

26 MS 0005

IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO

In the Matter of:

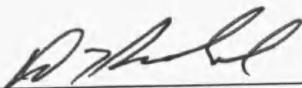
The Adoption of Local Court Rules
for Wyandot County Court of
Common Pleas

JUDGMENT ENTRY

.....

This matter has come before the Court for purpose of adopting Local Court Rules. Said Local Court Rules shall be effective **February 1, 2026**, until further Order of the Court.

IT IS SO ORDERED.



Douglas D. Rowland, Judge

WYANDOT COUNTY
COMMON PLEAS COURT

2026 JAN 27 AM 9:49

ELLEN S. WALTON
CLERK OF COURTS

JR 191-333

COURT OF COMMON PLEAS
WYANDOT COUNTY, OHIO
LOCAL COURT RULES



CIVIL, CRIMINAL, AND DOMESTIC RELATIONS

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Local Rule 1. TERMS OF COURT

The year shall be divided into three sessions of the Court beginning January 1, May 1, and September 1, which shall be known as the January, May and September Sessions of Court.

The hours for holding the regular sessions of the Court shall be from 8:30 AM-4:30 PM, unless otherwise modified by a local rule contained herein.

Local Rule 2. MEMBERS OF THE BAR

Bail or Surety. No attorney or officer of this Court shall be received as bail or security in any action. Neither shall any attorney or officer of this Court pay in advance any Court costs in any case.

Local Rule 3. EXAMINATION OF FILES

In the interest of justice, no person with the exception of parties or attorneys shall be permitted to examine the Complaint filed in any case until after service of summons.

Local Rule 4. CASE FLOW MANAGEMENT PROCEDURES

A. Purpose

In compliance with the Rules of Superintendence for the Courts of Ohio and for the purpose of maintaining and improving the timely disposition of cases, the following case flow management procedure is being adopted. It is not intended that this rule supersede any present rule, but only that it spells out the duties and responsibilities of counsel and the case management procedure.

B. Failure of Service

Upon notice of failure of service, counsel must make reasonable attempts to make good service within twenty-eight (28) days of notice; and if they do not, the case may be dismissed by the Court without prejudice.

C. Scheduling Order

The Assignment Commissioner shall, in not less than thirty (30) days or more than ninety (90) days after the last responsive pleading is filed, assign a scheduling conference

with all parties which may be conducted by telephone. The trial attorney must be present at this conference with his or her calendar. All important dates, including the trial dates, shall be established. This includes, but is not limited to, motions, discovery cut-off dates, pretrial hearings and trial dates. This schedule may not be altered except by order of the Court.

A final pretrial conference shall be scheduled approximately thirty (30) days before trial. Counsel shall certify to this Court that they conferred with each other prior thereto, and they shall be prepared to discuss all aspects of the case and to conduct good-faith negotiations toward settlement.

A trial brief shall be submitted at the final pretrial hearing. Any jury instructions requested by the parties shall also be submitted at this time.

D. Motions for Summary Judgment

Motions for summary judgment shall be handled in accordance with Civil Rule 56. They shall be decided without oral hearing unless an oral hearing is determined to be necessary by the Court. The Assignment Commissioner shall establish a briefing schedule and a non-oral hearing date. A party desiring an oral hearing shall notify the Court in writing within five (5) days after receipt of the Briefing Schedule stating why an oral hearing is necessary. Please refer to the rules regarding admissible evidence by which the Court must abide.

E. Other Motions

Other motions shall be handled according to Local Rules 7 and 8.

F. Continuances

Continuances shall not be granted orally and must be in writing. A request for continuance shall include the reason for the request and whether or not opposing counsel consents.

Local Rule 4.1. DOMESTIC RELATIONS CASE MANAGEMENT

A. Purpose

In compliance with the Rules of Superintendence for the Courts of Ohio and for the purpose of maintaining and improving the timely disposition of domestic relations cases, the following case-flow management procedure is being adopted. It is not intended that this rule supersede any present rule, but only that it spells out the duties and responsibilities of counsel and the case management procedure.

B. Active Cases

All active cases shall be indexed by case number on the court's docket. Each active case shall also be periodically reviewed. The periodic review shall include review of deadline dates established by time limitations taken from the court's rules for proof or failure of service, pretrial hearings, motion responses, hearing dates, objections to magistrate's decisions, preparation of entries, filing of entries, and case inactivity.

C. Complaints for Divorce

After the complaint is filed, service of summons shall be checked in thirty days. If service is complete and no answer has been filed, the case shall be assigned before the Court for an uncontested action.

If minor children are involved, the parties shall comply with Local Rule 25.1 by attending the mandatory Parenting Class.

If service is incomplete, notice shall be served on plaintiff's counsel directing that unless service is obtained, the case will be dismissed. If after fourteen (14) days no effort has been made to obtain service, the case shall be dismissed.

Counsel of record shall be notified of any complaint that has been dormant for three months. If, after notification to counsel of record, the case file reflects nothing has been done or no pending court date has been set, the case may be dismissed by the court without prejudice.

D. Supreme Court Affidavits

The Plaintiff shall include in their Complaint and the Defendant shall include in their Answer the following Affidavits:

1. Affidavit of Income and Expense
2. Affidavit of Property
and if Children involved:
3. Health Insurance Affidavit
4. Parenting Proceeding Affidavit
5. IV-D Application

E. Status Conferences, Pretrial Conferences and Disclosure.

After an answer is filed, the case will be scheduled for an early case management status conference before the Court. Attorneys may be present in person or by telephone, and clients must be available to the attorneys in person or by telephone. The case management status conference will deal with preliminary matters including but not limited to setting discovery deadlines, setting an initial pre-trial, arranging for appraisals, mediation (if

ordered), the need for counseling or conciliation, identification of disputed and undisputed issues, discussion of discovery issues, and other appropriate matters.

All contested cases will be pre-tried unless a pretrial is waived by all parties. Pre-trials will be before the Court and all parties and counsel are to be present unless excused for cause. In appropriate cases, the court may have more than one pretrial, if directed by the Court. If appropriate, guardian ad litem reports and status conferences will be combined by the court with a pre-trial or case management status conference.

Ordinarily, post-decree motions will be set for a pretrial unless they are not contested, in which case the initial hearing date may be considered a final hearing on such motions if the court deems it appropriate.

At pretrials, the court and counsel will discuss appropriate matters including trying to narrow the issues in controversy, possible stipulations as to authenticity of documents, exchange of expert and other reports and records, exchange of appraisals, stipulations as to values and amounts, any remaining issues of asset valuation and liability amounts, issues relating to the division of household goods and furnishings and other assets, parenting issues, and possible settlement. The court may make such pretrial orders as it deems appropriate to aid in the disposition of the action.

If appropriate, the court may also schedule a settlement conference before the Court at which the focus will be an effort to settle the case.

If a contested case appears to be relatively uncomplicated, the court will schedule a pretrial and final hearing date at the initial case management status conference. If a contested case appears to be complex, the court will, at an appropriate pre-trial conference, attempt to schedule the case for final hearing on the merits.

It is mandatory that the parties exchange with each other, as soon as is reasonably practicable after an answer is filed, all of the following:

1. The identity of all pensions, profit sharing and retirement benefits, including IRA's and the most recent summary;
2. Copies of all real estate deeds and vehicle titles and any appraisals intended by the parties to be used in the case;
3. Copies of the last three years income tax returns unless already in the possession of the other party;
4. Documentary proof of current income from all sources;
5. Copies of the most recent statements on all bank accounts, life insurance policies, mortgages, mutual funds, and other asset and debt accounts;
6. The identity and location of any safety deposit box; and
7. The identity of all entities which hold assets in which either party has an interest, including but not limited to beneficial interests in trusts, and tangible and other

personal property held for the benefit of a party. Also, the identity of all such assets which are being held for the benefit of a party shall be disclosed.

F. Dissolutions

Petitioner and Respondent shall submit the following Affidavits with the Petition for Dissolution:

1. Affidavit of Income and Expense
2. Affidavit of Property
and if Children involved:
3. Health Insurance Affidavit
4. Parenting Proceeding Affidavit
5. IV-D Application

Counsel of record or the parties shall be notified of any inactivity after sixty (60) days from the filing of the petition. Unless good cause is shown, the matter will be set for final hearing or dismissed within thirty (30) days.

If minor children are involved, the parties shall comply with Local Rule 25.1 by attending the mandatory Parenting Class.

A Decree of Dissolution, signed by Petitioner and Respondent, along with any other applicable orders (i.e. Separation Agreement, Parenting Plan and Child Support Worksheets) and a Waiver of the Magistrate's Decision, if applicable, shall be submitted to the Court at the final dissolution hearing.

G. Continuances

Continuances shall not be granted orally and must be in writing. A request for continuance, before it is granted, shall contain the new date for hearing, the reason for the request, whether or not opposing counsel consents, and must be approved by the magistrate, if applicable, before being submitted to the judge.

