00
Record Notary Public Commission	$ 5.00
Notarize and Record Notary Public Commission	$ 6.00
Copy of Local Rules	$ 10.00
Authentication/Certified Copy of Record	$ 5.00
Electronic Transmission plus $1.00 per page	$ 2.00
Copies per page	$ 1.00

CIVIL CASES

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Civil - Foreclosure	deposit	$ 376.00		$ 400.00
Court Computerization (Legal	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00

Research)					
Clerk Computerization	2303.20(B)(1)	$ 20.00	$ 10.00	$	20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$	25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$	0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$	25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$	25.00
Filing Fee for New Action		$ 25.00	$ 25.00	$	25.00
Clerk Fees			$ 25.41	$	25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$	50.00
		Initial costs	**$ 139.41**	**$**	**202.00**
Preacipe for Order of Sale			**$ 300.00**	**$**	**300.00**
CIVIL - All other civil	**deposit**	**$ 226.00**		**$**	**250.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$	6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$	20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$	25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$	0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$	25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$	25.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$	25.00
Clerk Fees			$ 25.41	$	25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$	50.00
		Initial costs	**$ 139.41**	**$**	**202.00**
Cost for each additional Defendant over and above 10 defendant's				**$**	**10.00**
Jury Demand			**$ 300.00**	**$**	**300.00**
Complaint of 3rd Party		$ 115.00		**$**	**135.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$	6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$	20.00
Clerk Fees			$ 67.00	$	59.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 35.00	$	50.00
		Initial costs	**$ 115.00**	**$**	**135.00**
Answer and Counterclaim		$ 60.00		**$**	**80.00**

Clerk Fees			$	25.00	$ 30.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$	35.00	$ 50.00
		Initial costs	**$**	**60.00**	**$ 80.00**
Execution	**deposit**	**$ 126.00**			**$ 151.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$	3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$	10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$	20.00	$ 25.00
Clerk Fees			$	63.00	$ 50.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$	30.00	$ 50.00
		Initial costs		**$ 126.00**	**$ 151.00**
CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT					
Clerk Computerization	2302.20(B)(1)	Determined by Court	$	-	$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$	-	$ 75.00
					$ 100.00
JUDGMENT/TAX LIEN FEES					
Filing, Docketing & Endorsing Certificate	2303.20(P)	$ 10.00	$	10.00	$ 10.00
Certificate of Judgment Recording		$ 20.00	$	20.00	$ 20.00
Preparation of Certificate of Judgment		$ 5.00	$	5.00	$ 5.00
Release Judgment-Civil Court Case		$ 5.00	$	5.00	$ 5.00
W/Comp & Dpt. of Taxation Judgment Rel.		$ 25.00	$	25.00	$ 25.00
Foreign Judgment Filing Fee		**$ 65.00**			**$ 65.00**
Clerk Computerization	2302.20(B)(1)	$ 20.00	$	10.00	$ 20.00
Clerk Fees			$	55.00	$ 45.00
					$ 65.00
Debtors Exam	**deposit**	**$ 50.00**			**$ 76.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$	3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$	10.00	$ 20.00
Filing Fee for New Action	2303.2A	$ 25.00	$	25.00	$ 25.00
Clerk Fees			$	12.00	$ 25.00
		Initial costs	**$**	**50.00**	**$ 76.00**
GARNISHMENT FILINGS					
Wages	**Deposit**	**$ 126.00**			**$ 151.00**

Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$	25.00
Comm/2% on money received/handled	2303.20(V)				
Common Plea Special Projects			$ 30.00	$	50.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00	$ 3.00	$	6.00
Clerk Fees			$ 63.00	$	50.00
				$ $	151.00
			126.00		
Assets other than wages	**Deposit**	**$ 65.00**			**$ 125.00**
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$	25.00
Comm/2% on money received/handled	2303.20(V)	undetermined			
Common Plea Special Projects			$ 30.00	$	50.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00	$ 3.00	$	6.00
Clerk Fees			$ 63.00	$	24.00
				$ $	125.00
			126.00		

DOMESTIC CASES

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
NEW DIVORCE/DISSOLUTION/ANNULMENT CASES				
Divorce	**Deposit**	**$ 240.00**		**$ 300.00**
Dissolution with children	**Deposit**	**$ 215.00**		**$ 250.00**
Dissolution without children	**Deposit**	**$ 190.00**		**$ 225.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Fund Victims of Dom. Viol. Shelters	2303.201(D)	$ 32.00	$ 32.00	$ 32.00
Child Abuse/Child Neglect Prev. Program	3109.14(B)(2)	$ 11.00	$ 16.00	$ 10.67
3% of Child Abuse/Neglect in clerk fees				$ 0.33
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2	$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.00	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	**$ 161.00**	**$ 219.00**

DOMESTIC VIOLENCE/CIVIL PROTECTION ORDER/LEGAL SEPARATION/OTHER DOMESTIC				
	Deposit	**$ -**		
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201 E 1	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.50	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	$ 113.50	$ 176.00
Answer and Counterclaim		$ 60.00		**$ 60.00**
Clerk Fees			$ 25.00	$ 30.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 35.00	$ 30.00

		Initial costs		**$ 60.00**	**$ 60.00**
POST DIVORCE ACTIONS					
Modification with Stipulated Judgment Entry		**$ 35.00**			**$ 50.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00			$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00		$ 25.00	$ 25.00
Clerk Fees					$ 10.00
		Initial Costs			$ 50.00
Modification without stipulated Judgment Entry		**$ 150.00**			**$ 200.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00			$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00		$ 25.00	$ 25.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00		$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00		$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court			$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court			$ 25.00
Clerk Fees					$ 34.00
Common Plea Special Projects	2303.201 E 1	Determined by Court		$ 30.00	$ 50.00
		Initial Costs		$ 68.00	$ 200.00
Contempt (Re-open)		**$ 150.00**			**$ 200.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00			$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00		$ 25.00	$ 25.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00		$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00		$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court			$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court			$ 50.00
Clerk Fees					$ 29.00
Common Plea Special Projects	2303.201 E 1	Determined by Court		$ 30.00	$ 30.00
		Initial Costs		$ 68.00	$ 200.00
Mediation Fee		**$ 75.00**			**$ 100.00**
Filing Fee for New Action	2303.2A	$ 25.00		$ 25.00	$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court			$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court		$ 30.00	$ 50.00
		Initial Costs		$ 55.00	$ 100.00

NEW APPEAL CASE

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Deposit		**$ 100.00**		**$ 175.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$ 25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$ 0.26
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2U	$ 25.00	$ 25.00	$ 25.00
Clerk Fees				$ 23.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Cost	$ 94.00	$ 175.00

NEW CRIMINAL CASE

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Victims of Crime-County	Local Court Rule			
Victims of Crime-State	2743.70A1a			
Felony Conviction		$ 30.00	$ 30.00	$ 30.00
Misdemeanor Conviction		$ 9.00	$ 30.00	$ 9.00
Indigent Defense Support		$ 30.00	$ 30.00	$ 30.00
Crime Stoppers	County Resolution	$ 1.00		
2% poundage on Restitution/Bond				
Filing Fee for New Action	2303.2	$ 25.00	$ 25.00	$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Common Plea Special Projects			$ 30.00	$ 50.00
		Initial Cost	$ 178.00	$ 220.00

EXPUNGEMENT

	Deposit	$ 200.00			$ 250.00
Motion to Open Case	2302.2	$ 15.00			$ 15.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00		$ 20.00
State Treasury Fee	2953.32	$ 30.00	$ 60.00		$ 30.00
County Sealing Record Fee	2953.32	$ 20.00	$ 25.00		$ 20.00
Sealing Record after Not Guilty Plea	2953.52	Determined by Court			$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00		$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court			$ 25.00
Clerk Fees			$ 52.00		$ 45.00
Common Plea Special Projects			$ 30.00		$ 50.00
		Initial Costs		$ 197.00	$ 250.00

No party shall be prohibited from presenting proof that the party is unable to pay a deposit in accordance with law.

RULE 16

RULE DAY FOR PLEADINGS – EXTENSIONS

16.01 Any party may be permitted leave to move or plead provided the total extension of time does not exceed twenty-one (21) days.

16.02 Where an additional extension of time beyond that provided by the foregoing paragraph is needed, the party desiring the extension shall file a written motion supported by an affidavit stating facts indicating the practical impossibility of pleading within rule and demonstrating good cause for further extension. The motion and affidavit shall be served upon the adverse parties by regular mail or by box for local counsel. The motion and affidavit will be required even though consent of counsel is obtained if the extension is for a period of time beyond that permitted by the first paragraph hereof.

RULE 17

AMENDING PLEADINGS, MOTIONS

17.01 No Pleading or Motion shall be amended by interlineations or obliteration except upon leave of the Court. Upon the filing of an amended pleading or motion, the original of any prior amendment thereof shall not be withdrawn from the file except upon leave of the Court.

RULE 18

ATTORNEY REGISTRATION NUMBERS

18.01 Effective January 1, 1992, every attorney at law licensed to practice law in this state shall include his Ohio Supreme court registration number on all documents filed in this Court.

RULE 19

DISMISSALS

19.01 Due to the statistical reporting requirements imposed by the Rules of Superintendence, all dismissals of original actions and post-judgment matters must be approved by the Court. A dismissal on the appearance docket by counsel is not effective until approved or ordered by the Court.

19.02 Cases which have been on the docket for six (6) months without any proceedings taken therein, except those awaiting final trial assignment, shall be subject to dismissal by the Court, after notice to counsel of record or to a pro se party, for want of prosecution unless good cause is shown to the contrary.

RULE 20

MOTIONS FOR SUMMARY JUDGMENT

20.01 Motions for Summary Judgment shall be managed in compliance with Civil Rule 56. Motions for Summary Judgment shall be decided without oral argument, unless oral argument is requested and found to be necessary by the Court. Pursuant to Rule 56 (c), the Court shall set a hearing date by entry and cause notice to be served upon counsel.

20.02 The Court shall decide the Motion for Summary Judgment based upon the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence and written stipulations of fact timely filed. Documents not expressly mentioned in rule 56 (c) shall be attached to an affidavit and filed. To avoid exclusion by the Court, the documents must be properly filed with the Clerk of Courts. No document unfiled with the Clerk of Courts shall be considered.

RULE 21

ALL OTHER MOTIONS

21.01 All other Motions will be decided without oral hearing unless a request for oral hearing is made and it is determined necessary by the Court. The moving party shall file all appropriate supporting documents with the motion, including a brief memorandum supporting the Motion and citing cases and authorities relied upon. Within fourteen (14) days of receipt of the Motion each party opposing the motion shall file a written response with supporting documentation. No other briefs shall be filed or accepted by the Court.

RULE 22

DEFAULT JUDGMENTS AND RELIEF FROM JUDGMENT

22.01 Default judgments shall be granted in accordance with Civil Rule 55. All motions or default judgment shall be accomplished by a proposed judgment entry.

22.02 No motion for relief from judgment pursuant to Civil Rule 60 (B) shall be granted by the Court by operative facts of evidentiary quality that (A) the movant has a meritorious defense or claim to present if relief is granted; (B) the movant is entitled to relief under one of the grounds stated in Civil Rule 60 (B) (1) through (5); and (C) the motion is made within a reasonable time.

RULE 23

PRE-TRIAL PROCEDURE

23.01 All cases shall be set for a Pre-Trial Conference at the Scheduling Conference. Additional Pre-Trials may be set at the request of either counsel or in the discretion of the Court. A Final Pre-Trial shall be set within fourteen (14) days of trial. Pre-Trials shall conform with the provisions of Rule 16 of the Ohio Rules of Civil Procedure.

23.02 Pre-Trial Conferences shall be held in the Judge's Chambers, or at such other place as the Court may direct. Pre-Trials (not the Final Pre-Trial) may be held by conference telephone call at the request of counsel or upon the initiative of the Court. Counsel must request phone Pre-Trial three (3) days in advance of the scheduled Pre-Trial date. The party requesting Pre-Trial by phone conference shall be responsible for arranging the conference phone call.

23.03 Counsel who are to try the case shall be present at the pre-trial conference, with authority to discuss all phases of the case, with authority to negotiate toward settlement of the case, enter into stipulations, and conduct good faith negotiations.

Counsel must be prepared to certify that they have conferred with each other prior to the pre-trial conference.

23.04 At all Pre-Trial conferences, counsel or the parties, if not represented by counsel, shall be present at the Pre-Trial conference. If any party is a corporation, insurance company, or any other artificial legal entity, then a representative of that party, other than counsel for the party, must be present with authority to settle the case, unless otherwise excused by the Court or counsel shall have complete authority to settle the matter.

23.05 PRE-TRIAL STATEMENT:

At the Court's discretion, counsel shall file within five (5) days of a Pre-Trial a "Pre-Trial Statement" containing the following required data:

(1) The counsel who will be trial counsel and who is fully authorized to act and negotiate on behalf of the party.

(2) A statement of the issues involved and a statement in writing of all questions of law which it is expected will be involved in the case.

(3) All exhibits which are expected to be offered in evidence at the trial; an itemization of all special damages claimed; the names of all witnesses, both expert and non-expert, expected to be called at the trial; whether or not a jury trial if previously demanded, will not be waived, and if not, the number of jurors demanded, and whether the case is one where the issue of liability should be tried separately with a subsequent trial on the issue of damages if liability be found.

23.06 Unless the Court determines that a Final Pre-Trial Conference would be unnecessarily burdensome to the court or the parties, or the Court determines that a Final pre-trial conference is otherwise unnecessary, a final pre-trial conference shall be scheduled during the 14 day period immediately preceding the trial date. In the event a final pre-trial conference is held, pre-trial statements shall be prepared by counsel for all parties, or by the party if unrepresented, and shall be filed with the court and served upon opposing counsel not less than 3 business days prior to the date of the final pre-trial conference. The pre-trial statement shall include the following:

a. A concise summary of the essential facts.

b. A brief statement of the issue involved.

c. A brief statement of the applicable law and the authorities upon which counsel relies.

d. A list of demonstrative evidence or exhibits which will be offered on date of trial.

e. An itemized statement of damages by persons claiming such damages.

f. Names and addresses of prospective lay and expert witnesses.

g. Estimate of trial time.

h. A brief statement that counsel conferred prior to the final pre-trial conference, discussed in depth the issues involved, proposed offers of

settlement, that such offers were refused, and a statement as to the prospects of settlement prior to trial.

23.07 If the matter is to be tried to a jury, counsel shall also file with the court and serve upon all parties at least 3 business days before the date of pre-trial a draft of substantive jury instructions, interrogatories (if any), verdicts, and an indication as to whether a jury view will be requested and, if so, details as to the site and parameters of the view.

23.08 When justice so requires, such as when the party represents a limited or a peripheral interest, or is not involved in the contested issues in the case, the court may excuse any party or counsel from appearance at the final pre-trial conference or from the preparation of a pre-trial statement, or both. A party desiring to be excused from attendance or preparation of a court's notice of final pre-trial conference, shall request such consideration by written motion.

23.09 **Failure to appear or failure to comply.** Should a party or counsel fail to appear at a conference held pursuant to this Rule or fail to comply with the directions set forth in this Rule, an exparte hearing may be held and judgment of dismissal or default or other appropriate judgment may be entered and sanctions imposed.

