RULES OF COURT

ALLEN COUNTY COURT OF COMMON PLEAS

PREAMBLE

In accordance with Article IV, Section V(B) of the Ohio Constitution, Civil Rule 83, and Criminal Rule 57, the following Rules of Court for practice and procedure in the General Trial Division, Criminal Division, Domestic Relations Division and where applicable, the Juvenile Division and Probate Division of this Court, are hereby adopted.

These rules of Court shall be designated Local Rules when cited.

TABLE OF CONTENTS
UPDATED FEBRUARY 2018

RULE 1 - **COURT SESSIONS**

1.01 - Case Management Plan
1.02 - Jury Management Plan
1.03 - Broadcasting, Televising and Recording Court Proceedings

RULE 2 - **GENERAL PROCEDURES**

2.01 - Security for Costs
2.02 - Inability to Secure Costs
2.03 - Discretion of the Clerk
2.04 - File Stamping
2.05 - Designation of Assigned Judge
2.06 - Notice of Default Judgment Hearing
2.07 - Companion Cases
2.08 - Pleading Signatures
2.09 - Bankruptcy Adjudications
2.10 - Publication by Posting
2.11 - Special Projects Fund
2.12 - Copying Fees
2.13 - Court Costs upon Disposition
2.14 - Attorneys (Duties and Pro Hac Vice)
2.15 - Filing and Removal of papers from custody of clerk
2.16 - Duties of Clerk
2.17 - Documents Requiring Service or Notice
2.18 - Depositions
2.19 - Standing Special Process Server

RULE 3 - **CIVIL ACTIONS: PLEADINGS; MOTIONS; HEARINGS**

3.01 - Documents
3.02 - Rule Day Extensions
3.03 - Hearing on Motions other than Summary Judgment
3.04 - Hearing on Summary Judgment Motions
3.05 - Discovery Papers
3.06 - Jury Costs
3.07 - Foreclosure Actions
3.08 - Videotape Testimony and Evidence
3.09 - Facsimile Copy Filing with Clerk
3.10 - Pretrial and Trial Procedure
3.11 - Citations Made in Legal Memoranda

RULE 4 - **ENTRIES**

4.01 - On Decree
4.02 - On Settlement
4.03 - Final Orders Involving Titled Property

RULE 5 - **ADMINISTRATIVE APPEALS**

5.01 - Statutory Time Limits
5.02 - Time Limits
5.03 - Revised Code Chapters 2506 and 119 Applicability
5.04 - Briefs

RULE 6 - **MEDIATION {Other than Domestic Relations}**

6.01 - Case for Mediation
6.02 - Referral to Mediation
6.03 - Mediation Conferences
6.04 - Mediation Fees
6.05 - Confidentiality
6.06 - Reporting to Court

RULE 7 - **ARBITRATION**

7.01 - Establishment of Mandatory Arbitration
7.02 - Cases for Arbitration
7.03 - Selection of Arbitrators
7.04 - Assignment of Cases for Arbitration
7.05 - Hearings; When and Where Held; Notice
7.06 - Oath of Arbitrators
7.07 - Inability of Party to Proceed
7.08 - Conduct of Hearing - General Powers
7.09 - Specific Powers
7.10 - Default of Party
7.11 - Supervisory Powers of Court
7.12 - Witness Fees
7.13 - Transcript of Testimony
7.14 - Report and Award
7.15 - Judgment
7.16 - Compensation of Arbitrators
7.17 - Exceptions and Reasons Therefore
7.18 - Court Costs Deposit
7.19 - Return to Active Trial Calendar-Hearing De Novo
7.20 - Testimony of Arbitrators Prohibited

RULE 8 - **EXHIBIT RELEASE RULES**

8.01 - Scope of Rules
8.02 - Service of Notice
8.03 - Processing Orders Releasing Exhibits, Depositions, and/or Transcripts
8.04 - Disposal of Exhibits/Depos/Transcripts
8.05 - Forms
8.06 - Extension
8.07 - Court Records Management and Retention

RULE 9 - **TRANSCRIPTS OF RECORD**

9.01 - Written Transcripts of Appeal
9.02 - Written Transcripts Other than on Appeal
9.03 - Delivery of Transcripts
9.04 - Transcript Fees for Court Reporters