Local Rule 4.2 JURY MANAGEMENT PLAN

JURY ELIGIBILITY

To ensure that the jury pool is representative of the adult population of Wyandot County Ohio, all persons are eligible to serve on a jury, except as follows:

1. Are less than 18 years of age,
2. Are not United States Citizens,
3. Are not residents of Wyandot County, or

4. Have been convicted of a felony and have not had their civil rights restored.

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

GENERAL PROCEDURES FOR JURY DRAWINGS ANNUAL DRAWING

Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Wyandot County, by the use of random selection procedures using automated data processing equipment in conformity with Sections 2313.08 and 2313.21 of the Ohio Revised Code.

For jury drawing purposes, the year shall run from September 1 to August 31. Prior to May 1 and after the term selection held in April, the system programmer shall provide and upload into the data processing files for the jury selection program a list, as provided by the State Board of Election, of all registered voters for Wyandot County, Ohio. From this list, a selection process shall take place to compile the prospective jury pool list to be used throughout the next jury year beginning September 1. The number of prospective jurors selected shall be set forth within a Judgment Entry issued by the Wyandot County Common Pleas Court Judge. This list shall be used by all of the Courts of Wyandot County in the jury selection process.

The Jury Commission shall consist of two persons, of opposite political parties. The Commission shall split the list between the two and each will send questionnaires to the prospective jurors on their list. When the questionnaires are returned, each is inspected by the Jury Commission and decisions are made concerning their eligibility to serve as provided by Section 2313.34 of the Ohio Revised Code. After all corrections are made, the names of the eligible jurors are retained in the data processing files. The Jury Commission shall certify to the Clerk of Courts a list of the qualified and unqualified jurors.

TERMS OF COURT DRAWING PROCEDURE

Three times a year, the Clerk of Courts shall conduct a Term of Court jury drawing. Each Court shall submit to the Clerk of Common Pleas Court the number of persons requested to be drawn for that term. The Clerk shall then conduct the drawing according to that request for that particular term. The term drawing venires shall be filed with the Clerk of Courts and copies forwarded to the proper Courts.

In the event that the panels drawn are insufficient to meet the needs for a particular Court in that particular jury year, the Jury Commissioners shall reconvene as necessary to select additional jury panels in accordance with ORC 2313.01.

If, in the opinion of the Court, this jury list is not representative of the adult population of Wyandot County, additional source lists shall be utilized as authorized by law.

Random selection processes shall be utilized to assign prospective jurors to specific panels and for assignment during voir dire.

Departures from random selection shall be permitted only as follows:

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

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned.

All prospective jurors shall be required to complete a second jury questionnaire and, if appropriate, request an excuse, exemption or a deferral by letter to the Court. Said summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process and shall be delivered by ordinary mail. Said summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond. Any person who fails to respond to a duly served summons shall be served with a citation for contempt of court and must appear to answer on said summons or, if appropriate, shall be arrested and detained for examination as to why they failed to attend.

SUMMONING OF PROSPECTIVE JURORS

Prospective jurors shall be summoned only upon the filing of a written jury demand, if required.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of fifty (50) persons per jury group shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.

Every effort shall be made to resolve cases prior to summoning a jury. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury.

Persons summoned for petit jury service shall receive compensation in the amount of Twenty Dollars (\$20.00) per day. Compensation for grand jurors will be Twenty Dollars (\$20.00) per day. Such fees shall be promptly paid from the County Treasury as appropriate.

EXEMPTION, EXCUSE, AND DEFERRAL

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

1. Any person who suffers from a substantial physiological or psychological impairment.
2. Any person who has a scheduled vacation or business trip during potential jury service.
3. Any person for whom jury service would constitute a substantial economic hardship.
4. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
5. Any person who has served on a jury within the last year.
6. Any person for whom it may be readily determined is unfit for jury service.
7. Any person for whom it is readily apparent would be unable to perform their duty as a juror.
8. Any other valid excuse.

No person shall be excused from jury service except by the Judge or an individual specifically authorized to excuse jurors.

Once a prospective juror has submitted his request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

EXAMINATION OF PROSPECTIVE JURORS

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.

Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel one week prior to the day on which jury selection is to begin.

Counsel is permitted to record or copy the information contained on the questionnaires, except addresses and telephone numbers, so long as all copies of jury questionnaires are returned to the Court upon completion of the trial. Under no circumstances may counsel or a party retain any jury questionnaire.

Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaire. Parties and counsel may be permitted to ask follow up questions concerning such information.

The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

1. Counsel may not examine prospective jurors concerning the law or possible instructions.
2. Counsel may not ask jurors to base answers on hypothetical questions.
3. Counsel may not argue the case while questioning jurors.
4. Counsel may not engage in efforts to indoctrinate jurors.
5. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors.
6. Questions are to be asked collectively of the panel whenever possible.
7. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In all cases, voir dire shall be held on the record but may be conducted outside the presence of other jurors in order to protect juror privacy or to avoid juror embarrassment.

If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular case fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the Court. Further, Ohio Revised Code 2313.42 and Ohio Criminal Rule of Procedure 24(C) set forth additional challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternately as presently established by Ohio Revised Code 2945.23, Civil Rule 47, and Criminal Rule 24 unless, prior to trial, the parties agree on the record to another method.

Challenges to the jury array shall be made in accordance with established rules of procedure.

JURY ORIENTATION

Jurors shall report for service no later than 9:00 AM unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the Court twenty-four hours before trial.

Prospective jurors shall be provided with written and audio/visual orientation materials upon their initial appearance and prior to service. The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role and trial procedures of the Court along with other basic and relevant legal principals.

Upon the completion of the case and prior to jury deliberations, the Court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations.

A final jury charge shall, whenever possible, be committed to writing and shall be provided to the jury for its use during deliberation.

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such Court personnel for appropriate action.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict.

Court personnel shall endeavor to secure the safety of all prospective jurors and shall arrange and conduct all activities so as to minimize conduct between jurors, parties, counsel and the public.

Deliberations shall not continue after a reasonable hour unless the trial judge determines that evening and weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated unless, for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the Court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request the jury be polled.

Jury/Juror Records

- 1.) Original juror questionnaires shall be delivered to the assignment commissioner who shall maintain the questionnaires in paper for two (2) years from the end of the juror's term of service, at which time the questionnaires may be destroyed.
- 2.) Records regarding juror excusals or postponement shall be maintained in paper for (2) years from the end of the jurors' terms of service, at which time the records may be destroyed.
- 3.) Undelivered summonses and other jurors' communications shall be retained in for one (1) year from the end of the jurors' term of service and thereafter may be destroyed.
- 4.) Juror payment records in paper medium shall be retained for two (2) years, whichever shall last occur, and may thereafter be destroyed.
- 5.) Jury venire lists generated by a deputy commissioner of jurors for administrative use for a term of jury service shall be retained for a period of two (2) years from the end of the jurors' terms of service, at which time the lists may be destroyed.

Local Rule 5. PLEADINGS, FILES AND PAPERS

All pleadings and other papers may be filed with the court by electronic transmission (fax) subject to the following provisions:

- 1.) Attorneys should limit requests for electronic transmission (fax) to filings of an emergency to time-critical nature. The Court reserves the right to revoke this privilege from any attorney who appears to be abusing the privilege.
- 2.) A document filed by electronic transmission (fax) will be accepted as original consistent with Civil Rule 5 (E).
- 3.) In the event the documents being transmitted requests service of process, the Clerk will receive said documents, cause them to be file stamped and will make service if no deposit is required. If a deposit is required, service will be made after receipt of the same.
- 4.) The attorney must provide all required identification information on the first page (cover sheet) of transmission in a format prescribed by the Court. Transmissions without such information will not be accepted for filing. A transmitted document must be no longer than ten pages and must pertain to only one case. A transmission with more than ten (10) pages shall not be accepted unless prior approval is granted for said pages and for good cause shown to the Court.
- 5.) The attorney should retain receipt generated by sending device as evidence of filing. The Clerk will phone the attorney if the transmitted document cannot be filed for any reason. Transmissions received during other than normal business hours will be considered filed on the next day the office is open. All documents submitted via fax, mail or personal will be considered filed with date/time

stamped by the Clerk. Electronic filing via the portal will be considered filed when submitted once accepted by the Clerk.

6.) The clerk will maintain on the premises a device capable of facsimile transmission which will be attached to a dedicated telephone line and dedicated electronic circuit protected by a surge protector. It will automatically place the date and time of receipt on the printed transmission.

7.) Users of the facsimile device other than members of the staff of the Clerk of Courts or the Judge of Common Pleas Court, All Divisions, shall first receive permission from the Clerk of Court or the designated deputy clerk prior to using said device with the transmission of receipt of document (s).

Local Court Rule 5.01 Electronic Transmission Filing (E-Filing)

1) Implementation

- a. The Court's goal is to make e-Filing available in all cases and case types, with limited exceptions. However, to assure a smooth transition between e-Filing and paper filing, e-Filing will be available in some case types prior to others. Counsel and persons representing themselves pro se shall consult the Clerk's website before initiating a case. Documents to be e-Filed are subject to the requirements, exceptions and limitations set forth in these rules.
- b. At this time, we are not accepting the following via e-Filing: Court of Appeals; transcripts or briefs; garnishments; search warrants & their returns; protection orders; certificate of judgments; and cognovit note collection actions.