RULE 24

FIRM TRIAL DATES

24.01 Firm trial dates will be fixed at the Scheduling Conference, or at other times as deemed appropriate by the Court.

When a firm trial date has been set by the Court, continuances will not be granted for the convenience of any attorney or party, or by reason of any inability to obtain certain witnesses or delay in obtaining exhibits or other evidence. A continuance will not be granted for conflict by reason of assignments of one counsel or other in another court except for good cause shown where the attorney can prove that he had no way of knowing of the conflict sufficiently in advance of the trial date to obtain competent counsel to substitute for him in the trial of the case assigned, or for other good cause shown in which the Court believes in the interest of justice the trial must be continued.

24.02 The Assignment Commissioner may assign cases as first, second or subsequent alternate to a primary case. The Court will endeavor to notify counsel for alternate cases not later than 24 hours before trial time that the alternate case will or will not be heard on said date. However, the purpose of assigning cases as alternates is to utilize the courtroom and to get cases tried and the Court reserves the prerogative of requiring alternate cases to be ready for trial if it appears to the court that there is a strong possibility that the principal case will at the last moment be settled, dismissed or continued.

RULE 25

TRIAL BRIEFS

25.01 When a case has been given a firm trial date, each attorney representing a party thereto shall file with the Court, for the Court's personal use, a trial brief, no less than seven (7) days before the trial, with contents as required below:

Trial Briefs shall contain:

1. A short statement of the case.
2. A memorandum of the law upon which Plaintiff relies for relief requested in the complaint. Memorandum of Defendant on law which Defendant relies to deny relief requested by Plaintiff.
3. Memorandum of the law involved with unusual trial procedure that may be contemplated including introduction of evidence, motions, or any special request to be made to the Court for both Plaintiff and Defendant.
4. Issues of fact to be determined. Both plaintiff and defendant must comply.
5. Names of witnesses and/or exhibits to be presented to prove each issue for both Plaintiff and Defendant.
6. Advice to the court as to whether or not, (1) special finding of the jury will be request; (2) interrogatories will be submitted to the jury.
7. Xerox copy of any major cases or authorities cited and Xerox copy of any unreported cases upon which the party relies.
8. In case it is a trial to the Court, the trial brief will contain information as to whether or not the party will desire the Court to make a special finding of fact and conclusion of law.
9. Any complaint, counterclaim, or other affirmative relief pleading may be dismissed without prejudice for lack of prosecution if a party seeking such affirmative relief through its complaint, counterclaim or other affirmative relief pleading does not file a trial brief within the time limit prescribed herein at said party's costs. In the event of jury trial, any jury costs incurred by the County may be assessed against the dismissed party.

RULE 26

JURY TRIALS

26.01 A. The jury venire will issue ten (10) days prior to the scheduled trial date, and should a case be dismissed and/or settled after the venire is issued, the court reserves the right to assess the costs and expenses of the jury to one or more of the parties.

B. If a case proceeds to trial and a jury is sworn, the juror's fees (not exceeding four days of service) shall be taxed as court costs and assessed to one or more of the parties. (R.C. 2335.28).

C. It is established after consultation with the Board of Commisioners of Harrison County, Ohio, that individuals who appear before the Court pursuant to a summons for jury duty shall be paid the sum of $15.00 for each day or pay therefore for jury service. This fee shall apply to to service on the grand jury as well as service on the petit jury.

A jury will not be summoned in any trial in a civil case unless a party requesting a trail by jury has deposited the sum of $300.00 with the Clerk of this Court at least 21 days in advance of the scheduled trial date. In the event that jurors are not summoned in said case, the deposit shall be returned to the party, less any costs charges to the party. This requirement shall not be waived except in accordance with law. Ruling located in J 46, page 174.

RULE 27

COGNOVIT NOTES / CONFESSION OF JUDGMENT

27.01 Requests for congovit judgments not involving mortgage foreclosures or other relief shall be submitted to the Judge.

27.02 When a petition is presented to the Court for the rendering of a cognovit judgment, it shall contain, or be accompanied by, an affidavit to the effect:

(1) that the maker of the cognovit note resides in Harrison County, or

(2) That the maker, or any one of several makers, of the cognovit note signed the warrant of attorney in Harrison County.

27.03 The attorney who represents the judgment creditor shall include in the petition a statement setting forth to the best of his knowledge the last known address of the defendant or defendants.

27.04 Immediately upon the entering of any judgment the attorney who represents the judgment creditor shall furnish a copy of the judgment entry to the Clerk of this Court. The Clerk shall notify the defendant or defendants by mailing a copy of the judgment entry by registered or certified mail at the address set forth in the petition.

RULE 28

INTERROGATORIES AND PRODUCTION OF DOCUMENT

28.01 Interrogatories may not exceed 35 in number, including sub-parts, without leave of Court first obtained.

28.02 Counsel demanding discovery shall file with the Clerk of Courts a one page certificate bearing the case caption, the type of discovery requested, the name of the party required to respond, the name and address of the counsel to whom the demand for discovery was directed and the date of mailing.

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

RULE 29

DOMESTIC CASES - DOMESTIC HEARINGS

29.01 Effective September 16, 2008 all parties to actions seeking termination of marriage by divorce or dissolution with minor children shall be required to complete the "Helping Children Succeed Divorce" program offered by the Ohio State University Extention Office. Only parties who do not live in Harrison Co., Ohio or a county contiguous to Harrison County shall be excused. The program must be completed by January 16, 2009 or within 120 days after commencement of action to terminate marriage (by divorce or dissolution). Each party is responsible to register himself/herself with the Ohio State University Extension Office (740-942-8823) & pay the fee for the program.

29.02 Ex-Parte Domestic Orders:

A. Counsel desiring an ex-parte order pursuant to Civil Rule 75 (H) or (M) must arrange a personal conference with the Judge and present the complete file together with a proposed entry or entries. During the conference counsel may be required to provide background information and respond to inquiry pertinent to the relief sought.

B. Ex-parte restraining orders will not be considered unless there is presented an Affidavit of a party sworn to absolutely, containing information and respond to inquiry pertinent to the relief sought.

C. Requests for allowance of alimony, child support and custody must either be included in the Complaint or a Motion accompanied by satisfactory proof by Affidavit. Generally custody will not be awarded on an ex-parte basis, to a party who does not have physical custody of the child or children involved.

29.03 At the time of filing a Petition for Dissolution; a complaint or Counterclaim for Divorce, Alimony, Separate Maintenance or Annulment, or a Motion to Modify Child support or a Motion to Modify Alimony, there shall be filed an affidavit in form and manner as prescribed by this Court (attached hereto as Exhibit "A"). Said affidavit will also be filed with the Answer and served with the Answer unless the person filing the Answer has no dispute with the Affidavit filed by the other party.

Additionally, in all cases where a support order is to be issued or modified, the Obligee shall sign and file with the Obligee's first pleading, an application for Title IV-D Services.

29.04 In the event the Complaint or Petition discloses minor children, there shall be filed therewith the Affidavit required by R.C. 3109.27 together with a completed child support worksheet.

29.05 The Clerk of courts shall refuse to receive for filing any pleading which fails to comply with paragraphs 29.03 and 29.04.

29.06 Journal Entries:

A. The Court will not approve a Journal Entry relative to custody or support that fails to specify that the Court inquired of the parties and found it to be in the best interest of the child(ren) that custody be placed with the party to whom custody is awarded and that the person awarded custody is a proper person to be the custodian.

The Entry must include a finding that each party had a duty to support their child(ren), the custodial parent to provide support in-kind and the non-custodial parent to pay support to the custodial parent. The Entry shall state the monthly support obligation, and shall specify how that monthly amount is to be paid in increments, plus poundage, through the office of the Harrison County Child Support Enforcement Agency which is authorized to deduct poundage; the first payment date shall be specifically stated in the Entry. Visitation rights shall be spelled out as to date and hour or shall provide for reasonable visitation at reasonable intervals and hours. Reasonable visitation shall include, as a minimum, the standard visitations set forth by this Court. A copy is attached.

B. In any entry relative to support, in which there are minor children, the Entry shall include a provision designating who is to provide hospitalization insurance for the minor children.

C. Any Entry relative to support or alimony shall include the following required information: (1) Name; (2) Address; (3) Social Security Number or any other identification number of each person responsible for support payments; (4) That the support order is being administered by a Harrison County Child Support Enforcement Agency; (5) The name and address of each obligor's employer.

Additionally, each such entry shall specifically state that any Employer, Workers Compensation Agency or Unemployment Compensation Agency may be ordered to withhold Child Support payment or alimony payments from any payments coming due to any child support obligor or alimony obligor.

29.07 Child support will normally be calculated by the Child Support Enforcement Agency under guidelines then in effect. In all uncontested cases, the parties shall provide necessary information to the Child Support Enforcement Agency, so that the calculation may be made and signed by the parties before the hearing date.

29.08 Whenever the address of a party changes from the address listed on the petition or complaint, the party shall file a change of address notice with the Clerk, listing the new address.

29.09 No complaint for Divorce, Annulment, Alimony Only, or Petition for Dissolution of Marriage, shall be filed until the party filing the same makes a prepayment or deposit with the Clerk of Courts in a sum or sums established by the Clerk of courts, Statutes of Ohio or Rules of this Court to secure the costs likely to accrue in such action, exclusive of attorney fees. An indigent party may execute and file with such party's pleadings, an affidavit of the party's inability to prepay the costs required in this Court, whereupon such pleadings shall be filed with the Clerk.
In cases wherein the Plaintiff has executed and filed a poverty affidavit, a Defendant filing a counterclaim shall comply with the provisions of this Rule with respect to the prepayment of a deposit of court costs, unless the party filing the counterclaim is also indigent and likewise executes and files an affidavit of inability to pay together with his or her pleading.

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

29.11 A visitation Schedule is set forth and found to be reasonable visitation as set forth. Visitation in excess of this schedule is considered liberal visitation. Deviations from this schedule can be made only upon showing of just cause such as distance and the tender age of a child.

29.12 Post Judgment Motions:

A. All motions requesting modification of a prior order and/or a Show Cause for violation of a prior order shall be accompanied by an Affidavit of Support/Alimony.

B. Each Motion to Modify shall contain the following:

1. The exact language of the prior order sought to be modified and a date filed;
2. The reasons for requesting modification;
3. The modification requested, with particularity;
4. The names and addresses of all parties;
5. The names, addresses and ages of all the children; and
6. Such other information as required by R.C. 3109.27.

C. Each Motion to Show Cause shall contain the following:

1. The exact language of the prior order sought to be enforced and

the date filed;

2. The facts alleged to be a violation of that order;
3. The relief requested, with particularity;
4. The names and addresses of all parties; and
5. If pertinent, the names, addresses and ages of all the children.

D. The courts may, on their own, dismiss any pleading or motion failing to comply with these rules.

29.13 All Motions will be decided upon the pleadings and Affidavits unless a request for oral hearing is made. However, all post judgment Motions will be assigned for hearing unless the parties agree upon the relief sought and in which case an agreed judgment entry is to be prepared and signed by counsel for the parties or by a party who is not represented by counsel.

RULE 30

ENTRIES

30.01 Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within ten (10) days thereafter prepare the proper judgment entry, and submit it to the counsel for the adverse party, who shall approve or reject the same within five (5) days after the receipt thereof. Name of the counsel and of the trial judge shall be typed or printed upon the entry. When the entry is approved by counsel, it shall be so endorsed and presented to the court for approval and if signed by him shall them be filed with the Clerk. If counsel are unable to agree upon the entry, it shall be submitted to the Court, who will direct what entry shall be made.

30.02 If counsel fail to present an entry within twenty (20) days after the order is decreed, or judgment is rendered, the judge may cause proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.

30.03 Counsel shall promptly submit an entry of dismissal to the judge following settlement of any case. Counsel shall submit an order of dismissal for a case not later than ten (10) days after notice to the Court of settlement. If counsel fail to present such an entry to the judge within ten (10) days after representation to the Court that a case has been settled, the judge may order the case dismissed as for want of prosecution.

30.04 The Clerk of Courts will not accept for filing any judgment entry unless it is accompanied by a copy thereof.

RULE 31

FINDINGS OF FACT AND CONCLUSION OF LAW

31.01 When a request under Rule 52 of the Ohio Rules of Civil Procedure is timely made for findings of fact and conclusion of law, the Court may direct the party making the written request to prepare within seven (7) days proposed findings of fact and conclusions of law and submit them to the Court and to opposing counsel and parties unrepresented by counsel. Within seven (7) days thereafter, opposing counsel or a party unrepresented by counsel shall submit any objections or counterproposals to the Court in writing. Only those findings of fact and conclusions of law made or adopted by the Court shall be incorporated into the record.

RULE 32

CONTINUANCES

32.01 Requests for continuance shall be submitted in writing by Motion and proposed journal entry which shall state:

a. The reason for the request shall be noted. If the continuance is requested on the cause of a conflict with another Court, the Motion shall include the name of the Judge, name of the case, case number, the date and time of conflict and when the case was scheduled for trial.

b. The Entry shall include language as follows: this matter has been continued to (day), (date), at (time). The new date shall be obtained from the Assignment Commissioner.

c. A second continuance request by the same counsel of the same matter shall bear the signature of the client, as well as counsel's signature.

d. Requests for continuances shall be made at least ten (10) days prior to the trial or hearing date, emergency and sufficient cause (such as illness) excepted.

RULE 33

APPEALS FROM ADMINISTRATIVE AGENCIES

33.01 Except as otherwise provided by specific rule, statute or court order, in all cases originating in administrative bodies and appealed to this court, the appellant shall serve and file a brief in support of his appeal within thirty (30) days after the date on which the record is filed. The appellee's brief shall be served and filed within fourteen (14) days after service of the brief of the appellant.

The appellant may serve and file a reply brief within seven (7) days after service of the brief of the appellee.

33.02 In all cases in which demand or request to the agency by the Appellant is pre-requisite to the preparation of filing of the transcript of the record by the agency such demand or request shall be filed by the Appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law, or Rule of Supreme Court.

33.03 Upon expiration of the time for filing the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the Court or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by Court.

33.04 The foregoing procedures as they may be applicable shall apply to all appeals including those under Chapter 2506, ORC, and Chapter 119, ORC.

33.05 Failure of an Appellant to file his bill of exceptions, assignments of error, brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the Judge and consistent with Civil Rule 41 (B) (1).

RULE 34

MEDICAL MALPRACTICE ARBITRATION

34.01 All initial complaints which are filed on or after October 20, 1987, shall be scheduled for arbitration as required by Ohio Revised code.

34.02 **Pre-trials:** After the filing of a malpractice case as defined in Section 2305.11 (D) (3), ORC and as soon as the case is at issue, a pre-trial conference shall be held in accordance with the pre-trial procedure before referral is made to a Malpractice Panel.

1. All Pre-trial matters relative to motions, pleadings, discovery, etc., and all matters subsequent to the arbitration proceeding shall be determined by the Court.
2. At the pre-trial a schedule for discovery and completion thereof will be established and the date for the arbitration hearing will be set.