RULE 10 - **CRIMINAL ACTIONS**

10.01 - Grand Jury Assignments
10.02 - Bond and Arraignment
10.03 - Companion Cases
10.04 - Absence of Judges
10.05 - Indictment Reports
10.06 - Apprehension on Warrants
10.07 - Sealing of Criminal Record [aka Expungement]
10.08 - Bail and Bond
10.09 - Restitution
10.10 - Probation Service Fee-Intensive Probation
10.11 - Capital Cases
10.12 - Inactive Criminal Cases
10.13 - Certificate of Qualification for Employment

RULE 11 - **DISCOVERY IN CRIMINAL CASES**

11.01 - Prosecutor's Duties
11.02 - Defense Counsel's Duties
11.03 - Time Extensions

RULE 12 - **CRIMINAL PRE-TRIALS**

12.01 - Attendance-Counsel's Duty to Meet with Defendant Prior to Pre-trial
12.02 - Pre-trial Motions

RULE 13 - **COUNSEL FOR INDIGENT DEFENDANTS AND SCHEDULE FOR FEES**

13.01 - Financial Disclosure Form [fka Affidavit of Indigency]
13.02 - Fee Statements
13.03 - Assignment and Compensation of Counsel to Defend
13.04 - Fees for Court Appointed Attorneys

RULE 14 - **PRE-SENTENCE INVESTIGATION**

RULE 15 - **WRITTEN NOT GUILTY PLEA**

RULE 16 - **INTERVENTION IN LIEU OF CONVICTION**

RULE 18 - **SPECIALIZED CRIMINAL DOCKET(S)**

18.01 - Creation of Specialized Criminal Docket(s)
18.02 - Placement on a Specialized Criminal Docket(s)
18.03 - Case Management for Specialized Criminal Docket(s)
18.04 - Removal of Case from Specialized Criminal Docket(s)

RULE 20 - **DOMESTIC RELATIONS CASES**

20.01 - Filing of Cases
20.02 - Dissolution of Marriage
20.03 - Divorce Actions
20.04 - Temporary Orders
20.05 - Attorney Fees
20.06 - Guardian At Litem
20.07 - Qualified Medical Health Care Orders
20.08 - Final Judgment Entries
20.09 - Modification of Child Support
20.10 - Post-Judgment Modification of Parental Rights and Responsibilities
20.11 - Reasonable and Ordinary Uninsured Expenses
20.12 - Child Relocation
20.13 - Post-Judgment Relief Accompanied by Citation for Contempt
20.14 - Extra Curricular

RULE 21 - **HOME STUDY INVESTIGATIONS**

RULE 22 - **TEMPORARY STANDING ORDERS**

RULE 23 - **PARENTING TIME ALLOCATION (aka VISITATION AND COMPANIONSHIP RIGHTS)**

RULE 24 - **DOMESTIC RELATIONS MEDIATION**

24.01 - Timeliness
24.02 - Referral to Mediation
24.03 - Mediation Procedure
24.04 - Mediation Fees
24.05 - Confidentiality
24.06 - Communication Between Mediators & the Court
24.07 - Enforcement of Agreements
24.08 - Conflict of Interest
24.09 - Grievances

RULE 30 - **COURT SECURITY**

RULE 31 - **RECEIVERSHIPS [EFFECTIVE 1/1/13]**

31.01 - Applicability
31.02 - Motions for Appointment of a Receivor
31.03 - Hearings and Requests for Procedural Orders
31.04 - Qualifications to Serve as a Receivor
31.05 - General Duties of the Receivor
31.06 - Receivorship Plan and Progress Reports
31.07 - Failure to Act Timely
31.08 - Applications to Employ Counsel or Professionals
31.09 - Expenditure Authority of the Receivor
31.10 - Disposition of Property
31.11 - Payment of Receivor and Professional Fees
31.12 - Final Report to the Court and Creditors
31.13 - Trade Secret or Privileged Information
31.14 - Effective Date

APPENDIX

APPENDIX A

FORMS

RULE 2-
L.R. 2.02 - Financial Disclosure Form

RULE 8-
L.R. 8.05 (A) - Journal Entry
L.R. 8.05 (B) - Notice for Release (Exhibits)