2) Users/Registration

- a. All persons e-Filing documents shall be registered as users in the e-Filing Portal which can be found via our website at www.wyandotcountyclerk.org.
- b. Parties who are represented by counsel, are NOT permitted to e-File documents or pleadings on their own behalf. Such filings shall be rejected.

3) Format of Documents Electronically Filed

a. Document Types

All documents submitted for filing shall be in PDF form. Such documents may either be signed by hand and scanned-in or they may be signed electronically as set forth in this Rule. Paper courtesy copies of documents filed electronically SHALL NOT be delivered to the Court, unless required by applicable rules or requested by the Court.

b. All electronically filed pleadings shall be formatted in accordance with the applicable rules governing formatting of paper pleadings. Filers must leave a marginal location at the top right of the first page of a document for date and time stamps. This space must be no less than 2-1/2 inches wide and 1 inch high.

c. Signatures

Attorney's/Submitter's Signature. Any document submitted electronically with the Clerk that requires an attorney's or a submitter's signature (other than hand-signed documents scanned in PDF format) shall be signed with the conformed signature of "/s/ (name)." The correct format for an attorney's signature is as follows:

/s/Attorney Name

Attorney Name, Registration Number

The conformed signature on an electronically-submitted document is deemed to constitute a legal signature on the document.

Multiple Signatures. When a stipulation or other document requires two or more signatures:

The submitting party or attorney shall sign the stipulation or document himself or herself as follows: "/s/ John Smith."

The submitting party or attorney shall then include an affirmation that the contents of the document are acceptable to all persons required to sign the document. The submitter shall indicate the agreement of all other counsel and/or parties at the appropriate place in the document, usually on the signature line.

The submitting party or attorney shall then submit the document electronically, identifying all of the other signatories as follows: "/s/ Jane Doe, per written authorization, by John Smith," etc.

Third-Party Signatures. A document containing the signature of a third party, who is not a party to the action (i.e., affidavit signed by a doctor, military affidavit signed by a staff member or company representative, etc.), shall be electronically submitted only as hand-signed and scanned-in PDF document.

4) Availability of e-Filing – Acceptance of Documents

a. Definitions. As used in this section:

"Submission" of a document means the act of transmitting a document electronically from a filing party to the Clerk of Courts through the e-Filing Portal for the purpose of causing it to be filed.

“Filed” means the acceptance of a document into the record of a case.

“Rejected Document” refers to a document containing deficiencies such as errors or omissions of a party failing to comply with the procedural aspects of these Local Rules, technical requirements of the e-Filing Portal, or clerical errors while submitting a document for filing. Such document will not be considered filed until deficiencies have been corrected.

- b. Documents may be submitted to the Clerk for e-Filing 24 hours per day, 7 days per week.
- c. Documents accepted by the Clerk shall be considered filed upon date of submission.
- d. Notice of Deficiencies in Submissions

The Clerk shall notify the submitting party of any deficiencies. That notice is sent from the Clerk of Court’s e-Filing Portal to the submitting party. The notification component of e-Filing MUST be turned on or you may not be aware that your filing was rejected.

If the document is rejected, the burden for timeliness falls on the filing party. A rejected document will be considered filed upon resubmission, provided any deficiencies are corrected in a timely manner.

By way of examples, notification of deficiencies may be given for reasons including, but not limited to, the use of incorrect electronic file format; failure to pay correct filing fees, submitting multiple documents in one uploaded file; incomplete or inaccurate party information; submission of orders or entries and incorrect case number.

Corrective Orders. Upon motion of a party, or upon its own initiative, the Court shall have discretion to issue orders necessary to correct and cure any deficiencies and to make modification to its records consistent with this Rule.

The Court may deny a motion requesting a corrective order to any party who acts in bad faith or otherwise manipulates the e-Filing system to gain unfair advantage or circumvent legal deadlines.

- e. **Filing of Initial Pleadings.** When any complaint or third-party complaint is submitted for electronic filing, the filing party shall complete and file a case designation sheet (see attached). Consistent with Ohio Rules of Civil Procedure, the filing party shall also file instructions for service and the Clerk shall issue a summons and serve the complaint or third-party complaint according to such instructions. The Clerk shall produce paper copies of these initial pleadings and charge a fee of .10 cents per page, as stated in the Clerk’s fee schedule, for production of service copies, which shall be assessed as costs. All electronically filed cases shall have service issued pursuant to Civil Rule 4 with United States Postal Service

being the Clerk's preferred method of service unless otherwise instructed in a request and/or praecipe for service.

f. **Effect of Technical Error.** If a submission is not received by the Clerk due to an error caused by the hardware or software of either the Clerk or the submitting party, upon satisfactory proof and for good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the submitter intended the document to be filed. Ultimately, it shall be the submitting party's responsibility to ensure all documents are properly received, docketed and served.

g. The availability and utilization of electronic filing shall not serve to eliminate any requirements to serve opposing counsel or parties with filing pursuant to the Rules of Civil Procedure. **The filing party is required to perfect service.**

Local Rule 5.02. FACSIMILE FILINGS

Pleadings, motions, exhibits and other case documents, other than those outlined herein, may be filed with the Wyandot County Clerk of Courts Office by facsimile transmission to 419-294-6414 subject to the following conditions.

Attorneys and pro se litigants shall limit use of facsimile to filings of an emergency or time-critical nature only. A filing is of an emergency or time-critical nature if a document is due to the Court by set deadlines, and/or hearings and will not arrive to the Court via regular or express mail or cannot be brought to the Clerk of Courts Office for filing with the Court within the available timeframe. Attorneys and pro se litigants shall call the Court Administrator or the Clerk of Courts Office prior to faxing any document.

A document filed by fax shall be accepted as the effective original filing and the signature accepted as original consistent with applicable rules. The attorney or pro se litigant making a fax filing need not file the original document with the Clerk of Court. However, the original document must be retained by the sending party in his/her records until the case is closed and all opportunities for post judgment relief are exhausted, with original signatures and the facsimile cover sheet used for the filing and shall be available for production upon request of the Court.

The attorney or pro se litigant must provide with the filing of the document by fax a cover sheet containing the following information:

- a. The office to which the document is being sent (Wyandot County Clerk of Courts Office).
- b. The fax number in which the transmission is being sent (419-294-6414).
- c. The name and Supreme Court Registration Number, if applicable, of the sender.
- d. The address, telephone number, fax number and email address, if any, of the sender.

- e. The case caption and case number as assigned by the Court.
- f. The title of the document(s).
- g. The date of the transmission.
- h. The number of pages, including the cover sheet, of the transmission.
- i. If applicable, a statement explaining how costs associated with the filing will be submitted.

If a document is received by the Clerk of Courts Office by fax without the cover sheet information listed above, the Clerk may, at its discretion: cause the document to be filed, enter it into the case docket and make it a part of the case file; or deposit the document in a file of failed faxed documents with a notation of the reason for the failure and shall not cause the document to be filed, entered into the case docket or made a part of the case file.

The Clerk of Courts Office is not responsible to notify any sending party of a failed fax filing. The sending party shall retain receipt generated by their sending device as evidence of the filing of the document and shall maintain said receipt with the source document. The sending party bears the entire risk of transmitting a document by fax to the Wyandot County Clerk of Courts Office.

Exhibits to a faxed filing that cannot be accurately transmitted via fax for any reason or are too lengthy to be faxed must be replaced by an insert page describing the exhibit and the reason(s) it is missing. Unless otherwise ordered by the Court, the exhibit must then be filed, as a separate document, no later than five (5) court days following the receipt of the faxed document. Failure to file the exhibit as outlined in this section may result in the Court's striking the document and/or exhibit. A cover sheet shall accompany any exhibit filed in this manner. The cover sheet shall contain the case caption, case number and title of the exhibit being filed and shall be signed and served in conformance with the rules governing the signing and service of pleadings.

A sending party who wishes to file a signed document by fax shall either fax a copy of the signed document or fax a copy of the document without the signature but with the notation “/s/” followed by the name of the signing person where the signature appears in the signed document. The sending party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

A transmitted filing shall not exceed more than fifteen (15) pages in length. Filings exceeding this amount shall not be filed by fax without prior approval from the appropriate court personnel Court Administrator or the Clerk of Courts Office. Service copies shall not be transmitted with the faxed document, as the Court or Clerk will make necessary copies. If a sending party needs to transmit a filing for more than one case, each case filing shall be transmitted separately with a separate cover sheet.

Any faxed filing that requires a filing fee shall not be accepted by the Clerk for file stamping until filing fees have been paid. Acceptable forms of payment are check or cash.

The following documents will not be accepted for fax filing:

- a. cognovit promissory note
- b. original complaint and accompanying paperwork for a new domestic or civil case action
- c. motion for reopening of a case
- d. answer with cross complaint needing service
- e. debtor's exam
- f. writ of possession
- g. garnishment
- h. service by publication and/or praecipe for order of sale
- i. making and/or filing and/or releasing of a certificate of judgment
- j. request for execution by the Sheriff
- k. filing of an appeals action
- l. filing of a motion/application for sealing or expungement of a criminal record

Local Rule 5.03 Service by Publication

Pursuant to Ohio Rules of Civil Procedure 4.4. In a divorce, annulment, and legal separation actions, if the residence of the Defendant is unknown, service by publication shall be made by posting and mail. Before service by posting and mail can be made, an affidavit of a party or the party's counsel shall be filed with the Court.