34.03 **Rules of Arbitration.** When notice of pre-trial is sent to counsel of record, a copy of the Malpractice Arbitration Rules will be attached to said notice.

34.04 **Selection of Chairman.** The Court shall provide in the Pre-trial conference Order, a minimum of three (3) potential chairmen who are practicing attorneys in the State of Ohio. Each party shall rate the potential chairman in order of priority. These nominations must be filed and a copy forwarded to the Court within ten (10) days prior to the pre-trial conference. The final selection of the panel Chairman, based on the returns of the parties in interest, shall be made by Court.

34.05 Arbitrators. Pursuant to the provisions of Section 2711.21, ORC, the members of the panel shall be appointed by the Court in the following manner:

1. The name of the two (2) members of the panel to be appointed by the plaintiff and defendant, respectively, plus two (2) alternates shall be submitted to the Judge within four (4) months from the date the action was filed.
2. Prior to the submitting names of the two (2) on the panel to be appointed by the plaintiff and defendant, counsel are to contact their Arbitrators, and inform them of Section 38.20 Compensation of Arbitrators, and submit to the Court their names, addresses and telephone numbers. All submitted names are to be filed with the Clerk of courts. If there is more than one (1) plaintiff with separate counsel, counsel are to submit one (1) Arbitrator for the plaintiff, and one (1) Arbitrator for the defendant. If more than one (1) Arbitrator is submitted for either the plaintiff or defendant, the Court shall upon motion, appoint only one (1) Arbitrator for each side.
3. If there is a failure of one or more parties to appoint one or more Arbitrators, the Court shall appoint an Arbitrator for the party or parties failing to comply. Such appointment shall be made by the Court within fifteen (15) days of the filing of said motion.
4. Objections to an Arbitrator shall be by motion filed within seven (7)days of the filing of the notice of assignment and shall be heard by the Court.
5. No persons appointed as Arbitrator which includes the Chairman, shall have any interest in the case being heard. Each arbitrator shall be unbiased, impartial and fair.
6. Each arbitrator appointee including the Chairman, shall receive with service of appointment by the Court a copy of the local Malpractice Rules of Court. In the event a hearing is continued or canceled, each Arbitrator will be notified by the Court.

34.06 Continuance. When the case has been scheduled for arbitration, a request for continuance of an arbitration hearing date shall be filed and served at least fourteen (14) days before the hearing date, except in extreme emergencies or unless agreed to by all parties as well as the Chairman of the board of Arbitrators, including the agreed date to which the hearing is continued.

Every request for continuance shall be accompanied by an advance deposit of seventy five dollars ($75.00) and if the continuance is granted, the deposit becomes a part of the costs to partially offset the administrative costs of rescheduling the arbitration hearing.

34.07 Oath of Arbitrators. When the whole number of the Arbitrators shall be assembled, they shall be sworn or affirmed justly and equitably to try all matters properly at issue submitted to them, which oath or affirmation may be administered to them by any person having authority to administer oaths.

34.08 Default of a Party. The arbitration hearing may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment.

The panel may proceed with the hearing in the absence of either party. Furthermore, the panel may require the other party to submit evidence for the making of an award. The panel may recommend dismissal for want of prosecution in the event of default or absence of the plaintiff.

34.09 Conduct of Hearing: General Powers:

1. The three (3) members of the panel shall be the Judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence of the parties shall be taken in the presence of the Arbitrators, except where any of the parties is absent, in default, or any of the parties waived the right to be present.
2. In addition to oral testimony, the panel may receive the evidence of witnesses by affidavit, deposition, videotape deposition and interrogatories, or written report and shall give it such weight as the panel deems is justified after consideration of any objections which may be made to such evidence. In the instance of affidavits and written reports, copies shall be furnished to counsel for all parties not less than two (2) weeks in advance of hearing.
3. Counsel shall, upon the request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

34.10 Specific Powers. The panel shall have the general powers of a Court including, but not limited to, the following:

1. **Subpoenas:** To cause the issuance of subpoenas to witnesses to appear before the board and request the issuance of an attachment according to the practice of the Court for failure to comply therewith. Issuance of subpoenas will be done in the same manner as is used in other type cases.
2. **Production of Documents:** To compel the production of all books, papers and documents which are deemed material to the case.
3. **Administering Oaths:** Admissibility of Evidence: To administer the oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to the panel.

34.11 Supervisory Powers of the Court.

1. The Court of Common Pleas shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in the application of these rules.

2. After a cause has been heard and decided by a panel of arbitrators, the Court shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or new expert witness without leave of court and for good cause shown.

34.12 Witness Fees. Witness fees shall be in the same amount as now or hereafter provided for witnesses in the Common Pleas Court of Harrison County, Ohio.

34.13 Communications with Arbitrators. Counsel and parties at no time prior to the hearings and the filing of the Arbitrator's Report and Award, if any, shall disclose to any or all of the arbitrators any motions and orders on limine and or offers of settlement made by any party and all such information shall be deleted from the file prior to it being used in the arbitration proceeding. Further, there shall be no communications by counsel and/or the parties with the Arbitrators.

34.14 Discovery. The assignment of a case to an Arbitration Board shall not limit the right of the parties to continue discovery pursuant to the Rules of Civil Procedure.

34.15 Hearings: When and Where Held and Notice. Hearings shall be held at a place scheduled by the Court. Unless counsel for all parties and the entire board agree otherwise, the place for such hearing shall be the Harrison County Court House. A hearing shall be scheduled normally not more than eight (8) months after the action was filed. The Assignment Commissioner shall notify the Arbitrators and the parties or their counsel in writing at least thirty (30) days before the hearing of the time and place of the hearing. The eight (8) month period may be extended by the filing of a motion showing good cause. No hearing shall be fixed for Saturdays, Sundays, legal holidays or evenings except upon agreement by counsel for all parties and the Arbitrators.

34.16 Transcript of Testimony: The Court shall provide a taping system for each Malpractice hearing. No transcripts of the proceedings, or any part thereof, may be ordered by the Arbitrators, except with the leave of the trial Judge for good cause shown. If a Court Reporter must be retained, other than the taping system for the Court, appointment must first be made by the Court, and all costs for appearance by said Court Reporter shall be assessed as Costs in the case.

34.17 Decisions: Deliberations of the Arbitrators shall commence immediately after conclusion of the hearing and the Arbitrators shall reach a decision and file their findings and award, if any, within twenty-one (21) days with the Court, which on the same day shall mail or otherwise forward copies thereof to all parties to the arbitration or their counsel, seal the original in an envelope and file it with the Clerk of Courts. In the event that all three arbitrators do not agree on the finding and award, it any, the dissenting Arbitrator shall submit a written dissenting opinion to be filed with the majority report.

34.18 After a cause has been heard and decided by a panel of arbitrators, the trial judge shall not permit any party to plead or offer new evidence regarding a new theory of liability, a new defense, or a new expert witness without leave of court, and for good cause shown.

34.19 Report and Award: Within thirty (30) days after the hearing, the Chairman of the panel shall file a written report and award with the court and Clerk of Courts and on

the same day shall mail or otherwise forward copies thereof to all parties or their counsel. In the event that all three members do not agree on the finding and award, the dissenting member shall submit a written dissenting opinion to be filed with the majority report.

34.20 Compensation of Arbitrators:

1. Each member of the panel of arbitrators appointed pursuant to this rule, unless he has waived in writing his right to compensation prior to the hearing shall receive as compensation for services in each case, a fee of three hundred dollars ($300) for the first day plus one hundred fifty dollars ($150) for each fractional one-half day thereafter. When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as the compensation of Arbitrators is concerned. The members of the Board shall not be entitled to receive their fees until after filing the report and award with the Clerk of Courts. Fees paid to the Arbitrators shall be assessed pursuant to Section 2711.21, ORC, and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s) in Arbitration.

2. The Court may approve the payment of fees in those cases no arbitration hearing was held and an award or a report has not been signed, if the Arbitrators rendered actual service in the case. Such compensation shall be based upon the extent and duration of actual service rendered.

34.21 At the filing of the complaint, the moving party shall deposit Four Hundred Fifty Dollars ($450) as a guarantee for such costs. If there are multiple movants and they cannot agree as to their proportionate share of the deposit, upon proper motion the Court shall order the apportionment. When it appears proper the Court may order additional deposits.

34.22 In cases which require additional deposits for payment of Arbitrators due to the arbitration lasting more than one day, the deposit to cover the additional costs shall be made not later than five (5) days after the completion of the arbitration.

34.23 Payment of fees shall be authorized by the Court.

34.24 In all cases in which the movant(s) has filed a poverty affidavit or in which an insufficient deposit had been made in favor of the movant(s), the losing party (parties) shall first pay the Clerk of this Court out of such award, settlement of judgment to the other movants, and before making any payment to other movant(s), an amount equal to the undeposited movant(s) portion of the compensation due the Arbitrators.

34.25 All compensation for the Arbitration hearing shall be paid upon proper warrant from the funds of Harrison County, Ohio.

34.26 Immediately following an arbitration hearing the Chairman shall submit statement setting forth actual time of services in hearing to be filed with the Clerk of Courts, unless a waiver in writing for compensation has been filed with the Clerk of Courts.

34.27 When a case is settled after a Chairman and two Arbitrators are appointed, and prior to any Arbitration Hearing, a joint motion by all counsel is to be filed stating the case is settled and to be dismissed, setting forth instructions to the Chairman and Arbitrators to submit a statement for compensation for services rendered, if any, to be filed with the Clerk of this Court, within two (2) weeks of the filing of the motion, with proof of service to all counsel, chairman and arbitrators, unless a waiver in writing for compensation has been filed with the Clerk of Courts. The final journal entry of dismissal will be executed and filed after the two week time period.

34.28 **Time Limits for Rejection of Findings and to Amend Pleadings:** If a party desires to reject the findings and award, if any, notice of rejection must be served upon all other parties within thirty (30) days after the award was served upon said party and filed. If the award of the Arbitrators is timely rejected by any party, the pleadings shall be amended and filed with the Clerk of Courts within fifteen (15) days following said rejection pursuant to Section 2711.21, ORC. The parties making such pleading amendments shall serve other parties pursuant to Ohio Rules of Civil Procedure.

34.29 **Legal Effect of Findings and Award, if any, Entry of Judgment.** The findings and award, unless rejected pursuant to these rules, shall be final. If no rejection is made within the manner specified by these rules, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments. Subsequent to the time for rejection, the responsibility for the preparation of judgment entry and submission to the Court rests with the prevailing party or parties.

34.30 **Procedure After Findings and Award, if any:** the Court, on proper motion, will consider staying the release of information regarding the finding and award, if any, by counsel, parties, and the Arbitrators as well as communications between the parties and their counsel and the Arbitrators concerning the Arbitrator's deliberations pending further proceedings in the case.

RULE 35

PARTITION ACTIONS

35.01 **Approval of Valuation; Election:** It shall be the responsibility of Plaintiff to become informed of the Sheriff's action relative to the Writ of Partition and within ten days of the return of said writ to file a Motion concerning the approval of the valuation contained in said writ and to cause notice of a hearing of the Motion to be given to counsel and to parties having no counsel, including parties served by publication for whom addresses have been obtained. Said notice shall also inform

the Defendants of the appraised value and of the right of each party to elect to purchase the real estate at the appraised value in writing filed with the Court three days before the date set for hearing with copies being served upon all counsel, parties having no counsel and other parties served by publication for whom addresses have been obtained. Any opposition to the appraised value as in Plaintiff's notice shall be by writing stating the grounds thereof and filed at least three days before the date set for hearing and served on all parties and counsel as set forth above.

The hearing shall be conducted on the date set forth in the notice. The Court will receive evidence on the question of approving the appraisal. If the Court disapproves, an Alias Writ shall issue on the request of a party or upon the order of the Court. If the Court approves the appraisal, the Court will consider written elections of parties to purchase at the appraised value.

If one or more parties (jointly) elects to purchase the property at the appraisal, it shall be adjudged to the party or parties (jointly) pursuant to Section 5307.09. If no one elects to purchase or more that one party individually elects to purchase, the real estate shall be sold pursuant to Section 5307.11.

35.02 Computation of Time: Time shall be computed as set forth in Civil Rule 6

35.03 Fees for Plaintiff's Counsel in Partition Actions: If Plaintiff's counsel shall in a timely manner benefit the interest holders and perform the duties imposed herein, Plaintiff's counsel shall be allowed fees upon motion setting forth the proposed fee after hearing, notice of which shall be given as provided herein. The following fees for Plaintiff's Counsel shall be considered prima facie reasonable in uncontroverted cases, based on the purchase price as follows:

a On the first One Thousand ($1000.00) 10%
b. On the next Four Thousand ($4000.00) 8%
c. On the next Five Thousand ($5000.00) 4%
d. On the remainder 2%
e. In no case shall the fee be less than $200.00

35.04 Fees for Counsel other than Plaintiff's Counsel in Partition Actions: Motions for fees for counsel other than Plaintiff's counsel and for fees for Plaintiff's counsel in excess of the schedule set forth herein shall set forth the proposed fee and will be determined at a hearing.

35.04 Allowance of Counsel Fees: The motion for allowance of counsel fees (in election cases) pursuant to Section 34.03 may be determined at the election hearing. In non-election cases, the question of counsel fees shall be determined upon motion at the hearing for confirmation of sale and for allowance of fees conducted after notice is given pursuant to Section 34.01.

RULE 36

SHERIFF'S SALES

36.01 Payment by successful bidder:

(1) In every Sheriff's sale of real property, the successful bidder as purchaser, shall be required to deposit by 3:00 o'clock P.M. on the day of sale, in cash or by certified check payable to the Sheriff, not less than ten percent (10%) of the amount of such bid. The unpaid balance of the purchase price at an annual rate of interest provided in Section 1343.03 of the Ohio Revised Code from the date of the sale to the date of payment of the balance unless the balance shall be paid within such time period. Any interest received shall be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. The provisions of this paragraph shall not be applicable when the purchaser is the Plaintiff.

(2) In the event a purchaser fails to pay the balance due on the purchase price and complete the purchase within the time set forth herein, he shall be in contempt of this Court and any attorney of record in the case may forthwith cause a citation to issue commanding such defaulting purchaser to appear before the Judge of the Court having such matters in charge and show cause why he should not be punished. Upon a finding of guilty of contempt, the court shall proceed in accordance with Section 2329.30 of the Ohio Revised Code.

36.02 Return and confirmation.

(1) By the first Monday following the date of sale, the Sheriff shall make his return to the Court. the Plaintiff shall prepare and deliver a proposed entry confirming the sale to the Assignment Commissioner, and serve copies upon all parties or their attorneys of record by regular mail within seven (7) days after the date of sale. Proof of service of such proposed Entry shall be filed with the Clerk. It shall not be necessary to obtain the approval of other parties or their attorneys of record prior to the filing of such entry, though such approval may be obtained if expedited confirmation is desired. Unless proper written objection to the proposed confirmation entry is received by the Court within twenty-one (21) days after the date of sale, the proposed entry shall be approved by the Court and filed with the Clerk of Courts forthwith. If proper written objection is made, the Court shall determine the validity of the objection and make an order determining the issue. By the end of the day immediately following the filing of the entry confirming the sale, the clerk shall deliver to the Sheriff a certified copy of such entry. The Sheriff shall prepare a deed conforming to the requirements of Section 2329.36 of the Ohio Revised Code and shall deliver the same to the purchaser upon payment of the full purchase price and interest, if any.