L.R. 8.05 (B) - Notice of Release of Depositions/Transcript
L.R. 8.05 (C) - Release of Exhibits
L.R. 8.05 (C) - Receipt of Deposition/Transcript
L.R. 8.05 (D) - Notice of Disposal (Exhibits)
L.R. 8.05 (D) - Notice of Destruction of Deposition/Transcript

RULE 10-

L.R. 10.07 - Journal Entry of Expungement
L.R. 10.13(A) - Petition for Certificate of Qualification for Employment
L.R. 10.13(B) - Financial Disclosure Form
L.R. 10.13(C) - Notice to Court of Petition for Qualification for Employment
L.R. 10.13(D) - Notice to Prosecutor of Petition for Qualification for Employment
L.R. 10.13(E) - Response to Request for Information Re: Petition for Certificate of Qualification for Employment
L.R. 10.13 (F) - Order for Investigation Re: Petition for Certificate of Qualification for Employment
L.R. 10.13(G) - Order for Additional Information
L.R. 10.13(H) - Judgment Entry Granting Petition for Certificate of Qualification for Employment
L.R. 10.13(I) - Judgment Entry Denying Petition for Certificate of Qualification for Employment

RULE 13-

L.R. 13.02 - Motion, Entry & Certification for Appointed Counsel Fees

RULE 15-

L.R. 15.01 - Written Plea of Not Guilty

RULE 18-

L.R. 18.03 - Chart of Treatment Courts

RULE 20-

DR-1 - Domestic Affidavit
DR-1a - Affidavit of Income, Expenses and Financial Disclosure
DR-2 - Custody Affidavit
DR-3 - Waiver of Counsel
DR-4 - Medical Child Support Health Care Order
DR-5 - Notice of Financial Disclosure Order
DR-6 - Affidavit of Property

LOCAL RULE 1

COURT SESSIONS

In accordance with R.C. 2301.05, the annual term of court is divided into three sessions of court beginning January 1, May 1, and September 1 of each year.

LOCAL RULE 1.01

CASE MANAGEMENT PLANS

1.01 **Purpose of Case Management Plan**

Cases do not automatically flow steadily and smoothly from filing to termination. In terms of court involvement, the life of a case may be characterized as a series of events separated by times during which there is no Court activity. The goal of case management is to make the sequence of timing of these events more predictable and more timely.

Three fundamental elements of a case management system are (1) clear rules consistently applied; (2) trial date certainty; and (3) assurance of timely disposition.

Case management by the Court and adherence to the Rules of Court by attorneys will enhance the quality of justice by imparting rationality and predictability to the process and minimize delay in disposition.

Continuance of scheduled trials should be limited to unforeseen and exceptional circumstances which require an adjournment. The Court must maintain control over both the process and date to which a case is continued. An atmosphere must be fostered in which timely, high-quality attorney preparation minimizes the need for a continuance.

1.01 (A) **Case Management Plan for Civil Division**

(1) Each original civil action, except administrative appeals as provided for in Local Rule 1.01 (D), shall be reviewed by the assigned judge within sixty (60) days of its filing.

(a) If service of process is not complete, the assigned judge shall forward responsible counsel a notice pursuant to Superintendence Rule 40 for the appropriate remedial action.

(b) If service of process is complete, the assignment commissioner for the assigned judge shall assign the matter for a scheduling and pretrial conference to be held within 120 days of the status review required herein.

(2) Further case management action on the matter shall be by pretrial order pursuant to Civil Rule 16 and Local Rules 2 through 9.

1.01(B) **Case Management Plan for Criminal Division**

(1) At arraignment, the arraigning judge shall notify the defendant and his/her counsel of whom the assigned judge for the case will be and shall establish a scheduling and pretrial hearing date before said assigned judge within 21 days of the arraignment. At or before arraignment the defendant's bond shall be set and the requirement that defendant submit to urinalysis testing pursuant to Local Rule 10.02 shall take effect immediately upon the signing of the bond or filing of a Written Plea of Not Guilty.

(2) All further case management action on the matter shall be by pretrial order pursuant to Criminal Rule 17.1 and Local Rules 10 through 19.

(3) The assigned judge shall be primarily responsible for the determination of every issue and proceeding in the case(s) assigned to him/her until the termination of the case except:

(a) An individual assignment of a case can be modified by redistribution of the case to one of the specialized criminal dockets of the court in accordance with Loc. R. 18, in which case, the judge who presides over the specialized docket shall be responsible for the determination of every issue and proceeding in that case while the case remains on the specialized docket. Sup. R. 36 (6) (2)

(i) However, if the case is removed from the specialized docket and returned to the regular docket, the judge originally assigned to the case resumes responsibility for said case.