Upon filing of the affidavit, the Clerk of Common Pleas Court shall cause service of notice to be made by posting in the Courthouse and at the Mohawk Community Library, 107 East Seventh Street, Sycamore, Ohio and the Doracs Carey Public Library, 236 East Findlay Street, Carey, Ohio. The notice shall contain the same information required in a newspaper publication. The notice shall be posted in these locations for six successive weeks.

The Clerk shall also cause the complaint and summons to be mailed by ordinary mail, address correction requested, to the Defendant's last known address. The Clerk is notified of a corrected or forwarding address of the Defendant within the six-week period that notice is posted, the Clerk shall cause the complaint and summons to be mailed to the corrected or forwarding address. The Clerk shall note the name, address and date of each mailing in the docket.

After the last week of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

Local Rule 5.04 Reporting to Law Enforcement & Compliance Plan

- A. The court has a duty to ensure complete, accurate, and timely submission of information into the state's computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and other law enforcement databases.
- B. The Court, in collaboration with the clerk of court, law enforcement agencies, and any other applicable justice system partners, will develop a Reporting to Law Enforcement & Compliance Plan.
- C. The Reporting to Law Enforcement & Compliance Plan will identify procedures and timelines for:
 - 1. Obtaining and reporting fingerprints as prescribed by the Revised Code and Supreme Court of Ohio rules, including R.C. 109.57(A)(2), 109.60(A), 2923.14, 2929.44(B), and 2945.402(E)(1), Sup.R. 95(C) and Crim.R. 9(A);
 - 2. Reporting information regarding protection orders as prescribed by the Revised Code and Supreme Court rules, including R.C. 2903.213, 2903.214, and 2919.26, and Sup.R. 10(A);
 - 3. Reporting information to the Ohio Department of Public Safety's Bureau of Motor Vehicles as prescribed by R.C. 4510.03, 4513.37, and 5502.10 and Supreme Court rules;
 - 4. Maintaining complete and accurate records in accordance with 18 U.S.C. 922(g), the Revised Code, including R.C. 2923.13, and Supreme Court rules in the event of an audit by the Federal Bureau of Investigation, BCI, or state or local auditors; and
 - 5. Reporting sealed and expunged records to BCI, LEADS, and other law enforcement databases pursuant to the Revised Code, including R.C. Ch. 2953 and R.C. 2903.214, 2930.171, and 3113.31.
- D. The Court will review the Reporting to Law Enforcement & Compliance Plan every three years from its adoption date.

Local Rule 6. JUDGMENT ENTRIES

The court may order either counsel to prepare an entry setting forth the agreement of the parties or an order of the court. Drafting counsel shall prepare and mail said entry to all counsel and all guardians ad litem within ten (10) days of the hearing date. Opposing counsel shall then have five (5) days, after the entry was mailed by drafting counsel, to review the same, and within the same period opposing counsel shall do one of the following:

- a. Sign the entry and return it to preparing counsel, who is to file it with the court; or
- b. Contact opposing counsel to attempt to resolve any discrepancies; or
- c. Contact the court for further direction.

In the event that opposing counsel fails to respond to drafting counsel within five (5) days from the time drafting counsel mails the entry to opposing counsel, drafting counsel may then submit the entry to the court without the approval of opposing counsel, and in the event, drafting counsel shall inform the court of the fact that drafting counsel received no response from opposing counsel within that five (5) day period.

Local Rule 7. LEAVE TO MOVE OR PLEAD

When a party in any case is not prepared to move or plead on the rule day, an extension of time may be had upon application to the Court and without notice for a period not exceeding thirty (30) days; or with consent of counsel not to exceed fifty (50) days without leave of Court.

Any leave to move or plead thereafter may be had only by consent in writing of the parties or their counsel and the approval of the Court, or upon application to the Court with notice to the opposing party or counsel, and for good cause shown.

This rule does not apply to Domestic Relations cases.

Local Rule 8. MOTIONS

A. General Motions

1. Motions shall be accompanied by a memorandum stating the grounds therefore and citing the authorities and reasons relied upon. Within fourteen (14) days after service of such Motion, each party opposing the Motion shall respond. Upon expiration of the time for filing memoranda, the matter shall be deemed submitted. Failure to file a memorandum at the time required is a waiver and consent to submit the issue or case to the Court forthwith for decision.

2. Motions shall, at the discretion of the Court, be ruled upon pursuant to Civil Rule 7(B)(2). Oral hearings on motions shall be set only where the party seeking same demonstrates such need in writing prior to the expiration of fourteen (14) days.

Where the interest of justice requires, the Court may, upon notice to the non-moving party, decide any motion on an expedited basis prior to the expiration of the briefing schedule set forth in this rule.

- B. Exceptions-This rule shall apply to all motions excepting domestic relations proceedings and those otherwise provided herein.
- C. Equitable Relief-Motions for temporary restraining orders, temporary injunctions, for receivers, or for similar urgent equitable relief shall be submitted to the Court. Notice of time of hearing shall be served upon the adverse party or his counsel and no matter shall be heard ex parte, unless from the affidavits filed with the motion, the Court determines that extraordinary, undue hardship would result to the moving party by any delay in the proceeding. Even when the order is issued ex parte, a hearing on the continuance of such order shall be scheduled and held after notice to all concerned.

Local Rule 9. FORECLOSURE OR EXECUTION/REAL ESTATE SALES & APPRAISALS

Confirmation of any sale of real estate by the Sheriff or by any master or receiver appointed by the Court shall not be entered any earlier than ten (10) days from the date of sale, unless consented to by all interested parties or their counsel, in writing.

All execution sales of real estate shall take place at the Wyandot County Courthouse.

In all cases where the appraisal of real estate is necessary or required by law, the Clerk of Court shall immediately notify all counsel of record of the appraisal, when it is returned by the Wyandot County Sheriff's Office. This Notice shall be in the form of a full copy of the appraisal and shall be mailed to the attorneys of record or to the parties of record, if pro se.

In all foreclosure cases, after the period of redemption has expired, it will be obligation of the attorney to file a Praeclipe with the Clerk of Courts requesting an Order of Sale to be issued to the Sheriff.

In any proceedings wherein appraisals are sought by the Wyandot County Sheriff or any other agency, the Plaintiff or the party requesting the appraisal shall furnish a key or other method of access so the appraiser can gain admittance to the property.

If admittance is not provided to the Wyandot County Sheriff, the Sheriff has the authority to employ a locksmith to gain admittance into the premises, and the cost thereof shall be taxed as court costs.

The Clerk of Courts shall immediately notify all counsel of record of the appraisal when it is returned by the Wyandot County Sheriff by providing a photocopy of same within twenty-four hours of the receipt thereof.

Local Rule 10. PARTITION

In a partition case any party shall have five days after the return of the order to file objections to said appraisement. If no objections are filed, said appraisement may be confirmed by the Court at the expiration of said five-day period.

Any interested party having a right to elect to take said premises or any part thereof at the appraised value shall do so within fourteen days after the confirmation of said appraisement, and notice of such election shall be given by such parties so electing to counsel of record for all parties. Should such an election be made within said fourteen-day period and notice given to all counsel of record, then any other parties entitled to elect shall have an additional fourteen-day period to file a similar election. If no election is filed or if more than one election is filed, then said property must be sold at public sale. If two or more elections are filed, then an order of sale may be issued forthwith. If only one election is filed to take the premises, or any part thereof, at the appraised value, then such election shall be allowed and confirmed after the expiration of ten days from the confirmation of the order of appraisement. The party electing to take the property will not be required to pay or to deposit his share of the purchase price, but only his share of the costs including attorney fees. This rule shall also apply in cases where property has been sold at public sale.

Local Rule 11. FEES OF ATTORNEYS IN PARTITION AND OTHER JUDICIAL SALES

1. In all cases involving judicial sales where the Court has legal authority to fix attorney fees, said fees shall be the same as in partition cases.
2. Fees of counsel in partition cases shall be as follows unless otherwise provided by the Court: On the selling price if sold, otherwise based upon the appraised value; 8% on the first \$10,000.00; 6% on the next \$10,000.00; and 5% on the remainder of the sale price or appraised value. The sum allowed shall be equitably taxed as costs for counsel for good cause shown.
3. This does not apply in foreclosure.

Local Rule 12. DUTIES OF COUNSEL AT PRETRIAL HEARINGS

It shall be the duty of counsel to do the following at pretrial and failure to be prepared may result in dismissal of the case for want of prosecution or in a default judgment or such other action, to enforce compliance as the trial judge deems appropriate:

1. All parties shall have filed "Pretrial Statement" in accordance with these rules.
2. Each counsel shall come prepared and authorized to negotiate toward settlement of the case.
3. Where an insurance company is involved, a representative of the company shall be present at the pretrial. The plaintiff shall also be present.
4. A pretrial may be waived by consent of all parties and the Court.