(2) Insofar as is possible, all such entries of confirmation shall distribute proceeds according to their priorities and discharge liens of record. Every effort shall be made by counsel for plaintiff, or the party requesting confirmation and distribution, to secure and protect the title of the purchaser at the sale.

RULE 37

CERTIFICATE OF TITLES FOR JUDICIAL SALES

37.01 In every action hereinafter filed wherein a judicial sale of real estate is contemplated by the complaint or subsequent pleadings the party praying for said sale or the attorney for the party praying for said sale shall endorse thereon the following certification:
"The undersigned hereby certifies that an examination of the public records of Harrison County, Ohio had been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all such parties have been named as parties to this action," stating as exceptions any interested party not so named.

37.02 Upon any decree subsequently issued which orders the sale of real estate, the party or attorney having requested said sale shall further certify:
"The undersigned hereby certifies that the examination of title to subject real estate has been extended to _____ to determine if any parties have acquired any interest therein subsequent to said previous examination and said examination discloses that, in the opinion of the undersigned, there are no such parties except parties to whom the doctrine of lis pendens applies," also stating as further exceptions any such party not subject to lis pendens.

37.03 The Sheriff, deputy or party conducting the sale shall, prior thereto, announce that any purchasers shall have thirty (30) days from the date of sale to obtain an examination of title to said real estate. Should such examination disclose the title so purchased to be unmarketable by reason of any defect in the proceedings or the existence of any interest not disclosed in either of the certifications described above, no liability shall be predicated on the certifications but said purchaser may within the thirty (30) day period, notify the court thereof by written motion requesting that said sale be set aside. If the court, upon hearing thereof, finds said title to be unmarketable, the court shall refuse to confirm said sale. The court may, however, fix a reasonable time, not to exceed ninety (90) days, within which such defects may be corrected.

37.04 A purchaser may waive any part or all of the thirty (30) day period by signing the confirmation entry, but no confirmation entry not approved by the purchaser shall be filed until said period had expired.

37.05 This rule shall not apply to proceedings under R.C. 5721.18.

RULE 38

APPRAISER'S FEES

38.01 Appraiser's fees as to actions relating to real or personal property shall be allowed to each appraiser as follows:

$.50 per $1,000.00 or fraction thereof of the appraised value up to $50,000.00.

$.25 per $1,000.00 or fraction thereof of the appraised value of all over $50,000.00.

A minimum fee for each appraiser based on the above amounts shall be $15.00.

RULE 39

MEDIA COVERAGE

39.01 Scope, Effective Date:
In addition to Superintendency Rule 11 and Canon 3(A)(7) of the Code of Judicial Conduct, the following rules shall govern the broadcasting, television, recording, and photographing by news media during any judicial proceeding of these Courts of Common Pleas.

39.02 Requests for Permission:
Requests for permission to broadcast, televise, record, and/or photograph any courtroom proceeding, including recesses between sessions and entry into and the exit from the courtroom shall be in writing. Permission shall be granted or denied, in whole or in part, by the Judge whose order shall be in writing and journalized as a part of the record of the proceedings. Such requests shall be directed to and received by the Clerk of Courts, with copies to all parties to the action, or their counsel, no less than 72 hours prior to scheduled commencement of the proceeding. The Clerk of Courts shall immediately thereafter notify the judge of the request. Such requests shall specify : A) the name of the case; B) the case docket number; C) the type of proceeding; D) type of equipment to be used; and G) the names of all operating personnel.

39.03 Limitations:
The judge shall retain discretion at all times to limit the photographing, filming, and/or recording of the victim(s) or witnesses. If any party objects in writing to the photographing, filming, and/or recording of his testimony within 24 hours of receiving notice of the news media's request, the trial judge shall conduct a hearing to consider such objections, or such hearing being waived, the trial judge may require written briefs to determine whether good cause is shown for the objection. Only the parties involved and their counsel shall be permitted to attend

the hearing. If the news media wishes to support their request for photographing, filming, or recording the testimony of the objecting party, it may do so in writing, filed with the court prior to the scheduled hearing. Failure to honor any rulings as to the photographing, filming, or recording of a particular witness which the judge shall make will result in immediate revocation of the privilege extended to the news media representative and, if warranted, may result in a charge of contempt of court.

The filming, videotaping, recording or taking of photographs of victims or witnesses who object shall not be permitted.

The filming, videotaping, recording or taking of photographs of jurors shall not be permitted.

39.04 Courtroom Decorum:

Proper courtroom attire and decorum shall be exercised by media representatives at all times.

39.05 Revocation of Permission:

Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the rules of superintendence, or this rule, the trial judge may revoke the permission to broadcast, photograph, or record the trial or hearing. Any intentional and serious violation of a prescribed condition may result in a citation for contempt of court.

RULE 40

USE OF VIDEOTAPE

40.01 The use of videotaped depositions and testimony is permissible, providing the following guidelines are met:

A. When testimony is recorded on videotape pursuant to Civil Rule 40, Sup. R. 10 and 15, it will be the responsibility of counsel to instruct the notary Public before whom the testimony is taken to note by the use of a digital counter or other clock device connected with the tape the point on the videotape where objections are made. The Notary will then number the objections consecutively and attach this record to the certification when filed with the Clerk.

B. Objections must be made at the conclusion of the question and answer only. Counsel may state the basis for the objections and read citations into the record at this time. Any objections made prior to the completion of an answer may in the court's discretion be considered overruled.

C. When cases are assigned for trial pursuant to Civ. R. 40 and Sup. R. 15, a date will be assigned for the filing of plaintiff's testimony and defendant's testimony for editing. A transcript of the testimony shall accompany a videotape deposition.

D. In all cases where testimony is recorded on videotape, the costs shall be assessed pursuant to Sup. R. 12 (D). Any party intending to use videotape must provide the appropriate equipment for the exhibition of videotape.

RULE 41

BAIL AND SURETY BONDS

41.01 Attorneys and other officers of the court shall not be accepted as bail or surety, and no bond shall be approved having the name of such persons thereon as surety.

RULE 42

FILES - REMOVAL

42.01 No person, whether an attorney or party to an action, other than the Judge may remove any Court file from either the Clerk of Courts office or the Judge's office and Chambers without prior approval of the Clerk, Deputy Clerk, Assignment Commissioner, or Judge. Any removal of files shall rely upon a signed receipt authorizing removal of the file.

42.02 The Clerk shall permit any party to an action or his attorney to make copies of any papers in the Court file except depositions, bills of exceptions and the Judge's notes.

RULE 43

APPOINTED COUNSEL

43.01 An attorney appointed by the court to provide legal representation for an indigent criminal defendant (excluding the Public Defender Staff) shall be compensated pursuant to R.C. 120.33 and 2941.51, or any other applicable Ohio law, upon the schedule of fees adopted and approved by the Board of Harrison County Commissioners. The reasonableness and award of such fees is left to the Court's discretion.

Court-appointed counsel shall submit to the court a properly executed Affidavit of Indigency and Judgment Entry of Appointment within one (1) week after his appointment. No fees will be paid if these documents are not timely filed.

The attorney's final Certificate for Legal Services shall be submitted to the Court for review and approval, only on prescribed forms supplied by the Clerk of Courts, within thirty (30) days of the termination of such services.

RULE 44

EXAMINATION AND APPOINTMENT OF A NOTARY PUBLIC

44.01 All persons desiring to become a Notary Public for the first time, shall obtain a copy of the rules and laws governing a Notary Public from the Assignment Commissioner. Such persons shall be required to take a written test obtained and supervised by the Court's personnel to qualify for said commission. For the

purpose of qualification, an applicant must pass said test with at least a numerical grade of seventy-five (75) and submit a check payable to the Commission Clerk for the Governor in the amount fixed by the Governor and complete the application. Once the Judge approves the application it is mailed with the check to the Commission Clerk for the Governor.

RULE 45
(filed June 20, 1997)

COURT COSTS ASSESSED TO PARTIES IN MULTIPLE COMPLAINTS FILED UNDER A SINGLE CASE NUMBER

45.01 Inasmuch as statute provides for multiple complaints by the county versus different defendants in delinquent real estate tax collection cases to be filed under one case number, and inasmuch as the Clerk of Court's Office must expend the same substantial time and expenses, the Court finds it appropriate to assess full court costs on each complaint filed within the master complaint.

45.02 The Clerk of Courts shall assign a sub number to each complaint within the master complaint. By way of example, the master complaint would receive number (#907) and each complaint therein would receive a small case letter (a) and be repeated (aa) until conclusion.

45.03 Court costs shall be assessed, handled and disbursed with regard to the sub-complaints as would be any other complaint.

RULE 46

TEMPORARY RULE (Filed May 13, 2013) & FINAL RULE (Filed August 1, 2013)

TEMPORARY COURT RULE TO ESTABLISH PROCEDURES TO BE USED FOR THE PROCESSING OF APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

46.01 Court establishes procedures to be used for the processing of applications For Certifiate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25. Rule shall expire on September 1, 2013 unless extended by subsecquent order ot this Court.

FINAL COURT RULE TO ESTABLISH PROCEDURES TO BE USED FOR THE PROCESSING OF APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

46.02 Court establishes procedures to be used for the processing of applications For Certifiate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25. Rule shall take effect August 1, 2013.

RULE 47 – GUARDIAN AD LITEM

47.0 Court Procedures & Responsibilities for Guardian Ad Litem – Appointment. This Court will follow the Ohio Surpeme Court – Rules of Superintenance - Rule 48: Guardian Ad Litem-Section (G) – Responsibilities of the Court.

FILED

13 MAY 13 AM 10:55

LESLIE A. MILLIKEN
CLERK OF COURTS
HARRISON COUNTY, OHIO

IN THE MATTER OF:

TEMPORARY COURT RULE TO ESTABLISH PROCEDURES TO BE USED FOR THE PROCESSING OF APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT.

RULE 46.01

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

Rule 46.01: The Court finds that it is necessary and appropriate to establish a temporary court rule to establish procedures to be used for the processing of applications for Certificate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25.

WHEREFORE, the Court hereby establishes Court Rule 46.01 as set forth in Exhibit A. This rule shall expire on September 1, 2013 unless it is extended by a subsequent order of this Court.

SO ORDERED.

Michael K. Nunner, Judge
Sitting by Assignment

Exhibit A

Harrison County Common Pleas Court, General Division
Court Rule 46.01

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (Eff. 01/01/2013, V.22, P1), Pursuant to R.C. §2953.25, the court hereby adopts this local rule of court pertaining to certification of qualification for employment (CQE).

(A) The court shall establish an account with the division of parole and community services ("electronic account") of the Ohio Department of Rehabilitation and Correction (ODRC) to access the CQE system, review completed electronic petitions filed with the court, receive notices regarding electronic petitions filed with the court, provide the individual filing the petition with information regarding the petition, and provide the department of rehabilitation and correction with information regarding petitions that are granted and denied by the court.

(B) Eligible individuals who seek to petition the Harrison County Common Pleas Court for a certification of qualification for employment shall establish an electronic account with the division of parole and community services of the ODRC, and shall follow the administrative rules and regulations adopted pursuant to R.C. §2935.25 and the rules and procedures adopted by the court.

(C) All petitions for a certificate of qualification for employment shall be completed electronically online, through the ODRC website, on the form prescribed by the division of parole and community services. The court will not accept the paper filing of a petition for CQE.

(D) It is the responsibility of the individual filing the petition for CQE to remove personal and private information, such as the individual's social security number from the petition and any exhibits or addenda attached to the petition or from documents later filed in the proceeding. If feasible, the ODRC should provide the petition for CQE to the court with personal and private identifying in formation redacted. The Clerk of Courts and Deputy Clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Harrison County Clerk of Court's office. Personal and private information must be submitted in a separate filing which will be deemed by the court as a non-public record. The information will be kept in a separate envelope within the case file and appropriately marked as containing personal and private information, and opened only upon an order of the Court.

(E) After the petition for a certificate of qualification for employment has been submitted electronically online and is determined to be complete, the individual who filed the petition shall appear at the office of the clerk of courts, within 28 days of electronic submission, to complete filing and pay a filing fee of $100.00, of which $25.00 shall be paid into and applied to the computerization fund of the clerk of courts, and of which $75.00 shall be paid into and applied to Common Pleas Court General Division

Special Projects. If the individual who filed the petition fails to appear at the office of the clerk of courts within 28 days of electronic submission to complete filing and pay the filing fee, the court will dismiss the petition for want of prosecution.

(F) The petition for CQE shall be deemed filed as of the day on which the individual filing the petition has personally appeared in the office of the clerk of courts, signed the petition under penalty of perjury and paid the filing fee.

(G) Upon the filing of the petition for CQE, the clerk of courts shall notify, by electronic means if feasible, the Harrison County Adult Probation Department and the Harrison County Prosecuting Attorney of the filing and provide a copy of the petition. The adult probation department shall determine, to the extent possible, all other courts, within and without the state of Ohio, which hold felony or misdemeanor convictions (other than minor traffic offenses) on the individual filing the petition for CQE, and attempt to notify all such courts holding the convictions and the prosecuting authorities which obtain such convictions, in writing, of the filing of the petition, and solicit comments, in writing, regarding the granting of relief.

(H) The adult probation department shall attempt to obtain all pre-sentence investigations and reports, drug and alcohol evaluations, and psychological evaluations on the individual filing the petition for CQE, and any law enforcement agency's report or reports on the crime or crimes of conviction.

(I) The adult probation department shall notify the judge assigned to hearing the petition for CQE of all of the information it has requested, and the results of its notifications and solicitations for comments and may suggest to the judge any other investigation or information which may assist the court in deciding whether to grant or deny the petition.

(J) All documents and information assembled by the court in its consideration of the petition of CQE shall be deemed confidential and not a public record. Such documents and information shall be treated with the same level of confidentiality as a pre-sentence report and shall be kept sealed and transmitted in a sealed condition to the court of appeals in the event of appellate review, and shall not be opened except upon an order of the court.

(K) When the court has completed its investigation and received and assembled for CQE, the court will attempt to set the hearing to occur within 60 days. Should the court's docket prevent a hearing on the petition within the time requirements set forth by statute or administrative regulation, the court will notify the individual filing the petition that scheduling the hearing within the time requirements set forth by statute or administrative regulation is not feasible and the court will request that the individual filing the petition file a motion to extend that time period, in increments of 60 days. If the individual filing the petition does not file a motion to extend the period of time within which the court should by statute or administrative regulation, decide whether to grant or deny the CQE, after the court has notified the individual of the necessity for an extension, the court may deny the petition without a hearing.

(L) The Harrison County prosecuting attorney shall be an interested party to the proceedings on the petition, shall receive notice of any hearing, shall attend all hearings on the petition, and shall represent the interests of the people of the state of Ohio on all pertinent issues, and, in particular whether the individual filing the petition for CQE poses an unreasonable risk to safety of the public or any individual. An officer of the adult probation department shall also attend the hearing on the petition.