1.01(C) **Case Management Plan for Domestic Relations Division**

(1) Each original domestic relations action shall be reviewed by the assigned judge or a designated magistrate within sixty (60) days of its filing.

(a) If service of process is not complete, the assigned judge shall forward responsible counsel a notice pursuant to Superintendence Rule 40 for the appropriate remedial action.

(b) If service of process is complete, the assignment commissioner shall assign the matter for appropriate action pursuant to Local Rule 20 as follows:

(1) Dissolution - Local Rule 20.02
(2) Contested action - Local Rule 20.03
(3) Uncontested action - Local Rule 20.03

(2) All further case management action on the matter shall be by pretrial order pursuant to Civil Rule 16 and Local Rules 20 through 29.

1.01(D) **Case Management Plan for Administrative Appeals**

(1) Each administrative appeal filed pursuant to Revised Code, Chapters 2506 and/or 119 shall be reviewed by the assigned judge within thirty (30) days of its filing.

(2) All further case management action on the matter shall be by pretrial order pursuant to Local Rule 5.

LOCAL RULE 1.02

JURY MANAGEMENT PLANS

1.02 **Purpose of Case Management Plan**

Pursuant to Supt. R. 9 for the Courts of Common Pleas, the Court hereby adopts a jury management plan for implementation of the jury standards adopted by the Ohio Supreme Court on August 16, 1993.

1.02(A) **Opportunity for Service**

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

(2) Jury service is an obligation of all qualified citizens.

1.02(B) **Jury Source List**

(1) The names of potential jurors shall be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court's jurisdiction.

(2) The jury source list shall be representative and should be as inclusive of the adult population as is feasible.

(3) The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction and is feasible.

(4) In the event the court determines that improvement is needed in the representativeness and inclusiveness of the jury source list, appropriate corrective action should be taken.

1.02(C) **Random Selection Procedures**

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

(2) Random selection procedures shall be employed in:

(a) selecting persons to be summoned for jury service;
(b) assigning prospective jurors to panels; and
(c) calling prospective jurors for voir dire.

(3) Departures from the principle of random selection are appropriate:

(a) to exclude persons ineligible for service in accordance with Local Rule 1.02(D);
(b) to excuse or defer prospective jurors in accordance with Local Rule 1.02(F);
(c) to remove prospective jurors for cause if challenged peremptorily in accordance with Local Rules 1.02 (H) and (I); and
(d) to provide all prospective with an opportunity to be called for jury service and to be assigned to a panel in accordance with Local Rule 1.02 (K).

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

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

(1) are less than eighteen year of age;
(2) are not citizens of the United States;
(3) are not residents of the jurisdiction in which they have been summoned to serve;
(4) are not able to communicate in the English language; or
(5) have been convicted of a felony and have not had their civil right restored.

1.02(E) **Term of and Availabililty for Jury Service**

(1) The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.

(2) A term of service of one day or the completion of one trial whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer is acceptable.

(3) Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time.

1.02(F) **Exemption, Excuse and Deferral**

(1) All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated.

(2) Eligible persons who are summoned may be excused from jury service only if:

(a) their ability to receive and evaluate information reason by a judge; or is so impaired that they are excused for this;
(b) they request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by a judge or specifically authorized court official.

(3) Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official upon completion and filing of Affidavit.

(4) Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded.

1.02(G) **Voir Dire Examination**

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

(2) To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the day on which jury selection is to begin. At the discretion of the Court, voir dire may be limited in time. See Civ. R. 47 and Crim. R. 24.

(3) The trial judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time as determined by the trial judge.

(4) The judge should ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purpose of the voir dire process.

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

1.02(H) **Removal from the Jury Panel for Cause**

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

1.02(I) **Peremptory Challenges**

Peremptory challenges shall be exercised in accordance with the applicable Civil Rules, Criminal Rules and/or statutes.

1.02(J) **Administration of the Jury System**

(1) The responsibility for administration of the jury system shall be vested exclusively in the judges of the Court.

(2) All procedures concerning jury selection and service shall be governed by Ohio Rules of Court.