Local Rule 13. PRETRIAL STATEMENT

For Domestic Relations cases:

1. Stipulated issues and items including evidence.
2. Issues to be litigated, including possible acceptable resolutions.
3. Witness list with brief statement of purpose of testimony.
4. A list of valuations for all real estate and/or personal property.
5. Parties' respective position on the distribution of assets and debts.
6. A Statement of the contested factual or legal issues to be litigated as well as evidentiary and procedural issues shall also be addressed in the brief.
7. Any asset alleged to be pre-marital or separate property needs to be identified and documentation of the tracing of said asset to be provided.
8. Both parties shall exchange discovery as soon as possible.
9. A list of all Exhibits to be used at trial, with a verification that all Exhibits listed have been provided to opposing party.

Local Rule 14. STIPULATIONS

Stipulations and private agreements of counsel or parties concerning the progress or management of any matter touching the case, not made in open Court, will not be recognized unless the same is reduced to writing and signed by the parties thereto.

Local Rule 15. CHECKLIST OF ISSUES

Counsel for each party in which a jury trial has been requested shall submit to the Court ten (10) days prior to the date of trial a check list of those issues which he or she believes, either as plaintiff or defendant, will be involved in the trial of the case, and further which he or she believes the Court should include in its charge to the jury. For example, speed, stop sign, contributory negligence, preferential right of way, last clear chance, etc.

The furnishing of same will assist the Court in its preparation for trial and its charge to the jury. It will also make counsel more aware of the issues in the case and whether or not the Court is properly covering the issues in its charge.

Local Rule 16. COURT MEDIATION SERVICES

Pending cases may be referred to mediation by the court on its own motion, upon recommendation of a magistrate, or upon the joint motion of the parties at any stage of the proceedings.

Mediation is prohibited a) as an alternative to the prosecution or adjudication of domestic violence; b) in determining whether to grant, modify or terminate a protection order; c) in determining the terms and conditions of a protection order; and d) in determining the penalty for violation of a protection order. These prohibitions shall not prevent the use of mediation in a subsequent divorce or allocation of parental rights and responsibilities, i.e. custody, case even though that later case may result in termination of some provisions of the protection order.

Referrals shall be to the court mediator unless, upon request of the parties and for good cause shown, the court approves a referral to another qualified mediator. Any request for referral to a mediator other than the court mediator must set forth the basis for the request, the name and address of the proposed mediator, together with an outline of his/her qualifications as mediator, and the parties' understanding of their financial obligations for payment of mediator fees.

Upon referral to mediation, the mediator shall have access to all pleadings and other documents filed with the court in the referred case.

Qualifications of Mediators: Any mediator to whom the court makes referrals in civil cases, other than domestic relations cases, shall have the minimum qualifications outlined in Rule 16(C)(1)(a) and (b) of the Rules of Superintendence for the Courts of Ohio. Any

mediator to whom the court makes referrals pursuant to Ohio Revised Code section 3109.052 and in any domestic relations case in relation to issues other than the allocation of parental rights and responsibilities shall have the minimum qualifications outlined in Rule 16(C)(1)(c) of the Rules of Superintendence for the Courts of Ohio for training in family or divorce mediation. Any mediator to whom the court makes referrals in domestic relations cases when violence or fear of violence is alleged, suspected, or present shall have the minimum qualifications outlined in Rule 16(C)(2) of the Rules of Superintendence for the Courts of Ohio for training in domestic abuse and mediation.

A. Case Management of Mediation Cases

Unless proceedings are stayed by court order during the process of mediation, the parties shall continue to engage in the discovery or other preparatory processes and the court shall continue to manage the case by establishing deadlines and placing the matter on the trial docket.

B. Pre-Mediation Procedures

The court shall issue an order of referral to mediation that includes contact information and the parameters of the mediation, if appropriate.

The mediator shall send written notice of the scheduled mediation session(s), to include the date, time, and location of the mediation sessions.

C. Mediation Sessions and Process

Cases referred by the Court shall be scheduled for mediation by the court mediator. All cancellations and rescheduling of mediation dates shall be made only upon approval of the court's mediator.

The parties to the case shall attend all mediation sessions unless their attendance has been excused by the court mediator. All parties necessary for authority to settle the case must attend. Other persons may be present only with the consent of all parties and the mediator.

Each party shall be accompanied at the mediation sessions by the attorney who is primarily responsible for handling the trial of the matter, unless the attorney is excused by the court mediator.

All mediations shall be conducted in accordance with Ohio Revised Code sections 2710.01 et seq., the Uniform Mediation Act, and Ohio Revised Code section 3109.052 where

applicable, Rule 16 of the rules of Superintendence for the Courts of Ohio, and any amendments to those provisions.

Communications in the mediation process, regardless of the method of referral or the nature of the issues referred, are governed by Ohio Revised Code section 2710.01 et seq., section 3109.052 where applicable, and the Ohio Rules of Evidence.

During the course of the mediation process, the mediator may, upon request of the court, report to the court on the status of the mediation, including whether additional sessions are scheduled, whether partial agreement has been reached, and the names of any necessary persons who have failed to attend a scheduled mediation session. The mediator shall keep mediation communications confidential, unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

The efforts and statements of the mediator shall not be considered to be the giving of legal advice. The mediator may provide materials for legal or other support services available in the community, but the distribution of that information shall not be construed as a recommendation of or referral to such resource. The party who receives the materials or information is responsible for evaluating those resources.

If the mediator determines that mediation will be of no benefit to the parties or that an impasse has been reached, the mediator shall inform the court and the parties that mediation is terminated. Upon conclusion of mediation, whether by termination or by full or partial agreement, the mediator shall notify the court so that the court may take appropriate action in assigning the case for further proceedings if necessary.

D. Sanctions

If a party or counsel for a party fails to attend mediation session(s) without good cause, the Court may impose appropriate sanctions, including, but not limited to, an award of attorney's fees and other costs or appropriate sanctions.

Local Rule 17. TRIAL PROCEDURE AND COURTROOM ETIQUETTE

Trial procedure shall be in accordance with the Ohio Revised Code or the rules of the Supreme Court.

Except by permission of the Court, only one counsel for each adverse party shall be permitted to speak on any interlocutory motion, or upon any question arising in the trial of a case.

Witnesses shall be subpoenaed only for the approximate time in which they shall be used. All attorneys shall investigate the entire circumstances surrounding their actions to ensure the person named in the subpoena is the correct person to be brought to Court.

The Court shall be notified immediately if the witness cannot be used at the time specified in the subpoena so that other arrangements can be made for their testimony.

All exhibits to be used during trial shall be marked before the commencement of the trial. Photocopies shall be made and given to opposing counsel, preferable before the pretrial conference; however, in no event less than five (5) days before trial. Plaintiff shall use the numerical designation while the Defendant shall use the alphabetical designation.

No photographic, television, recording, broadcasting, telephonic equipment or devices shall be used within the confines of the Courthouse except for official business purposes and unless approved by the Court for trial-related proceedings and unless such action is approved by the Court pursuant to Rule 12 of the Rules of Superintendence for the Courts of Ohio.

During the pendency of a matter, representatives of the media will under no circumstances question or converse with prospective or selected jurors concerning a cause set for trial.

Spectators and others will be seated in the courtroom on a first-come first-served basis in seats that are provided behind the rail and shall conduct themselves in a manner that does not disrupt the court proceedings. The Court may require the spectators to remain in the courtroom until a recess or adjournment.

No persons except officers of the Court and duly authorized persons shall be permitted in front of the railing or bar of the common pleas courtroom.

No persons within the courthouse, other than peace officers on official business, shall have on their persons or under their control any dangerous weapon or dangerous ordnance. Any person within the confines of the courthouse shall be subject to search at any time by the Sheriff of Wyandot County, Ohio, or his deputies. The Sheriff and his deputies are further directed to search any and all spectators at their discretion. The Wyandot County Common Pleas Court Security Policy adopted in compliance with Rule 9 of the Rules of Superintendence for the Courts of Ohio governs this rule.

There shall be no eating, drinking, or smoking in the courtroom unless permitted by the Court.

The Court may promulgate and enforce such other rules as may be necessary to maintain the decorum of the Court.

Counsel, parties and all witnesses appearing in matters before this Court shall be appropriately attired.

Any person violating these provisions may be subject to a finding of contempt of court and punished appropriately, and the violation may result in the continuance of the scheduled matter.

Local Rule 18. COURT COSTS

The costs as fixed by the Court may vary from time to time and therefore counsel should check with the Clerk in the division in which they will be filing to determine the costs properly applicable to that cause of action.

In the absence of a written stipulation, it shall be assumed that in the event a case is settled, the party paying the settlement shall also be liable for the Court costs.

Any party making an application to be qualified as an indigent litigant as set forth in Section 2323.311 of the Ohio Revised Code, shall file an Affidavit of Indigency and the Clerk of Courts shall accept the action or proceeding for filing. The Court will review the Affidavit and determine if it meets poverty guidelines and proceed accordingly. (R.C. 2323.311)

In civil cases to be tried to a jury, if a case is settled after 4:30 PM on the day immediately preceding the first day of trial, the Court may assess the cost of the jury to the parties.