(M) The Court shall notify the individual filing the petition for CQE and the ODRC of its decision to grant or deny the petition for CQE through the court's electronic account.

(N) In determining whether to grant a petition for CQE, the court may require the petitioner to undergo psychological testing or risk assessment or other investigation, and incur extraordinary expenses in relation thereto, and may require the individual filing the petition to pay, or reimburse the county or court, for the actual cost of such testing, investigation, or evaluation.

(O) Individuals who have been granted a CQE by the court shall have a continuing duty to report in writing to the judge issuing the CQE, or to the administrative judge if the issuing judge is no longer an active member of the court, any arrest wherein a felony is charged in a complaint, information, or indictment, or any conviction of, or plea of guilty or no contest to, a felony offense committed subsequent to the order granting the issuance of the CQE, within seven days of the arrest or the conviction of or plea of guilty or no contest to, the felony offense.

IN THE MATTER OF:

FILED

FINAL COURT RULE TO ESTABLISH PROCEDURES TO BE USED FOR THE PROCESSING OF APPLICATION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT.

13 JUL 18 AM 11:18

LESLIE A. MILLIKEN
CLERK OF COURTS
HARRISON COUNTY, OHIO

RULE 46.02

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

Rule 46.02: The Court finds that it is necessary and appropriate to establish a final court rule to establish procedures to be used for the processing of applications for Certificate of Qualification For Employment pursuant to Ohio Revised Code Section 2953.25.

WHEREFORE, the Court hereby establishes Court Rule 46.02 as set forth in Exhibit A. - Stamped with File Date of July 18, 2013 and to be effective August 1, 2013.

SO ORDERED.

T. Shawn Hervey, Judge

Exhibit A

Harrison County Common Pleas Court, General Division
Court Rule 46.02

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (Eff. 01/01/2013, V.22, P1), Pursuant to R.C. §2953.25, the court hereby adopts this local rule of court pertaining to certification of qualification for employment (CQE).

(A) The court shall establish an account with the division of parole and community services ("electronic account") of the Ohio Department of Rehabilitation and Correction (ODRC) to access the CQE system, review completed electronic petitions filed with the court, receive notices regarding electronic petitions filed with the court, provide the individual filing the petition with information regarding the petition, and provide the department of rehabilitation and correction with information regarding petitions that are granted and denied by the court.

(B) Eligible individuals who seek to petition the Harrison County Common Pleas Court for a certification of qualification for employment shall establish an electronic account with the division of parole and community services of the ODRC, and shall follow the administrative rules and regulations adopted pursuant to R.C. §2935.25 and the rules and procedures adopted by the court.

(C) All petitions for a certificate of qualification for employment shall be completed electronically online, through the ODRC website, on the form prescribed by the division of parole and community services. The court will not accept the paper filing of a petition for CQE.

(D) It is the responsibility of the individual filing the petition for CQE to remove personal and private information, such as the individual's social security number from the petition and any exhibits or addenda attached to the petition or from documents later filed in the proceeding. If feasible, the ODRC should provide the petition for CQE to the court with personal and private identifying in formation redacted. The Clerk of Courts and Deputy Clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Harrison County Clerk of Court's office. Personal and private information must be submitted in a separate filing which will be deemed by the court as a non-public record. The information will be kept in a separate envelope within the case file and appropriately marked as containing personal and private information, and opened only upon an order of the Court.

(E) After the petition for a certificate of qualification for employment has been submitted electronically online and is determined to be complete, the individual who filed the petition shall appear at the office of the clerk of courts, within 28 days of electronic submission, to complete filing and pay a filing fee of $100.00, of which $25.00 shall be paid into and applied to the computerization fund of the clerk of courts, and of which $75.00 shall be paid into and applied to Common Pleas Court General Division

Special Projects. If the individual who filed the petition fails to appear at the office of the clerk of courts within 28 days of electronic submission to complete filing and pay the filing fee, the court will dismiss the petition for want of prosecution.

(F) The petition for CQE shall be deemed filed as of the day on which the individual filing the petition has personally appeared in the office of the clerk of courts, signed the petition under penalty of perjury and paid the filing fee.

(G) Upon the filing of the petition for CQE, the clerk of courts shall notify, by electronic means if feasible, the Harrison County Adult Probation Department and the Harrison County Prosecuting Attorney of the filing and provide a copy of the petition. The adult probation department shall determine, to the extent possible, all other courts, within and without the state of Ohio, which hold felony or misdemeanor convictions (other than minor traffic offenses) on the individual filing the petition for CQE, and attempt to notify all such courts holding the convictions and the prosecuting authorities which obtain such convictions, in writing, of the filing of the petition, and solicit comments, in writing, regarding the granting of relief.

(H) The adult probation department shall attempt to obtain all pre-sentence investigations and reports, drug and alcohol evaluations, and psychological evaluations on the individual filing the petition for CQE, and any law enforcement agency's report or reports on the crime or crimes of conviction.

(I) The adult probation department shall notify the judge assigned to hearing the petition for CQE of all of the information it has requested, and the results of its notifications and solicitations for comments and may suggest to the judge any other investigation or information which may assist the court in deciding whether to grant or deny the petition.

(J) All documents and information assembled by the court in its consideration of the petition of CQE shall be deemed confidential and not a public record. Such documents and information shall be treated with the same level of confidentiality as a pre-sentence report and shall be kept sealed and transmitted in a sealed condition to the court of appeals in the event of appellate review, and shall not be opened except upon an order of the court.

(K) When the court has completed its investigation and received and assembled for CQE, the court will attempt to set the hearing to occur within 60 days. Should the court's docket prevent a hearing on the petition within the time requirements set forth by statute or administrative regulation, the court will notify the individual filing the petition that scheduling the hearing within the time requirements set forth by statute or administrative regulation is not feasible and the court will request that the individual filing the petition file a motion to extend that time period, in increments of 60 days. If the individual filing the petition does not file a motion to extend the period of time within which the court should by statute or administrative regulation, decide whether to grant or deny the CQE, after the court has notified the individual of the necessity for an extension, the court may deny the petition without a hearing.

(L) The Harrison County prosecuting attorney shall be an interested party to the proceedings on the petition, shall receive notice of any hearing, shall attend all hearings on the petition, and shall represent the interests of the people of the state of Ohio on all pertinent issues, and, in particular whether the individual filing the petition for CQE poses an unreasonable risk to safety of the public or any individual. An officer of the adult probation department shall also attend the hearing on the petition.

(M) The Court shall notify the individual filing the petition for CQE and the ODRC of its decision to grant or deny the petition for CQE through the court's electronic account.

(N) In determining whether to grant a petition for CQE, the court may require the petitioner to undergo psychological testing or risk assessment or other investigation, and incur extraordinary expenses in relation thereto, and may require the individual filing the petition to pay, or reimburse the county or court, for the actual cost of such testing, investigation, or evaluation.

(O) Individuals who have been granted a CQE by the court shall have a continuing duty to report in writing to the judge issuing the CQE, or to the administrative judge if the issuing judge is no longer an active member of the court, any arrest wherein a felony is charged in a complaint, information, or indictment, or any conviction of, or plea of guilty or no contest to, a felony offense committed subsequent to the order granting the issuance of the CQE, within seven days of the arrest or the conviction of or plea of guilty or no contest to, the felony offense.

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO

PLAINTIFF_____ CASE NO. _____
(Petitioner)

-vs-

DEFENDANT_____ AFFIDAVIT FOR SUPPORT
(Petitioner) Alimony/Custody

I, _____, being duly sworn according to law, depose and say that the following information submitted is a full, complete and accurate representation of the facts, based upon my knowledge and belief.

(A) PLAINTIFF (First Petitioner)

Name: _____ DOB: _____ Soc. Sec. No. _____

Address: _____

Education: (circle) 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 years

Special Employment Skills: _____

Employer: _____

Employer Address: _____

(B) DEFENDANT (Second Petitioner)

Name: _____ DOB: _____ Soc. Sec. No. _____

Address: _____

Education: (circle) 0 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 years

Special Employment Skills: _____

Employer: _____

Employer Address: _____

(C) GENERAL INFORMATION:

1. Names, date of birth and ages of the children of this marriage:

_____

_____

_____

2. With whom are the children residing? _____

_____

3. Are you living separate and apart from your spouse? v yes no
If so, when did you separate? _____

4. Is special medical attention required by any of the children? yes no
If so, describe and give costs per month _____

5. Is special medical attention required by you? yes no
If so, describe and give costs per month _____

6. Are you presently in the military? yes no
Is your spouse presently in the military? yes no

7. Is any minor child employed? yes no
If so, name employer and amount of income per month _____

_____

8. List all financial resources of children (excluding employment).
Be specific and indicate amounts where the assets are. This includes bank account, checking account, trusts, stocks, bonds, etc. or NONE.

_____

_____

_____

(D) ASSETS:

1. What property is in your name:

Type	Value	Amount Encumbered	Leinholder

2. What property is held by others for your benefits?

Type	Value	Amount Encumbered	Leinholder

3. What investments or deposits do you have?

Type	Value	Location

(E) INCOME:

1. List your gross earnings for the last three (3) years:

199_____ _____
199_____ _____
199_____ _____

a. Hourly rate $_____
b. Salary per week $_____
c. Gross earnings per pay - NOW $_____
d. List your gross earnings for the last two (2) months:
$_____ $_____

e. Report total annual overtime pay $_____
f. Number of pay periods annually? _____
g. If not presently employed, what was the last date of your employment?
_____ Who was your employer? _____
State your reason for leaving employment _____
_____

2. What is your annual income from interest and dividends? $_____

3. List your spouse's gross earnings for the last three (3) years:
19____ _____
19____ _____
19____ _____

a. Hourly rate $_____
b. Salary per week $_____
c. Gross earnings per pay - NOW $_____
d. List your spouse's gross earnings for the last two (2) months:
$_____ $_____
e. Report spouse's total annual overtime pay $_____
f. Number of pay periods annually? _____
g. If not presently employed, what was the last date of your spouse's employment?
_____ Who was your spouse's employer? _____
_____ State your spouse's reason for leaving employment _____

4. What is your spouse's annual income from interest and dividends? _____

5. Are your receiving child support for any child(ren) not of this marriage? yes no
Amount/Monthly $_____

6. Are you receiving alimony? yes no Amount/Monthly $_____

7. Are you receiving unemployment benefits? yes no
Amount/Monthly $_____

8. Are you receiving worker's compensation? yes no
Amount/Monthly $_____

9. Are you receiving any welfare assistance? yes no
Amount/Monthly $_____

10. Are you receiving any other disability benefits? yes no
Amount/Monthly $_____

11. Do you have any other source of income? yes no
Amount/Monthly $_____

12. Are you receiving retirement benefits? yes no
Amount/Monthly $_____

13. Are you receiving social security benefits? yes no
Amount/Monthly $_____

(F) EXPENSES:

1. Do you pay child support? yes no Amount/Monthly $_____
(not this case - other child(ren).

2. Do you pay alimony? yes no Amount/Monthly $_____

3. Do you pay for health insurance for minor child(ren)? yes no
Amount/Monthly $_____

4. Do you have child care expenses? yes no Amount/Monthly $_____

5. What are your monthly living expenses?
   a. Rent/mortgage payment $_____
   b. Utilities (gas, electric, water - average/month) $_____
   c. Food $_____
   d. Clothing $_____
   e. Car payment $_____
   f. Car insurance $_____
   g. Homeowners/renters insurance $_____
   h. School expenses $_____
   i. Medical, dental and hospital insurance $_____
   j. Medical, dental, hospital, drugs $_____
   k. Entertainment $_____
   l. Baby-sitter/day care $_____
   m Other _____ $ _____
   n. Other _____ $ _____
   o. Other _____ $ _____

TOTAL EXPENSES PER MONTH $ _____

(G) DEBTS:

1. Your Debts:

Creditor	Account Balance	Monthly Payment
Total	$	$

2. Spouse's Debt:

Creditor	Account Balance	Monthly Payment
Total	$	$

SPECIFIC CUSTODY INFORMATION:

1. Have you been convicted of any offense involving abuse or neglect of a minor child? yes no If yes, what, when, where? _____

2. Has your spouse ever been convicted of any offense involving abuse or neglect of a minor child? yes no If yes, what, when, and where? _____

3. Is there a case pending in any other court or jurisdiction to your knowledge for the custody of the minor child(ren) herein? yes no If yes, where? _____

4. Have there been any other court actions for the custody of the minor child(ren) herein in any other state in the past and not now pending? yes no If yes, when and where? _____

5. Is there anyone not joined in this case who is asserting custody or visitation rights? yes no If yes, who? _____

6. Other information to be presented to the court that you feel is useful for the court.

_____

_____

_____

_____

_____
AFFIANT

Sworn and subscribed in my presence this _____ day of _____, 19_____.

_____
Notary Public

1) This affidavit is required to be filed in in all cases involving:
   a) divorce
   b) dissolution where there is an issue of
      1. support
      2. alimony
      3. custody or
      4. a motion to modify any of the same

2) For support/alimony dollar determination, contact Child Support Enforcement Agency, or attach Worksheet Exhibit A.

PC-7 Affidavit for Support

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO

FILED
2003 JUN 26 PM 3:13
BARBARA J. YORIO
CLERK OF COURTS
HARRISON COUNTY OHIO

IN THE MATTER OF:

Fees for Jury Service and

Deposit for Jury Trials

JUDGMENT ENTRY

It is hereby established after consultation with the Board of Commissioners of Harrison County, Ohio that individuals who appear before the Court pursuant to a summons for jury duty shall be paid the sum of $15.00 for each day or part thereof for jury service.

This fee shall apply to service on the grand jury as well as service on the petit jury.

A jury will not be summoned in any trial in a civil case unless a party requesting a trial by jury has deposited the sum of $300.00 with the Clerk of the Court at least twenty-one (21) days in advance of the scheduled trial date. In the event that jurors are not summoned in said case, the deposit shall be returned to the party, less any costs charged to the party. This requirement shall not be waived except in accordance with law.

This Judgment Entry shall be issued in triplicate and shall be spread across the Journal maintained by or for each division of this Court.

SO ORDERED.

Matthew P. Puskarich, Judge
Juvenile Division
Probate Division

Michael K. Nunner, Judge
General Division

CIVIL JOURNAL 46
PAGE 174

FILED
04 JAN 22 PM 2:57
BARBARA J. YOHO
CLERK OF COURTS
HARRISON COUNTY OHIO

COMMON PLEAS COURT
HARRISON COUNTY, OHIO
GENERAL DIVISION

GENERAL ADMINISTRATION ORDER OF REFERRAL TO CIVIL MEDIATION PROGRAM

JUDGMENT ENTRY

The Court hereby ORDERS that as of January 22, 2004, this General Administration Order of Referral to the Civil Mediation Program shall be in effect until further Order of the Court, and that cases selected for mediation shall proceed pursuant to the provisions contained herein.

Further, Counsel should take note that referral to Mediation does not suspend the progress of this case on the civil docket. All other court orders remain in effect during the mediation process.