(3) Responsibility for administering the jury system shall be vested in a single administrator acting under the supervision of the administrative judge of the court.

1.02 (K) **Notification for Service**

(1) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:

(a) contained in a single document;
(b) phrased to be readily understood by an individual unfamiliar with the legal and jury systems; and
(c) delivered by ordinary mail unless otherwise ordered.

(2) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

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

(a) determining whether a person meets the criteria for eligibility;
(b) providing basic background information ordinarily sought during voir dire examination; and
(c) efficiently managing the jury system.

(4) Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

1.02(L) **Monitoring of the Jury System**

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

(1) the representatives and inclusiveness of the jury source list;

(2) the effectiveness of qualification and summoning procedures;

(3) the responsiveness of individual citizens to jury duty summonses;

(4) the efficient use of jurors; and

(5) the cost-effectiveness of the jury management system.

1.02(M) **Juror Service**

(1) The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

(2) The court shall determine the minimally sufficient number of jurors needed to

accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

(3) The court shall coordinate jury management and calendar management to make effective use of jurors.

1.03(N) **Jury Facilities**

(1) The court shall provide an adequate and suitable environment for jurors.

(2) The entrance area shall be clearly identified and appropriately designed to Accommodate the daily flow of prospective jurors to the facility.

(3) Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

(4) Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.

(5) To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

1.02(O) **Jury Compensation**

(1) Persons called for jury service shall receive a reasonable fee for their service and expenses.

(2) Such fees shall be paid promptly.

(3) Employers shall be prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

1.02(P) **Juror Orientation**

(1) Orientation programs shall be:

(a) designed to increase prospective juror's understanding of the judicial system and prepare them to serve competently as jurors; and
(b) presented in a uniform and efficient manner using a combination of written, oral, and/or audiovisual materials.

(2) The courts shall provide orientation or instructions to persons called for jury service:

(a) upon initial contact prior to service;
(b) upon first appearance at the court; and
(c) upon reporting to a courtroom for voir dire.

(3) The trial judge shall:

(a) give preliminary instructions to all prospective jurors;
(b) give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

(c) prior to the commencement of deliberations, instruct the jury on the law, on appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
(d) prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
(e) recognize utilization of written instructions is preferable.
(f) before dismissing a jury at the conclusion of a case:

(1) release the jurors from their duty of confidentiality;
(2) explain their rights regarding inquiries from counsel or the Press;
(3) either advise them that they are discharged from service or specify where they must report; and
(4) express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

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

1.02(Q) **Jury Deliberations**

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

(2) The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.

(3) The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 1.02(R).

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

(5) Training should be provided to personnel who escort and assist jurors during deliberation.

1.02(R) **Jury Sequestration**

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

(2) During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.

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

(4) Standard procedures shall be promulgated to:

(a) achieve the purpose of sequestration; and
(b) minimize the inconvenience and discomfort of the sequestered jurors; and
(c) provide for the jury's security.

(5) Training shall be provided to personnel who escort and assist jurors during sequestration.

LOCAL RULE 1.03

BROADCASTING, TELEVISING AND RECORDING COURT PROCEEDINGS

1.03(A) **Electronic or Photographic Equipment**

Use in the Courtroom

In compliance with C.R. Sup. R. 11, the Court shall permit the broadcasting, recording and taking of photographs in Court proceedings. Requests for permission to use such electronic recording or photographic equipment shall be in writing. Application forms shall be available in the office of the Court Receptionist.

1.03(B) **Pooling**

Arrangements shall be made between or among media for "pooling" equipment and personnel authorized by this rule to cover the court sessions. Such arrangements are to be made outside the courtroom and without imposing on the Trial Judge or court personnel to mediate any dispute as to the appropriate media "pool" representative or equipment authorized to cover a particular session.

1.03(C) **Equipment and Personnel**

(1) Not more than one portable camera (television, video tape or movie), operated by not more than one in-court camera person, shall be permitted without authorization of the Trial Judge.

(2) Not more than one still photographer, utilizing not more than two still cameras of professional quality with not more than two lenses for each camera, shall be permitted without authorization of the Trial Judge.

(3) Not more than one audio system for radio broadcast purposes shall be permitted without authorization of the Trial Judge.

(4) If audio arrangements cannot be reasonably made in advance, the Trial Judge may permit one audio tape recorder at the bench which will be activated prior to commencement of the courtroom session.