Local Rule 19. FEES FOR COMPUTERIZING COURT AND COMPUTERIZED LEGAL RESEARCH

Pursuant to the authority of O.R.C. 2303.201(A) it is determined that, for the efficient operation of the Civil, Criminal and Domestic Relations Divisions of this Court, additional funds are required to computerize the Common Pleas Court and to make available the computerized legal research services.

The Clerk of this Court is directed and hereby authorized to charge and collect an additional fee of six dollars (\$6.00) upon the filing of each cause or appeal under O.R.C. 2303.20 (A), (Q), and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost to the Court for utilization of this Court in procuring and maintaining computerization of the Court and computerized legal research services, or both.

Pursuant to the authority of O.R.C. 2303.201(B) it is determined that, for the efficient operation of the Civil, Criminal and Domestic Relations Divisions of this Court, additional funds are required to computerize the office of the Clerk of the Court of Common Pleas.

The Clerk of this Court is directed and hereby authorized to charge an additional fee of twenty dollars (\$20.00) upon the filing of each cause of action, appeal, certificate of judgment, or the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under O.R.C. 2303.20(A), (P), (Q), (T), and (U).

All funds collected pursuant to this rule shall be paid to the County Treasurer to be disbursed, upon an order of the Court of Common Pleas and subject to appropriation by the Board of County Commissioners, in an amount no greater than the actual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas.

Local Rule 20. BANKRUPTCY

Whenever any party to an action pending in this court files bankruptcy, the attorney for same or the party, if acting in a pro se capacity, shall within five (5) days of the date of filing bankruptcy, file with the Court a copy of the "Notice of Bankruptcy Case Filing" along with a Judgment Entry granting stay and further provide notice of such filing to all unrepresented parties and counsel of record in conformance with Civil Rule 5.

The party or attorney filing the initial notice shall upon receipt of document(s) evidencing termination of the automatic stay by reason of dismissal of the bankruptcy petition, discharge of debtor(s), the granting of relief from stay by the bankruptcy court, or otherwise shall immediately file same with this court in order that said cause may continue.

Local Rule 21. VIDEO DEPOSITIONS

In all cases where video tape depositions are going to be used at trial, a written transcript of said deposition shall be filed with the Court two (2) weeks prior to trial. Any

party with objections to any part of the deposition shall file the same in writing one (1) week before trial.

Any deviation therefrom shall be made by special application to the Court. It will further be the duty of the counsel offering the deposition to pick it up and have it edited before trial.

Local Rule 22. MAGISTRATES

Matters arising in the General Division of the Common Pleas Court may be heard by a Magistrate appointed by this Court and subject to the Ohio Rules of Procedure.

Local Rule 23. EMERGENCY *EX PARTE* CIVIL PROTECTION ORDERS

All petitions for protection orders filed in accordance with Ohio Revised Code Sections 3113.31 (Domestic Violence), 2151.34 (Juvenile) or 2903.214 (Stalking/Sexually Oriented Offense) seeking an emergency *ex parte* order shall be filed with the Clerk of Courts by 3:00 p.m. daily. Petitions involving allegations of Domestic Violence will be heard on the same day the petition is filed. All other *ex parte* petitions will be heard no later than the next court day.

Local Rule 24. EMERGENCY *EX PARTE* MOTIONS AND ORDERS

Unless an emergency exists, as determined by the Court, based upon supporting affidavits pursuant to Civil Rule 75, no *ex parte* orders will issue, except reciprocal, mutual restraining orders following the language in Rule 24.1, below, for which no affidavits are necessary.

Requests for temporary orders shall be set for hearing within forty-five (45) days of filing. A continuance may be granted to either party for good cause shown.

Notice of hearing on temporary orders shall be served with the pleadings pursuant to Civil Rules.

No party shall be ordered removed from the marital residence without a hearing, unless an emergency situation exists as determined by the Court. At the hearing, no Order will issue unless there is evidence that the party requesting the Order, or the minor children of the party requesting the Order, are in imminent danger of physical harm, or the children's health and welfare are at risk.

After filing of a Complaint for Divorce and prior to any temporary Order being issued, except for parenting time periods, neither party shall relocate the minor child(ren) from the child's home, school district, or the jurisdiction of Court. The purpose of this rule is to limit the disruption to the children's home and school environment.

Local Rule 24.1. TEMPORARY RESTRAINING ORDERS

All parties to original domestic relations actions in the Wyandot County Common Pleas Court may be subject to reciprocal, mutual restraining orders from the date service of summons is completed. This order shall be strictly complied with under penalty of contempt of Court. Use of the following language is suggested:

1. Each party is enjoined and restrained from doing, attempting to do, or threatening to do any act of injuring, maltreating, belittling, molesting, or harassing the adverse party, their attorney, family members, employer, or any of the child(ren) of the parties.
2. Each party is enjoined and restrained from selling, encumbering, contracting to sell, removing from the jurisdiction of this Court, or otherwise disposing of any of the property belonging to either of the parties, except in the ordinary course of business or unless authorized in writing by the Court.
3. Each party is enjoined and restrained from changing or altering in any way, including, but not limited to, the named beneficiaries, covered persons or extent of coverage or benefits, of any life or health insurance policies, employee benefits plans or similar items or assets of a contractual nature, existing at the time of the filing of these proceedings, unless authorized in writing by the Court.
4. Each party is enjoined from removing any child(ren) who is/are subject to the jurisdiction of the Court in this matter from the jurisdiction of the Court without first obtaining consent, in writing, from the other party or the Court.

The following language shall appear on each restraining order issued by this Court. Attorneys are responsible for seeing that this language is incorporated into all existing orders. Any incident reports received by the Court will be forwarded to the attorneys for the parties or to the parties if unrepresented by attorneys.

THIS IS A SELF-EXECUTING ORDER AND ANY LAW ENFORCEMENT OFFICER IS ORDERED TO ENFORCE THE SAME BY USING WHATEVER MEANS ARE NECESSARY TO MAINTAIN THE PEACE.

ANY LAW ENFORCEMENT OFFICER OBSERVING AN APPARENT VIOLATION OF THIS ORDER SHALL FORWARD A COPY OF THE

COMPLETE INCIDENT REPORT TO THE JUDGE OR MAGISTRATE ASSIGNED TO THE CASE IN COMMON PLEAS COURT.

In every original divorce or legal separation, the parties shall, not less than forty-five (45) days prior to the final pretrial conference in contested matters, whether requested through formal discovery, exchange all information and documents contained in Appendix B of these Rules.

Local Rule 24.2. CITATIONS IN CONTEMPT

Since contempt actions are controlled by Chapter 2705 of the Ohio Revised Code, any motion requesting a citation in contempt shall:

1. Specifically state the basis for the contempt citation, including the alleged contemnor's conduct and the order alleged to have been violated.
2. Contain a notice of hearing, which after filing shall be submitted to the Assignment Commissioner for scheduling.
3. Include the following language:

FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF AN ORDER OF ARREST AND IN THE ISSUANCE OF AN ORDER FOR THE PAYMENT OF SUPPORT BY WITHHOLDING AN AMOUNT FROM YOUR PERSONAL EARNINGS OR BY WITHHOLDING OR DEDUCTION AN AMOUNT FROM SOME OTHER ASSET YOU MAY OWN.

YOU HAVE THE RIGHT TO COUNSEL AND IF YOU BELIEVE YOU ARE INDIGENT YOU MAY APPLY FOR COURT APPOINTED COUNSEL WITHIN THREE (3) BUSINESS DAYS AFTER YOUR RECEIPT OF THIS SUMMONS.

THE COURT MAY REFUSE TO GRANT A CONTINUANCE AT THE TIME OF THE HEARING FOR THE PURPOSE OF YOUR OBTAINING COUNSEL, IF YOU FAIL TO MAKE A GOOD FAITH EFFORT TO RETAIN COUNSEL PRIOR TO THE HEARING.

IF YOU ARE FOUND GUILTY OF CONTEMPT, THE COURT MAY IMPOSE A FINE, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN 180 DAYS IN JAIL, OR BOTH, AND THE ASSESSMENT OF COURT COSTS.

Notice of such motion and of the hearing thereon shall be served upon the subject party pursuant to the rules of service of summons contained in Civil Rule 4 through Civil Rule 4.6, incl., and the responsibility for initiating such service shall be on the person filing the motion.

Motions to show cause shall be heard within thirty (30) days of their filing, or as soon thereafter as the Court's docket will permit. One continuance may be granted to either party for good cause shown.

Any finding in contempt on the part of a party will include an assessment of costs and may include an award of reasonable attorney's fees and costs. Unless proper evidence is presented justifying a higher fee awarded, the Court will not award attorney's fees in excess of \$250.00.