I. PURPOSE

Harrison County Common Pleas Court, along with Belmont County and Jefferson County Common Pleas Courts, has been chosen to receive grant funding from the Supreme Court of Ohio for an in-house Civil Mediation Program. The Ohio Supreme Court has directed all courts to explore methods of alternative dispute resolution and this Court finds that mediation can be an effective tool for resolving disputes.

II. CIVIL MEDIATION PROCEDURE

A. Case Referral-Domestic Relations

Cases can be referred to mediation in the following categories:

1. Court Referral: Cases may be referred by the Court for mediation by the Court's in-house mediator.

2. Submission by Agreement of the Parties: Cases may be referred for mediation by the Court's in-house mediator by agreement of the parties.

B. Case Referral-Other Cases

Cases other than domestic relations cases can be referred to mediation in the following categories:

1. Random Screening: Cases filed after January 21, 2004 will be randomly screened for referral to mediation by the Court. The screening process shall be completed by the Court. The mediation sessions will be conducted by the Court's in-house mediator.

2. Court Referral: Cases not randomly screened for referral to mediation or cases previously filed may be referred by the Court for mediation by the Court's in-house mediator.

3. Submission by Agreement of the Parties: Cases not randomly screened for referral to mediation or cases previously filed may be referred for mediation by the Court's in-house mediator by agreement of the parties.

C. Scheduling

1. Random Screening: Cases randomly screened for mediation shall be scheduled for mediation 60 to 75 days after the filing of the Answer(s) or other responsive pleadings. Counsel for the parties will be notified by Court Order of the referral for mediation. Counsel for the parties will further notified by letter from the mediator of the date and time of the mediation. If there is a conflict with the date, then Counsel shall contact opposing Counsel and the mediator to agree upon an alternative date no later than 30 days after the date originally scheduled for mediation. If Counsel believes that mediation should be scheduled at the date later than 30 days from the original mediation date, Counsel shall make the request in writing for such a continuance and include the reasons for the request. Upon receipt of such a request, the mediator may schedule a new date no later than 90 days from the date of the originally scheduled mediation, or the mediator may proceed as scheduled.

2. Court Referral and Submission by Agreement of the Parties:
Cases referred by the Court or submitted by agreement of the parties will be scheduled for mediation at a mutually agreeable time.

D. Exclusion From Mediation

The following cases shall not be referred to mediation except upon petition of all parties.

(1) Habeas corpus;
(2) Extraordinary writs;
(3) Declaratory relief;
(4) Petitions to perpetuate testimony;
(5) Quiet title actions;
(6) Administrative appeals;

(7) Foreclosures;
(8) Forcible Entry;
(9) Injunctions;
(10) Forfeiture of Property;
(11) Non-payment of school loans; and
(12) Other matters as may be specified by the Court.

E. Case Management of Mediation Cases

For those cases referred to mediation, the Judge will continue to manage the case in the appropriate manner by setting a future trial date and establishing appropriate deadlines.

F. Mediation Sessions

1. The parties themselves shall attend all mediation sessions unless their attendance has been excused by the mediator. All parties necessary for authority to settle the case must also be present.

2. Each party may be accompanied at the mediation sessions by the lawyer expected to be primarily responsible for handling the trial of the matter.

3. All statements made in mediation sessions or in telephone discussions which include the mediator shall be treated by the parties, their counsel, the mediator and the Court as confidential, except for the following:

(a) Information that is statutorily mandated to be reported; or
(b) Information that, in the judgment of the mediator, reveals a danger of physical harm to either party or to a third party person.

4. The mediator shall inform the Court that a case is in mediation, when the next mediation session is scheduled, whether efforts to settle the case through mediation have ceased or continued, whether full or partial agreement has been reached through mediation, and the name of necessary persons who fail to be present for a scheduled mediation session or fail to make a good faith effort in the mediation process. No other information shall be communicated in any manner by the mediator to the Court.

5. If the mediator determines that mediation would be of no benefit to the parties or that an impasse is reached, the mediator shall inform the Court and all parties that the mediation is terminated.

6. Upon reaching a settlement in mediation, Counsel shall be instructed to present a termination entry for approval within 14 days. If the termination entry is not filed within 14 days, a notice shall be sent to Counsel informing

them that they have 14 days to file the termination entry. If no entry has been filed 14 days after the notice has been sent to Counsel, then an administrative dismissal entry shall be sent to the Assigned Judge for approval.

F. Sanctions

If a party fails to attend a mediation session without due cause or make a good faith effort to participate, the Court may impose appropriate sanctions, including an award of attorney's fees and other costs, contempt or other appropriate sanction.

SO ORDERED THIS 22nd DAY OF JANUARY, 2004.

Michael K. Nunner, Judge

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO
GENERAL DIVISION

FILED
2004 DEC 27 PM 1:39
CLERK OF COURTS
HARRISON COUNTY OHIO

IN RE:

PARENTING TIME GUIDELINES JUDGMENT ENTRY

The Court hereby adopts the Parenting Time Guidelines and Parenting Time Guidelines-Long Distance Companionship which are attached hereto. These guidelines shall be effective for all new divorce and dissolution actions and other actions wherein parenting time or companionship matters are at issue filed after January 1, 2005.

The guidelines which were in effect when custody, parenting time, or companionship orders were previously entered by the Court shall remain in effect with respect to those cases unless specific orders are issued to apply the guidelines (adopted this date) to any such case on an individual basis.

SO ORDERED.

Dated: December 27, 2005

Michael K. Nunner, Judge

FILED

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO
2004 DEC 28 AM 11:46
GENERAL DIVISION
CLERK OF COURTS
HARRISON COUNTY OHIO

IN RE:

PARENTING TIME GUIDELINES

JUDGMENT ENTRY
NUNC PRO TUNC

The Court hereby adopts the Parenting Time Guidelines and Parenting Time Guidelines-Long Distance Companionship which are attached hereto. These guidelines shall be effective for all new divorce and dissolution actions and other actions wherein parenting time or companionship matters are at issue filed after January 1, 2005.

The guidelines which were in effect when custody, parenting time, or companionship orders were previously entered by the Court shall remain in effect with respect to those cases unless specific orders are issued to apply the guidelines (adopted this date) to any such case on an individual basis.

SO ORDERED.

Dated: December 28, 2004

Michael K. Nunner, Judge

COURT OF COMMON PLEAS, HARRISON COUNTY, OHIO
PARENTING TIME GUIDELINES

Parenting time is a time for children to do things with the parent with whom they do not live. Activities that you do with them or skills you can teach them help the time be rewarding and enriching. Encouraging the children to find friends in your neighborhood also helps make it like home for them. Children clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child, as the child grows older.

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

NO PARENT IS PERMITTED TO MAKE PARENTING TIME ARRANGEMENTS OR MODIFY ORDERED PARENTING TIME ARRANGEMENTS DIRECTLY WITH THE CHILD(REN). THE PARENTS MUST PERSONALLY DISCUSS ANY ISSUES OR CONFLICTS INVOLVING PARENTING TIME WITHOUT USING THE CHILD(REN) AS INTERMEDIARY/INTERMEDIARIES.

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

1. WEEKLY SCHEDULE

Birth to Six Months

The non-residential parent shall have parenting time weekly as follows:

Tuesday and Thursday for a period not to exceed three hours. A specific time of day is not set to accommodate shift work and the schedule of the baby so that the baby will be awake during its parenting time. Alternate Saturdays and Sundays on each weekend from 9:00 A.M. until 6:00 P.M. each day.

2. MONTHLY SCHEDULE

Ages Six Months through 18 Years

A. **WEEKENDS:** The non-residential parent shall have parenting time with the minor child(ren) every other weekend commencing at 6:00 P.M. Friday and terminating at 6:00 P.M. on Sunday.

B. (1) **HOLIDAYS:** Mother's Day and Father's Day shall be spent with the appropriate parent. Should such holiday occur during a non-residential parent's parenting time, said parent shall deliver the minor child(ren) to the residential parent by 9:00 A.M. Conversely, the non-residential parent shall have parenting time from 9:00 A.M. to 6:00 P.M. if the holiday occurs on a non-parenting time weekend.

(2) **CHRISTMAS:** In odd numbered years, the non-residential parent shall be entitled to parenting time Dec. 18th at 6:00 P.M. to Dec. 25th at 12:00 noon (if the child(ren) is (are) not in school. If the child(ren) is (are) in school, parenting time shall be from 6:00 P.M. of the last day of school to 12:00 noon on Dec. 25th.) In odd numbered years, the residential parent shall be entitled to parenting time from 12:00 noon, Dec. 25th to 7:00 P.M. on New Year's Day, Jan 1.

In even numbered years, the residential parent shall be entitled to parenting time Dec. 18th at 6:00 P.M. to Dec. 25th at 12:00 noon (if the child(ren) is (are) not in school. If the child(ren) is (are) in school, parenting time shall be from 6:00 P.M. of the last day of school to 12:00 noon on Dec. 25th.) In even numbered years, the non-residential parent shall be entitled to parenting time from 12:00 noon, Dec. 25th to 7:00 P.M. on New Year's Day, Jan 1.

(3) **THANKSGIVING:** In even numbered years, the non-residential parent shall be entitled to parenting time from Wednesday, 6:00 P.M. to Friday 6:00 P.M. In even numbered years, the residential parent shall be entitled to parenting time from Friday, 6:00 P.M. to Sunday, 7:00 P.M.

In odd numbered years, the residential parent shall be entitled to parenting time from Wednesday, 6:00 P.M. to Friday 6:00 P.M. In odd numbered years, the non-residential parent shall be entitled to parenting time from Friday, 6:00 P.M. to Sunday, 7:00 P.M.

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

(4)(A) **SPRING VACATION:** If any spring break in school occurs other than that described in paragraph (4) Easter, then in even numbered years, the non-residential parent shall be entitled to parenting time from 6:00 P.M. on the

day school recesses for the break until 6:00 P.M. the day before school resumes excluding any time spent with the residential parent according to paragraph (4) Easter. In odd numbered years, the residential parent shall be entitled to parenting time from 6:00 P.M. on the day school recesses for the break until 6:00 P.M. the day before school resumes excluding any time spent with the residential parent according to paragraph (4) Easter.

(5) FOURTH OF JULY: In even numbered years, the non-residential parent shall have parenting time on July 3rd at 6:00 P.M. to 7:00 P.M. on July 5th except when the 4th of July falls on a Friday, Saturday, Sunday or Monday, at which time parenting time shall commence Friday night at 6:00 P.M. and continue to the end of the week end or end of the holiday, whichever is later, at 7:00 P.M.

In odd numbered years, the residential parent shall have parenting time on July 3rd at 6:00 P.M. to 7:00 P.M. on July 5th except when the 4th of July falls on a Friday, Saturday, Sunday or Monday, at which time parenting time shall commence Friday night at 6:00 P.M. and continue to the end of the week end or end of the holiday, whichever is later, at 7:00 P.M.

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

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

(8) MARTIN LUTHER KING DAY: The non-residential parent shall have parenting time on Friday, 6:00 P.M. to 7:00 P.M. on Monday.

(9) PRESIDENT'S DAY: The non-residential parent shall have parenting time on Friday, 6:00 P.M. to 7:00 P.M. on Monday.

C. BIRTHDAYS: In even numbered years, the non-residential parent shall have the child on his/her birthday from 9:00 A.M. to 7:00 P.M. if a non-school day, or from 6:00 P.M. to 9:00 P.M. on a school day. In odd numbered years, the non-residential parent shall have the child on the day following his birthday for three (3) hours, 6:00 P.M. to 9:00 P.M., on a school day or week day and 10:00 A.M. to 6:00 P.M. on a Saturday or Sunday.

In odd numbered years, the residential parent shall have the child on his/her birthday from 9:00 A.M. to 7:00 P.M. if a non-school day, or from 6:00 P.M. to 9:00 P.M. on a school day. In even numbered years, the residential parent shall have the child on the day following his birthday for three (3) hours, 6:00 P.M. to 9:00 P.M., on a school day or week day and 10:00 A.M. to 6:00 P.M. on a Saturday or Sunday.

The child(ren) shall spend each parent's birthday from 9:00 A.M. to 7:00 P.M. if a non-school day, or from 6:00 P.M. to 9:00 P.M. on a school day with that parent unless otherwise ordered by the court or agreement of the parties.

D. SUMMER PARENTING TIMES: The non-residential parent shall have extended summer parenting time for four (4) weeks duration. Such parenting time shall be continuous, except the parties may agree otherwise. Residential and non-residential parent shall cooperate with regard to their vacation time. The non-residential parent shall notify the residential parent by May 1 of the weeks to be taken for the extended parenting time.

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

Each parent may arrange an uninterrupted vacation of not more than two weeks with the child(ren). The non-residential parent shall schedule this during his/her four week summer parenting time, and the residential parent shall schedule this at a time other than the non-residential parents' four week summer parenting time. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events or that the missed occasion be made up. Alternate weekends are missed during vacation, and are therefore not required to be made up.

E. WEEKLY PARENTING TIME: The non-residential parent shall have one evening parenting time every week period from 6:00 P.M. to 9:00 P.M. The specific day is to be determined by the parents. If the parents cannot agree, the mid-weekday is Wednesday. The non-residential parent shall be responsible for assisting with homework and be responsible for transportation to and from activities.

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

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

II. STATUTORY REQUIREMENTS:

1. RELOCATION NOTICE:

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

2. **RECORDS ACCESS NOTICE:**

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

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

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

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

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

4. **SCHOOL ACTIVITIES NOTICE:**

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

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

III. GENERAL COMMENTS AND REQUIREMENTS:

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

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

(3) Both parties shall have the child(ren) ready for commencement and termination of parenting time at the appointed time.

(4) Both parties shall be punctual. NO party shall have to wait beyond thirty (30) minutes of an appointed time. A parent who is late forfeits companionship for that period.

(5) The residential parent shall send sufficient clean clothes appropriate to the season and sufficient to last the entire parenting time period. If the planned parenting time activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the parenting time period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the parenting time period. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after parenting time, shall be cleaned and returned by the residential parent to the non-residential parent at the next parenting time period.

The residential parent shall send sufficient bottles and all prescription or non-prescription medication taken by the child(ren) along with written instructions for the administration of the same and the name and telephone number of the physician. All bottles and unused supplies sent by the residential parent shall be returned with the child(ren). Each parent is to provide a car seat, diapers, and formula for the child during parenting time.

(6) Child(ren) shall not be taken to a bar during parenting time.

(7) It is encouraged that child(ren) shall not be left with friends or family members during a parenting time except if the non-residential parent is working or in an emergency.

(8) Disparaging remarks about the other parent SHALL NOT be made to the child(ren) or in the presence of the child(ren).

(9) The residential parent shall notify the non-residential parent of any illness or malady that requires medical attention. No surgery, except emergency surgery, shall be performed without a good faith effort to give notice to the non-residential parent.

(10) Unless agreed otherwise, transportation for parenting time shall be divided as follows: the non-residential parent shall pick up the child at the residence of the residential parent for the beginning of parenting time and the residential parent pick-up the child at the residence of the non-residential parent at the end of parenting time.