(5) Visible audio tape recorders may not be used by the news media without prior permission of the Trial Judge.

1.03(D) **Light and Sound Criteria**

(1) Only professional quality telephonic, photographic and audio equipment which does not produce distracting sound or light shall be employed to cover courtroom session. No motordrive still cameras shall be permitted.

(2) No artificial lighting device other than that normally used in the courtroom shall be employed. However, if the normal lighting in the courtroom can be improved without becoming obtrusive, the Trial Judge may permit modification.

(3) Audio pickup by microphone for all media purposes shall be accomplished from existing audio systems present in the courtroom. Microphones shall be located only at the Trial Judge's bench, witness stand and jury rail. Microphones shall be visible, secured but unobtrusive. If no technically suitable audio system exists in the courtroom, microphones and related wiring essential for all media purposes shall be unobtrusive and located in places designated by this rule, or the Trial Judge, in advance of any session.

1.03(E) **Location of Equipment and Personnel**

(1) The television, broadcast and still-camera operators, shall position themselves in a location in the courtroom, either standing or sitting and shall assume a fixed position within that area. Having established themselves in a shooting position, they shall act so as not to call attention to themselves through further movement. Sudden moves, pans, tilts, or zooms by television or still camera operators are prohibited. operators shall not be permitted to move about in order to obtain photographs or broadcasts of courtroom sessions, except to leave or enter the courtroom.

(2) Television cameras, microphones, and taping equipment shall not be placed in, moved during or removed from the courtroom except prior to commencement or after adjournment of the session or during a recess. Neither television-tape magazines, rolls or lenses, still-camera film, nor audio tape cassettes shall be changed within a courtroom except during a recess.

1.03(F) **Miscellaneous**

(1) Proper courtroom decorum shall be maintained by all media pool participants.

(2) All media representatives shall be properly attired, in a manner that reflects Positively upon the journalistic profession.

1.03(G) **Limitations**

(1) There shall be no audio pickup or broadcast of conferences conducted in a courtroom between counsel and clients, co-counsel or the Trial Judge and counsel.

(2) The Trial Judge shall prohibit photographing or television by any means victims of sexual assaults and undercover police officers. The Trial Judge shall retain discretion to limit or prohibit photographing or televising of any juror, victim, witness or counsel or his or her work product upon objection.

1.03(H) **Revocation of Permission**

Upon the failure of any media representative to comply with the conditions prescribed by the Trial Judge, the Rules of Superintendence of the Supreme Court, or this rule, the Trial Judge may revoke the permission to broadcast, photograph or record the trial or hearing.

LOCAL RULE 2

GENERAL PROCEDURES

2.01 **Security for Costs and Fees**

A. No civil action or proceeding shall be accepted by the Clerk for filing unless the party or parties offering the same for filing shall have first deposited a sum to secure the payment of the costs that may accrue in such action or proceeding and established fees except as otherwise provided by law. Such advance deposit and fees shall be in accordance with the schedule as adopted by this court and as my be amended and as contained in **Appendix A.**

B. PUBLICATION RULE: On cases of "Service by Publication" the party desiring such service shall file a precipe and legal notice with any newspaper of general circulation and the cost of such service shall be paid directly to the publisher by counsel. Counsel shall provide a copy of the legal notice to the Clerk of Courts for filing. A proof of publication shall be forwarded to the Clerk upon completion of publication for filing in the appropriate case.

2.02 **Inability to Secure Costs**

If a party claims inability to either prepay or give security for costs pursuant to Local Rule 2.01, the party shall complete the Financial Disclosure Form required by R.C. 2323.30 and R.C. 2323.31 in the form approved by the Court and adopted as Local Rule Form 2.02 stating the reasons for the inability to prepay or give security for costs. Such affidavit shall be completed in its entirety and filed with the pleadings as a public record, treated as other papers in the case, and be subject to review by the Court at any state of the proceedings.

The Clerk shall not accept the filing of an Financial Disclosure Form until the party wishing to file it secures approval of the affidavit from the Court.

The waiver of a security deposit in no manner effects the responsibility of a party to pay costs if so charged. **The ability to waive costs shall be subject to review by the court at any stage of the proceedings.**

2.03 **Discretion of the Clerk**

The Clerk of this Court is granted the following power in his/her discretion:

A. If the costs are not paid at the termination of the litigation, any deposit for costs may be applied, by the Clerk to the unpaid costs.