Local Rule 25. STANDARD ORDER OF PARENTING TIME

In any domestic relations case or paternity or child support case in the juvenile division, barring otherwise extraordinary circumstances, the term, "reasonable parenting time" shall mean whatever the parties may be able to agree upon and found by the Court to be in the child(ren)'s best interest. If in the event the parties should disagree, then said term shall be interpreted to mean that the non-custodial parent shall have parenting time as follows, unless otherwise Ordered by the Court:

1. Alternate weekends from Friday evening at 6:00 p.m. to Sunday evenings at 6:00 p.m.
2. For the purposes of parenting time, there are six (6) holidays to be divided between the parents:

1. Martin Luther King Day
2. Easter
3. Memorial Day
4. July 4th
5. Labor Day
6. Thanksgiving

In odd-numbered years the mother shall have the child(ren) on the odd-numbered holidays and the father shall have parenting time on the even-numbered holidays. In the even-numbered years, the father shall have the odd-numbered holidays and the mother the even numbered holidays.

The above Holiday visitation shall occur from 8:30 A.M. - 6:00 P.M. with Holiday visitation taking precedent over regular visitation. When the non-residential parent has a holiday, which falls on a day that abuts the non-residential parent's weekend either just prior to or immediately following that weekend, then in that event the holiday and weekend shall go forward uninterrupted as one block of parenting time.

3. In the odd-numbered years, the mother shall have the child(ren) on Christmas Day at 2:00 p.m. until January 1 at 6:00 p.m. and the father shall have the child(ren) on Christmas Eve at 6:00 p.m. until Christmas Day at 2:00 p.m. In the even-numbered years, the Christmas schedule is reversed and the Father shall have the child(ren) on Christmas Day at 2:00 p.m. until January 1 at 6:00 p.m. and the mother shall have the child(ren) on Christmas Eve at 6:00 p.m. until Christmas Day at 2:00 p.m.

Holiday visitation over the Christmas holiday schedule shall take precedence over any other visitation.

4. On Mother's Day and Father's Day, no matter whose turn for parenting time, the child(ren) shall be with the Mother on Mother's Day and the Father on Father's Day from 8:30 a.m. to 6:00 p.m.

5. A four-week (4) parenting time period each summer, to be arranged from the moment the vacation schedules are posted so that the parties have an opportunity to take the child(ren) for vacations. The four weeks may be taken in one week or two week increments but for no longer than two weeks at a time. A week is defined as five-day increments and shall not interfere with the other parent's weekend parenting time as described in section 1 of this rule.

No parenting time shall occur with the non-residential parent within seven days of school starting except that this rule shall not interfere with the non-residential parent's weekend parenting time as described in section 1 of this rule.

6. Each parent must provide the other parent, in writing, with destination, times of arrival and departure, and method of travel if the summer companionship consists of a vacation outside the parent's community.

7. The child shall celebrate his/her birthday in the home of the custodial parent, unless it falls on a parenting time day in which case the birthday will be spent with the non-residential parent.

8. The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for pick-up or delivery, must use an adult well-known to the child(ren). All persons transporting the child(ren) must comply with the law, have reliable transportation, and must be properly licensed and insured.

9. The child(ren) and/or custodial parent, have no duty to await the non-custodial parent more than thirty (30) minutes past the parenting time. A parent late more than thirty (30) minutes shall forfeit that parenting time unless it is due to an unavoidable delay. If due to an unavoidable delay and the non-custodial parent is not able to exercise parenting time at the stated time, the custodial parent shall be notified promptly and a mutually agreeable alternate time shall be set. The non-custodial parent shall give this notice as soon as possible after he/she learns that he/she will be unable to exercise parenting time at the stated time.

10. If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the children become ill while with the residential parent prior to a scheduled companionship period, the residential parent must contact the non-residential parent and discuss the advisability of whether the companionship should take place with the best interest of the child(ren) as the primary consideration. No visitation shall be denied unless interference is caused by acts of God, natural disaster, or illness or injury that is verified by written orders from a doctor stating that parenting time should not occur. If parenting time is missed by the non-residential parent due to illness or injury of the child, a like period of makeup parenting time shall occur the following weekend and the next weekend the non-residential parent will again have parenting time so that the normal alternating weekend schedule detailed in section 1 will remain unchanged once the missed visitation is made up. If there is more than one child subject to this order, all children stay together so that if a parenting time is missed due to illness of one child, all the children miss that parenting time. Likewise, when the parenting time is made up, all the children go for the make-up parenting time.

11. All necessary medication and health care equipment shall follow the child. The residential parent must provide written instruction and sufficient medication to last during the parenting time period to the non-residential. The non-residential parent must notify the residential parent if the child's condition worsens, or does not improve as might reasonably be expected.

12. The residence of the child(ren) is not to be removed from the State of Ohio without first obtaining a modified parenting time Order from the Court of Common Pleas.

13. Each parent must keep the other parent informed of his or her current residential address and current residential telephone number, and an alternate number in case of an emergency. In addition, the non-residential parent must inform the residential parent of the address and telephone number where visitation will occur if not at the residential address.

GUIDELINES

A. Clothing: The residential parent is responsible to provide sufficient clean clothing for every parenting time period. If the non-residential parent has a planned activity requiring special clothing, the non-residential parent must notify the residential parent at least two (2) days in advance. If the child(ren) 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 with the child(ren) at the

end of the parenting time period. If parenting time lasts more than three (3) days, all clothing must be laundered when returned with the child(ren).

B. Teenagers: A regular parenting time period between the child and non-residential parent may become more difficult as the child(ren) ages and have more activities outside the family unit, obtain driver's licenses, dates, works and spends time with friends. The parents need to respect their teenager opting to spend more time with friends or in organized activities and less time with each parent, especially on weekends and summers. Maximum flexibility in scheduling is absolutely necessary for a child of this age. Within limits it is advisable to consider the teenager's wishes, as long as the parents agree.

C. Activities of the child(ren): Parents should discuss placement of the child(ren) in activities. Activities should be encouraged that develop and/or enhance a child's talent, experience, and socialization. A reasonable parent understands the importance of such activities and will attempt to accommodate those activities. A reasonable parent also understands that a child should not be overburdened with activities.

Local Rule 25.1. PARENTING EDUCATION PROGRAM

1. After the filing of a Complaint for Divorce, a petition for Dissolution of Marriage or a Complaint in the Juvenile Division, in which minor child(ren) are involved, and before said action will be set for a final hearing, any party seeking the allocation of parental rights and responsibility of the minor child(ren) and/or companionship shall attend a parent education program. The Court approves the online course, Children in Between Online, and may register at online.divorce-education.com. Each party must complete the 4 hour program and must complete the test to obtain a certificate which shall be filed with the Court. If the parties wish to attend an in person parent education program, they shall contact the Court at 419-294-1727 and obtain information, should the Court have an in person program available at the time, otherwise all parties shall utilize the online course stated above.

2. Each party is responsible for payment of any cost associated with a parenting education program.

3. In the event that a party finds it necessary to file a post- motion for change of allocation of parental rights and responsibility or companionship, the moving party shall attend the above parenting education program if he/she has not done so within the last two (2) years. If more than (2) years have elapsed, it will be necessary that the moving party, and , at the discretion of the Court, both parties attend a parenting education program, both parties attend a parenting education program prior to the case being set for a final hearing.

4. Failure to attend within a reasonable time period without good cause shown can be cause for a continuance of court action. **Failure to complete the parenting workshop may result in the dismissal of the action and/or no final hearing and no resolution to the parties' petitions, complaint; and/or motions.**

5. Upon Motion and for good cause shown, the Court may relieve the requirement of completion of the parenting education program.

6. Grandparents or other individuals seeking custody and/or companionship may also be required to attend the parenting workshop at the discretion of the Court.

Local Rule 26. CHILD SUPPORT DEVIATIONS

No order which deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet will be approved by the Court unless the entry specifically lists the Ohio Revised Code 3119.23 factors upon which said deviation is based.

No order which deviates from the amount of child support that would otherwise result from the use of the basic child support schedule and the applicable worksheet under a shared parenting plan will be approved by the Court unless the entry 1) specifically lists the Ohio Revised Code 3119.23 criteria and/or 2) the extraordinary circumstances and other factors under Ohio Revised Code 3119.24 upon which said deviation is based.

Any order deviating from guideline child support shall contain the following language:

“TAKING INTO CONSIDERATION THE CRITERIA SET FORTH IN REVISED CODE 3119.23 AND/OR THE FACTORS SET FORTH IN REVISED CODE 3119.24, THE AMOUNT OF CHILD SUPPORT CALCULATED PURSUANT TO THE SCHEDULES WOULD BE UNJUST, INAPPROPRIATE, AND WOULD NOT BE IN THE BEST INTEREST OF THE MINOR CHILD(REN).”

The Court may Order a Deviation Review Hearing one year after the deviation is initially granted. The party receiving the benefit of the deviation will be required to substantiate the deviation by providing receipts of expenditures listed as deviation factors.

Local Court Rule 27. MEDICAL REPORTS AS EVIDENCE IN DOMESTIC RELATIONS CASES

In any type of domestic hearing concerning the reasonableness or the necessity of the work to be done, a medical report duly signed by the physician or other provider of medically related services shall be sufficient and shall be admitted into evidence at said hearing if properly served on the opposing counsel within seven (7) days before trial.

Said medical providers are not limited to but shall include physicians, surgeons, optometrists, dentists or any other medical specialty.