(11) Parenting time granted shall be exercised; parenting time not taken is lost. Parenting time not taken do to the actions of the residential parent is <u>not</u> waived, but shall occur on the next immediately following weekend.

(12) Parenting time requires communication and cooperation. Both parties shall cooperate with regard to parenting time.

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

(14) Both parties shall recognize that the child(ren) have his/her own friends and activities and shall respect this fact. Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available to the residential parent).

(15) Telephone Access:

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

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

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

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

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

Parenting time is a time for children to do things with the parent with whom they do not live. Activities that you do with them or skills you can teach them help the time be rewarding and enriching. Encouraging the children to find friends in your neighborhood also helps make it like home for them. Children clearly profit by continued meaningful contact with both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible, based upon the changing needs of the child, as the child grows older.

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

NO PARENT IS PERMITTED TO MAKE PARENTING TIME ARRANGEMENTS OR MODIFY ORDERED PARENTING TIME ARRANGEMENTS DIRECTLY WITH THE CHILD(REN). THE PARENTS MUST PERSONALLY DISCUSS ANY ISSUES OR CONFLICTS INVOLVING PARENTING TIME WITHOUT USING THE CHILD(REN) AS INTERMEDIARY/INTERMEDIARIES.

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

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

1. WEEKLY SCHEDULE

Birth to Six Months

The non-residential parent shall have parenting time weekly, if practicable, as follows:

Tuesday and Thursday for a period not to exceed three hours. A specific time of day is not set to accommodate shift work and the schedule of the baby so that the baby will be awake during its parenting time. Alternate Saturdays and Sundays on each weekend from 9:00 A.M. until 6:00 P.M. each day.

The residential parent shall send with the child(ren) on parenting time, clean clothing appropriate to the season and sufficient to last the entire parenting time period. The residential parent shall send sufficient bottles and all prescription or non-prescription medication taken by the child(ren) along with written instructions for the administration of the same and the name and telephone number of the physician. All bottles and unused supplies sent by the residential parent shall be returned with the child(ren) as well as all clothing, which shall be cleaned by the non-residential parent. Each parent is to provide a car seat, diapers, and formula for the child during parenting time.

2. MONTHLY SCHEDULE

Ages Six Months through 18 Years

1. Weekends – On weekends, beginning at 6:00 p.m. on the first, third, and fifth Friday of each month, and ending at 6:00 p.m. on the following Sunday. Except as otherwise explicitly provided in this Parenting Time Guideline, if a weekend period of parenting time by the Non-residential parent begins on a Friday that is a school holiday during the regular school term or a federal, state, or local holiday during the summer months when school is not in session, or if the period ends on or is immediately followed by a Monday that is such a holiday, that weekend period of parenting time shall begin at 6:00 p.m. on the Thursday immediately preceding the Friday holiday or school holiday or end at 6:00 p.m. on that Monday holiday or school holiday, as applicable.

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

   Christmas Holidays in Odd-Numbered Years – In odd-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on New Year's Day or two days before school resumes after that Christmas school vacation whichever is later.

3. Thanksgiving in Odd-Numbered Years – In odd numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Thanksgiving holiday and ending at 5 :00 p.m. on the following Sunday.

4. Spring Break - If any spring break in school occurs other than that described in paragraph (5) Easter, then in even numbered years, the non-residential parent shall be entitled to parenting time from 6:00 P.M. on the day school recesses for the break until 6:00 P.M. the day before school resumes.

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

6. Extended Summer Parenting Time by the Non-Residential Parent

With Written Notice by May 1 – If the non-residential parent gives the residential parent written notice by May 1 of a year specifying an extended period or periods of summer parenting time for that year, the non-residential parent shall have parenting time of the child for forty-two days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, as specified in the written notice. These periods of parenting time shall begin and end at 6:00 p.m.

Without Written Notice by May 1 – If the non-residential parent does not give the residential parent written notice by May 1 of a year specifying an extended period or periods of summer parenting time for that year, the non-residential parent shall have parenting time of the child for forty-two consecutive days beginning at 6:00 p.m. on June 15 and ending at 6:00 p.m. on July 27 of that year.

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

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

9. Parent's Birthday's – The non-residential parent shall have parenting time with the child from 6:00 p.m. to 9:00 p.m. on the day of the parent's birthday.

If the residential parent's birthday falls on a day that the non-residential parent has parenting time, the residential parent shall have parenting time from 6:00 p.m. to 9:00 p.m. on that day.

Not withstanding the weekend periods of parenting time ORDERED for the non-residential parent, it is explicitly ORDERED that **the residential parent shall have a superior right of parenting time of the child as follows:**

1. Christmas Holidays in Odd-Numbered Years - In odd numbered years, beginning at 6:00 p.m. on the day the child is dismissed from school for the Christmas school vacation and ending at noon on December 26.

2. Christmas Holidays in Even-Numbered Years – In even-numbered years, beginning at noon on December 26 and ending at 6:00 p.m. on the day before school resumes after that Christmas school vacation.

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

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

5. Spring Break - In odd numbered years, the residential parent shall be entitled to parenting time from 6:00 P.M. on the day school recesses for the break until 6:00 P.M. the day before school resumes.

6. Summer Weekend Parenting time by the Residential Parent – If the residential parent gives the non-residential parent written notice by June 1 of a year, the residential parent shall have parenting time with the child on any one weekend beginning at 6:00 p.m. on Friday and ending at 6:00 p.m. on the following Sunday during any one period of parenting time by the non-residential parent during the non-residential parent's extended summer parenting time in that year, provided that if a period of parenting time by the non-residential parent in that year exceeds thirty days, the residential parent may have parenting time of the child under the terms of this provision on any two non-consecutive weekends during that period and provided that the residential parent picks up the child from the non-residential parent and returns the child to that same place.

7. Extended Summer Parenting time by the Residential Parent – If the residential parent gives the non-residential parent written notice by June 1 of a year, the residential parent may designate twenty-one days beginning no earlier than the day after the child's school is dismissed for the summer vacation and ending no later than seven days before school resumes at the end of the summer

vacation in that year, to be exercised in no more than two separate periods of at least seven consecutive days each, during which the non-residential parent shall not have parenting time of the child, provided that the period or periods so designated do not interfere with the non-residential parent's period or periods of extended summer parenting time or with Father's Day Weekend.

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

II. GENERAL COMMENTS AND REQUIREMENTS

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

1. Surrender of Child by the Residential Parent – the residential parent shall surrender the child to the non-residential parent at the beginning of each period of the non-residential parent's parenting time at the residence of the residential parent.

2. Return of Child by the Non-Residential Parent – the non-residential parent shall return the child to the residence of the residential parent at the end of each period of parenting time.

3. Surrender of Child by the Non-Residential Parent – the non-residential parent shall surrender the child to the residential parent, if the child is in the non-residential parent's parenting time or subject to the non-residential parent's control, at the beginning of each period of the residential parent's exclusive periods of parenting time, at the residence of the non-residential parent.

4. Return of Child by the Residential Parent – the residential parent is ORDERED to return the child to the non-residential parent, if the non-residential parent is entitled to parenting time of the child, at the end of each of the residential parent's exclusive periods of parenting time, at the residence of the non-residential parent.

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

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

7. Both parties shall have the child(ren) ready for commencement and termination of parenting time at the appointed time.

8. Both parties shall be punctual. NO party shall have to wait beyond thirty (30) minutes of an appointed time. A parent who is late forfeits companionship for that period.

9. The residential parent shall send sufficient clean clothes appropriate to the season and sufficient to last the entire parenting time period. If the planned parenting time activities require special or unusual clothing needs, the non-residential parent must notify the residential parent at least two (2) days in advance of the parenting time period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the parenting time period. Additionally, any clothing purchased by the non-residential parent and which the children are wearing upon their return to the residential parent after parenting time, shall be cleaned and returned by the residential parent to the non-residential parent at the next parenting time period.

   The residential parent shall send sufficient bottles and all prescription or non-prescription medication taken by the child(ren) along with written instructions for the administration of the same and the name and telephone number of the physician. All bottles and unused supplies sent by the residential parent shall be returned with the child(ren). Each parent is to provide a car seat, diapers, and formula for the child during parenting time.

10. Each parent is ORDERED to return with the child the personal effects that the child brought at the beginning of the period of parenting time.

11. Child(ren) shall not be taken to a bar during parenting time.

12. It is encouraged that child(ren) shall not be left with friends or family members during a parenting time except if the non-residential parent is working or in an emergency.

13. Each parent may designate any competent adult to pick up and return the child, as applicable.

14. Disparaging remarks about the other parent SHALL NOT be made to the child(ren) or in the presence of the child(ren).

15. The residential parent shall notify the non-residential parent of any illness or malady that requires medical attention. No surgery, except emergency surgery, shall be performed without a good faith effort to give notice to the non-residential parent.

16. Parenting time granted shall be exercised; parenting time not taken is lost. Parenting time not taken do to the actions of the residential parent is not waived, but shall be added to the next scheduled parenting time weekend.

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

18. Parenting time requires communication and cooperation. Both parties shall cooperate with regard to parenting time.

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

20. Both parties shall recognize that the child(ren) have his/her own friends and activities and shall respect this fact. Regardless of where the children are living, their continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent with whom they are residing at the time of the activity to provide the physical and economic cost of transportation to these activities. The residential parent shall provide the non-residential parent with notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten by the residential parent if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available to the residential parent).

21. Telephone Access:

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

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

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

22. The periods of parenting time ordered above apply to the minor child the subject of this suit while that minor child is under the age of eighteen years and not otherwise emancipated.

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

III. STATUTORY REQUIREMENTS:

1. RELOCATION NOTICE:

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

2. RECORDS ACCESS NOTICE:

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

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

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

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

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

4. **SCHOOL ACTIVITIES NOTICE:**

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

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

IV. AIR TRAVEL ARRANGEMENTS FOR PARENTING TIME

IT IS ORDERED that, until a child reaches the age of five years, the following arrangements for air travel of that child shall control:

Surrender at the Non-Residential Parent's Residence – Adult to Accompany Child

Adult to Accompany Child – Each parent is authorized to designate a responsible adult known to the child to travel with the child between the residences of the parties. However, it is preferred that the parent be the actual person transporting the child between the residences

IT IS FURTHER ORDERED that the child shall not travel alone between the residence of the non-residential parent and that of the residential parent until the child reaches the age of five years.

Surrender at the Non-Residential Parent's Residence – Expenses

Expenses shared by the Non-Residential Parent and the Residential Parent – IT IS ORDERED that the non-residential parent shall pay all travel expenses, charges, escort fees, and air fares incurred for the child for transportation from the residence of the

residential parent to that of the non-residential parent. IT IS FURTHER ORDERED that the residential parent shall pay all travel expenses, charges, escort fees, and air fares incurred for the child for transportation from the residence of the non-residential parent to that of the residential parent.

Child 5 Years of Age or Older

IT IS ORDERED that the following provisions shall govern the arrangements for the travel of the child to and from the non-residential parent after the child reaches the age of five years.

Return to Residential Parent's Residence

Notice of Place and Time of Parenting time – IT IS ORDERED that, if the non-residential parent desires to take parenting time of the child at an airport near the non-residential parent's residence, the non-residential parent shall state these facts in a notice letter to the residential parent.

(a) the airport where the residential parent is to surrender the child;

(b) the date and time of the flight on which the child is scheduled to leave;

(c) the airline and flight number of the airplane on which the child is scheduled to leave;

(d) the airport where the child will return to the residential parent at the end of the period of parenting time;

(e) the date and time of the flight on which the child is scheduled to return to that airport; and

(f) the airline and flight number of the airplane on which the child is scheduled to return to the residential parent at the end of the period of parenting time.

Flight Arrangements

Flight arrangements – IT IS ORDERED that each parent shall make airline reservations for the child only on major commercial passenger airlines on flights having no change of airplanes between the airport of departure and the airport of final arrival (a "nonequipment change flight"). IT IS FURTHER ORDERED that each parent shall make airline reservations for the child on flights that depart from a commercial airport

near the residence of the other parent that offers regularly scheduled passenger flights to various cities throughout the United States on major commercial passenger airlines.

Delivery and Pickup by the Residential Parent

Delivery and Pickup by the Residential Parent – IT IS ORDERED that the residential parent shall deliver the child to the airport from which the child is scheduled to leave at the beginning of each period of parenting time at least two hours before the scheduled departure time. IT IS FURTHER ORDERED that the residential parent shall surrender the child to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child is scheduled.

IT IS FURTHER ORDERED that the residential parent shall take parenting time of the child at the end of the residential parent's period of parenting time at the airport where the child is scheduled to return and at the specific airport gate where the passengers from the child's scheduled flight disembark.

Pickup and Return by the Non-Residential Parent

Pickup and Return by the Non-Residential Parent – IT IS ORDERED that the non-residential parent shall take parenting time of the child at the beginning of each period of parenting time at the airport where the child is scheduled to arrive and at the specific airport gate where the passengers from the child's scheduled flight disembark.

IT IS FURTHER ORDERED that the non-residential parent, at the end of each period of parenting time, shall deliver the child to the airport where the child is scheduled to depart at least two hours before the scheduled departure time and surrender the child to a flight attendant who is employed by the airline and who will be flying on the same flight on which the child is scheduled to return.

Missed Flights

Missed Flights – IS ORDERED that any parent who has parenting time of the child at the time shall notify the other parent immediately if the child is not placed on a scheduled flight at the beginning or end of a period of parenting time. IT IS FURTHER ORDERED that, if the child should miss a scheduled flight, the parent having parenting time of the child when the flight is missed shall schedule another nonequipment change flight for the child as soon as is possible after the originally scheduled flight and shall pay

any additional expense associated with the changed flight and give the other parent notice of the date and time of that flight.

The Non-Residential Parent's Residence

Expenses Shared by the Non-Residential Parent and the Residential Parent – IT IS ORDERED that the non-residential parent shall purchase in advance the airline tickets (including escort fees) to be used by the child for the child's flight from the airport near the residence of the residential parent to the airport near the residence of the non-residential parent. IT IS FURTHER ORDERED that the non-residential parent shall make the necessary arrangements with the airlines and with the residential parent in order that the airline tickets are available to the child before a scheduled flight. IT IS FURTHER ORDERED that the residential parent shall purchase in advance the airline tickets (including escort fees) to be used by the child for the child's flight from the airport near the residence of the non-residential parent to the airport near the residence of the residential parent. IT IS FURTHER ORDERED that the residential parent shall make the necessary arrangements with the airlines and with the non-residential parent in order that the airline tickets are available to the child before a scheduled flight.

Miscellaneous Expenses

Miscellaneous Expenses – IT IS ORDERED that the expenses of a parent incurred in traveling to and from an airport as well as related parking and baggage handling expenses, are the sole responsibility of the parent delivering or receiving the child at the airport.

IN THE COURT OF COMMON PLEAS
HARRISON COUNTY, OHIO
GENERAL DIVISION

FILED
2005 OCT 31 PM 3:25
BARBARA J. YOHO
CLERK OF COURTS
HARRISON COUNTY OHIO

IN RE:

STANDING ORDER OF REFERRAL FOR POST-DECREE MOTIONS FOR REALLOCATION OF PARENTAL RIGHTS

JUDGMENT ENTRY

Effective November 1, 2005 all post-decree motions for reallocation of parental rights, and motions seeking a modification in orders for shared parenting or parenting time shall be referred to mediation upon the filing of said motion. A mediation fee of $75.00 shall be due at the time of filing; an additional deposit for court costs shall not be required at that time.

Effective November 1, 2005 all motions for contempt other than motions for contempt arising out of the non-payment of support shall be referred to mediation upon the filing of said motion. A mediation fee of $75.00 shall be due at the time of filing; an additional deposit for court costs shall not be required at that time.

In lieu of filing a post-decree motion for reallocation of parental rights or motion seeking a modification in orders for shared parenting or parenting time or motion for contempt arising out of an alleged violation of orders for parenting time and/or distribution of property, party may file a Request For Mediation In Lieu of Motion accompanied by the mediation fee of $75.00.

The party filing a motion or request for mediation as described above shall also complete and file the Mediation Program Post-Decree Referral Form which shall be available from the Clerk of Courts.

The Court shall not act upon post-decree motions for reallocation of parental rights seeking a modification in orders for shared parenting, custody, or parenting time until the mediation process has been completed absent a finding pursuant to Civil Rule 75 that immediate action is required to prevent a child from suffering "physical abuse, annoyance, or bodily injury by the other party."

SO ORDERED.

Dated: October 31, 2005

Michael K. Nunner, Judge

THE COURT OF COMMON PLEAS
OF HARRISON COUNTY, OHIO
GENERAL DIVISION

FILED
2005 OCT 31 PM 3:25
CLERK OF COURTS
HARRISON COUNTY OHIO

USE OF MEDIATION FOR MODIFICATION OF PARENTAL RIGHTS OR RESPONSIBILITIES AND/OR CONTEMPT

The Court is implementing changes with respect to post-decree motions for reallocation of parental rights and responsibilities and post-decree motions for contempt other than contempt for non-payment of support.

Effective November 1, 2005 mediation shall be utilized for all post-decree motions for reallocation of parental rights and responsibilities and post-decree motions for contempt before the matter is placed upon the hearing schedule. The Court Mediator, Amy Busic, will conduct the mediations. Ms. Busic's office, located at 101 West Main Street, St. Clairsville, Ohio 43950 will schedule mediations in Harrison County. The forms will be available at the Clerks of Courts Office in the Harrison County Courthouse.

Parties may be represented by counsel in the mediation process, but legal representation is not mandated.

The process will begin when a motion for reallocation of parental rights and responsibilities, this includes modification of parenting time, or motion for contempt for reasons other than non-payment of support is filed. The deposit for court costs (normally $150.00) will not be required, but a mediation fee of $75.00 will be due. In addition, the post-decree referral form (a copy is attached) shall be completed and filed as well. The Court will then refer the case to the Court Mediator for the prompt scheduling of a mediation session.

We believe that through mediation the parties will have an opportunity to directly and effectively address areas of concern. If the parties reach an agreement, a Stipulated Entry will be prepared by the Mediator. If the parties do not reach an agreement through mediation process, an evidentiary hearing before the Court will be scheduled.

In addition, individuals may choose to initiate the mediation process for post-decree issues without filing a motion. In this instance, the individual shall complete a Request for Mediation In Lieu of Motion form. The individual shall explain on this form the reason the nature of the problem they want the Mediator to address and shall sign this form. (If more space is needed for the explanation, additional sheets may be attached.)

The individual shall then complete the Post-Decree Referral Form and shall file the two forms with the mediation fee of $75.00. The case shall then be referred to the Court Mediator and a mediation session shall be scheduled to attempt to reach a resolution of the concerns expressed. (If the mediation does not produce a resolution, either party may file a motion with the Court and an evidentiary hearing will be scheduled at that time. A deposit for court costs ($150.00) shall be due when said motion is filed.

Michael K. Nunner, Judge

HARRISON COUNTY COMMON PLEAS COURT
GENERAL DIVISION

MEDIATION PROGRAM
POST-DECREE REFERRAL FORM

Please complete and return this form to the Clerk of Court's Office with your Post-Decree Motion (i.e. Motion for Contempt, Motion for Change in Custody, Motion for Parenting Time, etc.).

1. **Person Filing:** _____

   Address: _____

   _____

   Daytime Telephone Number: _____

   Attorney: _____

Please provide the following information regarding the opposing party:

2. **Opposing Party's Name:** _____

   Address: _____

   _____

   Daytime Telephone Number: _____

   Attorney: _____

Briefly describe the contents of your Motion or basis of request for Mediation.

_____

_____

Clerk of Courts Use Only:

Case #_____**Filing Fee Paid**_____**Date Referred to Mediation**_____

Created on 10/27/2005

HARRISON COUNTY COMMON PLEAS COURT
GENERAL DIVISION
MEDIATION PROGRAM

REQUEST FOR MEDIATION IN LIEU OF MOTION

In Lieu of a Post-Degree Motion for reallocation of parental rights or motion seeking a modification in orders for shared parenting or parenting time or motion for contempt arising out of an alleged violation of orders for parenting time and/or distribution of property, I request mediation to attempt to resolve my concerns in Case No._____

These are my concerns:_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____
Signature of Requesting Party

Please Print:
Name_____
Address_____
_____
Telephone_____

_____**A completed Post-Degree Referral Form is attached.**

Created on 10/27/05

"EXHIBIT A"

CIVIL CASES

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Civil - Foreclosure	deposit	$ 376.00		$ 400.00
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2303.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$ 25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$ 0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action		$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.41	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial costs	$ 139.41	$ 202.00
Preacipe for Order of Sale			$ 300.00	$ 300.00
CIVIL - All other civil	deposit	$ 226.00		$ 250.00
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$ 25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$ 0.26
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.41	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial costs	$ 139.41	$ 202.00
Cost for each additional Defendant over and above 10 defendant's				$ 10.00
Jury Demand			$ 300.00	$ 300.00
Complaint of 3rd Party		$ 115.00		$ 135.00
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Clerk Fees			$ 67.00	$ 59.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 35.00	$ 50.00
		Initial costs	$ 115.00	$ 135.00
Answer and Counterclaim		$ 60.00		$ 80.00
Clerk Fees			$ 25.00	$ 30.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 35.00	$ 50.00
		Initial costs	$ 60.00	$ 80.00
Execution	deposit	$ 126.00		$ 151.00
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Clerk Fees			$ 63.00	$ 50.00

"EXHIBIT A"

Common Plea Special Projects	2303.201 E 1	Determined by Court		$	30.00	$	50.00
		Initial costs		**$**	**126.00**	**$**	**151.00**
CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT							
Clerk Computerization	2302.20(B)(1)	Determined by Court		$	-	$	25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$	-	$	75.00
						$	**100.00**
JUDGMENT/TAX LIEN FEES							
Filing, Docketing & Endorsing Certificate	2303.20(P)	$	10.00	$	10.00	$	10.00
Certificate of Judgment Recording		$	20.00	$	20.00	$	20.00
Preparation of Certificate of Judgment		$	5.00	$	5.00	$	5.00
Release Judgment-Civil Court Case		$	5.00	$	5.00	$	5.00
W/Comp & Dpt. of Taxation Judgment Rel.		$	25.00	$	25.00	$	25.00
Foreign Judgment Filing Fee		**$**	**65.00**			**$**	**65.00**
Clerk Computerization	2302.20(B)(1)	$	20.00	$	10.00	$	20.00
Clerk Fees				$	55.00	$	45.00
						$	**65.00**
Debtors Exam	**deposit**	**$**	**50.00**			**$**	**76.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$	6.00	$	3.00	$	6.00
Clerk Computerization	2302.20(B)(1)	$	20.00	$	10.00	$	20.00
Filing Fee for New Action	2303.2A	$	25.00	$	25.00	$	25.00
Clerk Fees				$	12.00	$	25.00
		Initial costs		**$**	**50.00**	**$**	**76.00**
GARNISHMENT FILINGS							
Wages	**Deposit**	**$**	**126.00**			**$**	**151.00**
Clerk Computerization	2302.20(B)(1)	$	20.00	$	10.00	$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$	20.00	$	25.00
Comm/2% on money received/handled	2303.20(V)						
Common Plea Special Projects				$	30.00	$	50.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$	6.00	$	3.00	$	6.00
Clerk Fees				$	63.00	$	50.00
				$	126.00	$	151.00
Assets other than wages	**Deposit**	**$**	**65.00**			**$**	**125.00**
Clerk Computerization	2302.20(B)(1)	$	20.00	$	10.00	$	20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$	20.00	$	25.00
Comm/2% on money received/handled	2303.20(V)	undetermined					
Common Plea Special Projects				$	30.00	$	50.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$	6.00	$	3.00	$	6.00
Clerk Fees				$	63.00	$	24.00
				$	126.00	$	125.00

"EXHIBIT A"

DOMESTIC CASES

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
NEW DIVORCE/DISSOLUTION/ANNULMENT CASES				
Divorce	**Deposit**	**$ 240.00**		**$ 300.00**
Dissolution with children	**Deposit**	**$ 215.00**		**$ 250.00**
Dissolution without children	**Deposit**	**$ 190.00**		**$ 225.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Fund Victims of Dom. Viol. Shelters	2303.201(D)	$ 32.00	$ 32.00	$ 32.00
Child Abuse/Child Neglect Prev. Program	3109.14(B)(2)	$ 11.00	$ 16.00	$ 10.67
3% of Child Abuse/Neglect in clerk fees				$ 0.33
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2	$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.00	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	**$ 161.00**	**$ 219.00**
DOMESTIC VIOLENCE/CIVIL PROTECTION ORDER/LEGAL SEPARATION/OTHER DOMESTIC				
	Deposit	**$ -**		
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201 E 1	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Clerk Fees			$ 25.50	$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	$ 113.50	$ 176.00
Answer and Counterclaim		$ 60.00		**$ 60.00**
Clerk Fees			$ 25.00	$ 30.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 35.00	$ 30.00
		Initial costs	**$ 60.00**	**$ 60.00**
POST DIVORCE ACTIONS				
Modification with Stipulated Judgment Entry		**$ 35.00**		**$ 50.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00		$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Clerk Fees				$ 10.00
		Initial Costs		$ 50.00
Modification without stipulated Judgment Entry		**$ 150.00**		**$ 200.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00		$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00

"EXHIBIT A"

Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Clerk Fees				$ 34.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	$ 68.00	$ 200.00
Contempt (Re-open)		**$ 150.00**		**$ 200.00**
Motion for Modification **and/or**	2303.20(T)	$ 15.00		$ 15.00
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Court Computerization (Legal Research)	2302.20.1(B)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 50.00
Clerk Fees				$ 29.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 30.00
		Initial Costs	$ 68.00	$ 200.00
Mediation Fee		**$ 75.00**		**$ 100.00**
Filing Fee for New Action	2303.2A	$ 25.00	$ 25.00	$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court		$ 25.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Costs	$ 55.00	$ 100.00

NEW APPEAL CASE

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Deposit		**$ 100.00**		**$ 175.00**
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Legal Aid	2303.201(C)	$ 26.00	$ 25.74	$ 25.74
1% of Legal Aid paid in clerk fees			$ 0.26	$ 0.26
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Filing Fee for New Action	2303.2U	$ 25.00	$ 25.00	$ 25.00
Clerk Fees				$ 23.00
Common Plea Special Projects	2303.201 E 1	Determined by Court	$ 30.00	$ 50.00
		Initial Cost	$ 94.00	$ 175.00

"EXHIBIT A"

NEW CRIMINAL CASE

DOCKET ENTRY	O.R.C. #	ESTABLISHED FEE	COSTS 2005	COSTS 2013
Court Computerization (Legal Research)	2303.20.1(A)(1)	$ 6.00	$ 3.00	$ 6.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
Victims of Crime-County	Local Court Rule			
Victims of Crime-State	2743.70A1a			
Felony Conviction		$ 30.00	$ 30.00	$ 30.00
Misdemeanor Conviction		$ 9.00	$ 30.00	$ 9.00
Indigent Defense Support		$ 30.00	$ 30.00	$ 30.00
Crime Stoppers	County Resolution	$ 1.00		
2% poundage on Restitution/Bond				
Filing Fee for New Action	2303.2	$ 25.00	$ 25.00	$ 25.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Common Plea Special Projects			$ 30.00	$ 50.00
		Initial Cost	$ 178.00	$ 220.00
EXPUNGEMENT				
	Deposit	$ 200.00		$ 250.00
Motion to Open Case	2302.2	$ 15.00		$ 15.00
Clerk Computerization	2302.20(B)(1)	$ 20.00	$ 10.00	$ 20.00
State Treasury Fee	2953.32	$ 30.00	$ 60.00	$ 30.00
County Sealing Record Fee	2953.32	$ 20.00	$ 25.00	$ 20.00
Sealing Record after Not Guilty Plea	2953.52	Determined by Court		$ 20.00
Special Court Projects (Mediation)	2303.201(E)(1)	Determined by Court	$ 20.00	$ 25.00
Special Projects, Records Retention	2303.201(E)(1)	Determined by Court		$ 25.00
Clerk Fees			$ 52.00	$ 45.00
Common Plea Special Projects			$ 30.00	$ 50.00
		Initial Costs	$ 197.00	$ 250.00

"EXHIBIT B"

HARRISON COUNTY COMMON PLEAS COURT

	DEPOSIT
Civil - Foreclosure	$ 400.00
Preacipe for Order of Sale	$ 300.00
CIVIL - All other civil	$ 250.00
Cost for each additional Defendant over and above 10 defendant's	$ 10.00
Jury Demand	$ 300.00
Complaint of 3rd Party	$ 135.00
Answer and Counterclaim	$ 80.00
Execution	$ 151.00
JUDGMENT/TAX LIEN FEES	
Filing, Docketing & Endorsing Certificate	$ 10.00
Certificate of Judgment Recording	$ 20.00
Preparation of Certificate of Judgment	$ 5.00
Release Judgment-Civil Court Case	$ 5.00
W/Comp & Dpt. of Taxation Judgment Rel.	$ 25.00
Foreign Judgment Filing Fee	$ 65.00
Debtors Exam	$ 76.00
GARNISHMENT FILINGS	
Wages	$ 151.00
Assets other than wages	$ 125.00
NEW DIVORCE/DISSOLUTION/ANNULMENT CASES	
Divorce	$ 300.00
Dissolution with children	$ 250.00
Dissolution without children	$ 225.00
Answer and Counterclaim	$ 60.00
POST DIVORCE ACTIONS	
Modification with Stipulated Judgment Entry	$ 50.00
Modification without stipulated Judgment Entry	$ 200.00
Contempt (Re-open)	$ 200.00
Mediation Fee	$ 100.00
EXPUNGEMENT	$ 250.00
CERTIFICATE OF QUALIFICATIONS FOR EMPLOYMENT	$ 100.00
7th District Court of Appeals	$ 175.00
Record Notary Public Commission	$ 5.00
Notarize and Record Notary Public Commission	$ 6.00
Copy of Local Rules	$ 10.00
Authentication/Certified Copy of Record	$ 5.00
Electronic Transmission plus $1.00 per page	$ 2.00
Copies per page	$ 1.00