Local Court Rule 28. GUARDIANS AD LITEM

1. The Wyandot County Court of Common Pleas, Domestic Relations Division and Juvenile Division shall be governed by Rule 48 of the Rules of Superintendence for the Courts of Ohio.
2. When requested by either party or ordered by the Court, a guardian ad litem shall be appointed once the proper funds have been made directly to the attorney or non-attorney guardian ad litem and the proper motion, acceptance and judgment entry have been filed with the Court. Counsel of record shall contact the Court to obtain the correct deposit which shall be paid directly to the proposed guardian ad litem. The motion shall not be granted until the acceptance, which shall include notice of payment received, and the judgment entry have been received and approved. The person who is requesting the guardian ad litem shall be the person who is responsible for payment of same. The

request shall be made no later than the pretrial for an original action and the status conference/pretrial in post-decree matters, absent good cause shown. The Court may deny a request for a guardian ad litem if the request is not timely made or appears to have been requested for purposes of delay. Should the parties agree to a guardian ad litem, both will share in the payment and shall file a joint motion with the court in the same manner as above. The guardian ad litem shall provide the parties and the Court a detailed invoice at the conclusion of the case. Should additional fees be required the guardian ad litem shall collect any further fees without further Court involvement.

3. The Court Administrator shall maintain a list of qualified attorneys/non attorneys to be utilized for a guardian ad litem. Counsel of record shall contact the Court Administrator to obtain a list in order to select the guardian ad litem they wish to have appointed in their particular case. Any guardian ad litem on the approved list shall update their CLE and provide the certificates timely to the Court when necessary. An attorney wishing to be considered a guardian ad litem may contact the Court Administrator and provide a resume and appropriate CLE certificates for the Court to approve as a guardian ad litem for Wyandot County Court of Common Pleas, Domestic Relations and Juvenile Divisions.

4. In all cases where a guardian ad litem has been appointed any reports shall be submitted as follows:

- The report shall be provided to the Court no less than seven (7) days before trial.
- The guardian ad litem shall file a Notice of Submission of guardian ad litem's report and shall notify all parties and/or counsel of record that the report has been filed with the Court.
- The guardian ad litem report will be available for examination only at the Court during normal business hours and only parties and/or counsel of record shall be permitted to examine the report.
- No recording instruments, including cell phones, are permitted by the parties when examining the report and may be supervised by a court employee at the time of examination at the Court's discretion.
- The information contained in a guardian ad litem report shall not be shared with the minor child(ren). Attorneys are expected to use professional discretion in sharing information with their clients.

5. The Court may amend the deposit for the cost of a guardian ad litem and shall be made through a Judgment Entry of Costs. Please contact the clerk of each division to obtain the correct deposit amount, depending on the guardian ad litem he/she may ask for a specific amount to be paid over and above the deposit the Court has stated.

6. Comments or complaints regarding the performance of a guardian ad litem appointed pursuant to this rule shall be in writing and shall be directed to the clerk of each division, or such other person as the Court may designate. Only signed comments and/or complaints will be added to the guardian ad litem's record and considered by the court. Anonymous comments and/or complaints will not be considered and will be destroyed.

A copy of comments and complaints submitted to the court shall be provided to the guardian ad litem who is the subject of the complaint or comment. The clerk of each division will forward any comments and complaints to the administrative judge of the court for consideration and appropriate action. The administrative judge will provide a disposition at the earliest convenience of the Court. The court administrator shall maintain a written record in the guardian ad litem's file regarding the nature and disposition of any comment or complaint and shall notify the person making the comment or complaint and the subject guardian ad litem of the disposition.

Local Rule 29. HOME INVESTIGATORS

Either party may request, or the Court may order a home investigation concerning the best interest of any child in contested or uncontested (if necessary to serve the best interest of the child) parenting proceedings. The home investigation shall be completed by a person appointed by the Court.

The Court shall allocate the costs of the home investigation between the parties as the Court determines to be fair, equitable and in the best interest of the child(ren). Each party shall deposit his or her portion of the cost of the home investigation, including travel expenses, with his or her attorney or such other person designated by the Court, within 14 days of the appointment of the Home Investigator.

Any party living outside of Wyandot County shall be responsible for depositing sufficient funds to cover the home investigator's travel expenses. The Court will order the payment of travel expenses when it orders payment of the home investigation fee.

Upon completion of the home investigation report, the home investigator shall bill the appropriate party's attorney for the home investigation cost and any unpaid travel expenses. The party's attorney shall pay that sum directly to the home investigator immediately upon receipt of the billing, but no later than seven days after receipt of the billing. A current schedule of costs for home investigations and travel expenses shall be approved by the Judge and kept on file with the Court.

No later than seven days prior to the post-home investigation pretrial, the Home Investigator shall submit a written report to the Court which contains his or her recommendations. Upon receipt of the report, the Home Investigator shall contact the attorneys and unrepresented parties, and advise them that the report is available for their review.

Local Rule 30. WAIVER OF SERVICE OF SUMMONS WHERE COUNTY OFFICES ARE A PARTY TO AN ACTION

In the interest of saving time and money, in all actions wherein the county or one of its departments is a party to an action, whenever practicable, waiver of service of summons shall be obtained as provided in Civil Rule 4(D).

Pursuant to Civil Rule 4.2., service of process in the above cases shall be made "upon a county or upon any of its offices, agencies, districts, departments, institutions, or administrative units by serving the officer responsible for the administration of the office or by serving the prosecuting attorney of the county."

Therefore, the waiver of service of summons shall be signed either by the head of the department or by the prosecuting attorney.

Said waivers may be obtained at the office of the Clerk of Courts.

Local Rule 31 ORDERING OF TRANSCRIPTS FROM COURT REPORTER

No transcripts will be prepared by the Court Reporter unless a deposit is paid by the attorney or other person requesting the same, or the entire cost of the estimate of said transcript is paid. Whether or not a deposit is accepted is at the sole discretion of the Court Reporter who may demand payment in full prior to the preparation of the transcript.

Local Rule 32. WYANDOT COUNTY COURTHOUSE SECURITY

Appropriate levels of security should exist in the Court to protect the integrity of court procedures, protect the rights of individuals before it, deter those who would take violent action against the Court or litigants, sustain the proper decorum and dignity of the Court, and assure that court facilities are secure for all those who visit and work there.

Therefore, pursuant to the Rules of Superintendence for the Courts of Ohio, the Court has implemented a Local Security Policy and Procedure Plan which addresses the Ohio Court Security Standards.

Local Rule 33 CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and related rules established by the Ohio Department of Rehabilitation and Corrections (DRC)

- A. In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) [Form A] shall be filed with the Clerk of Courts by the Petitioner, **after completing the petition process online through the DRC (www.drcqce.com).** **The Clerk and the Courts do not avail computers for internet access.**
 - a. The Petitioner shall provide DRC Electronic Petition Number and attach a printed receipt of electronic filing.
 - b. All Petitions shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).
 - c. Any Petition submitted to the Clerk without the DRC Electronic Petition Number and attached printed receipt of electronic filing and without the Department of Rehabilitation and Corrections CQE Summary (CQE Summary) shall be stricken and not be considered by the Court.

- B. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount **\$50.00**. Payment of this deposit may be made in any form otherwise accepted in the court of filing.

The judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency (Form B) or other relevant information for the Court's consideration if requesting a reduction in the filing fees. **Said Affidavit of Indigency shall be submitted to the Court for approval prior to the filing of petition.**

- C. All social security numbers and other information that must be excluded from public record shall be redacted in accordance with the rules of this Court and Rules of Superintendence. Records or information received by a court to assist the Court with making its decision under Section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.

- D. Upon receipt of a Notice of Petition and the required deposit, the Clerk of Courts shall assign the Petition a miscellaneous civil case number and randomly assign the matter to a trial judge.
- E. The Court shall obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition (see Order for Investigation (Form F)) or otherwise. The Clerk shall assess a \$75.00 fee for completion of an Investigation ordered pursuant to this rule.
- F. The Court's investigating officer shall attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense through review of the Petitioner's criminal history or other investigation.
- G. The Clerks of Courts shall send a Notice to the Court Regarding Petition for Certificate of Qualification for Employment [Form C] and Submission of Information Regarding Petition for Certificate of Qualification of Employment (Form E) to each court so identified. Such Notice shall be sent via ordinary US mail
- H. The Clerk of Courts shall also sent a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment [Form D] and Submission of Information Regarding Petition for Certificate of Qualification for Employment (Form E) to the Prosecuting Attorney of the County in which the Petition was filed.
- I. The Judge shall review the Petition, criminal history, all filings submitted by the prosecutor or victim in accordance with the rules adopted by the division of parole and community service, and all other relevant evidence.
 - a. The Judge may order any report, investigation or disclosure by the Petitioner that it believe is necessary to reach a decision (see Order for Investigation (Form F) and Order for Additional Information (Form G)).
- J. Once all information requested has been received, a Judge shall decide whether to Grant (Form H) or Deny (Form I) the Petition within sixty days, unless Petition requests and is granted an extension of time.

- K. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry.
- a. If denied, the notice shall include conditions, if any, placed on subsequently filings and language that a final appealable order has been filed.
 - b. The Clerk shall also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.