B. The Clerk may make periodic or partial distribution of monies deposited for the purpose of restitution, pursuant to court order, unless otherwise ordered by the Court in a particular case.

2.04 **File Stamping**

(THREE INCH MARGIN AT TOP)

The top right hand corner of the initial sheet of every pleading, motion, brief, or other paper filed for record shall have an area approximately 3" by 3" left blank for the Clerk of this Court to file stamp the date and time of filing. The Clerk is authorized to refuse to accept any document not conforming to such requirement.

2.05 **Designation of Assigned Judge**

As soon as it is determined to which judge a case has been assigned, whether civil or criminal, the name of such judge shall be set forth in the style of each pleading o other paper filed for record.

2.06 **Notice of Default Judgment Hearing**

In any action in which a default judgment hearing is required, the Clerk shall file stamp and retain a copy of the notice of hearing as a permanent record in such actions.

2.07 **Companion Cases**

Where companion cases have been assigned to different judge, the cause of action with the later case number shall be reassigned to whichever judge has been assigned the cause of action with the earlier case number, unless the Administrative Judge specifically orders otherwise.

2.08 **Pleading Signatures**

The Clerk of this Court shall refuse to accept for filing any pleading or other document which is unsigned, rubber stamped or signed by an unidentified third party not an attorney or party acting in a pro se capacity. **All pleadings shall be signed in BLUE ink.**

Electronic signatures may be accepted at the Clerk's discretion.

2.09 **Bankruptcy Adjudication**

Whenever any party to an action pending in this Court files bankruptcy, the attorney of record or the party, if acting in a pro se capacity, shall within 15 days after bankruptcy adjudication file written notice of bankruptcy with the Clerk of this Court. Such notice shall include a copy of the order of bankruptcy or other appropriate documentation confirming and giving the date of such adjudication.

Such attorney or party shall likewise serve such notice on other counsel or pro se parties of record in such pending litigation in conformity with Civil Rule 5.

2.10 **Publication by Posting**

(A) Pursuant to the requirements of Civil Rule 4.4, this Court designates two (2) additional public places in the County, in addition to the Courthouse, where publication of service of process by "posting" shall be had, to-wit:

(1) the Clerk of Courts-Title Office, 419 North Elizabeth Street, Lima, Ohio or any other location to which it might relocate.

(2) the Municipal Hall of Justice, 109 North Union Street, Lima, Ohio or any other location to which it might relocate.

(B) The Clerk of this Court shall cause the requisite notice to be posted in a conspicuous Place and manner in the above denominated places for the requisite six (6) Consecutive weeks. Upon completion of posting for six (6) consecutive weeks, The Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

In addition to the requirements of Civil Rule 4.4(A)(2), this Court requires the filing of a Motion for Service by Posting which shall include an affidavit of a party or party's counsel as outlined in said rule.

2.11 **Special Projects Fund (effective 2/1/18)**

(A) Pursuant to O.R.C. 2303.201(A), the Court authorizes and directs the Clerk of the Common Pleas Court to charge one additional fee, of SIX ($6.00) dollars, on the filing of each cause of action or appeal. Such fees collected shall be paid to the Allen County Treasurer who shall place said fees in a separate fund to be disbursed, upon Order of this Court, in an amount not greater than the actual cost to the Court of procuring and maintaining computerization of the Court, computerized legal research services, or both.

If the Court determines that there are sufficient finds to satisfy the actual costs as above, the Court may declare a surplus funds for other appropriate technological expenses of the Court.

(B) 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 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 R.C. 2303.20 (A), (P), (Q), (T) and (U).

The Court hereby determines that the efficient operation of the Court requires that additional funds be provided to make technological advances in or to maintain computer systems for the office of the Clerk of the Common Pleas Court. Pursuant to Ohio Revised Code 2303.201(B)(1), the Clerk of the Common Pleas Court is authorized to charge an additional fee not to exceed one dollar ($1) each for the services described in divisions 2303.20 (B),(C),(D),(F),(H), and (L).

All Funds collected pursuant to this rule shall be paid to the County Treasurer and maintained by the County Auditor in a separate account, 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 usual cost to the Court of procuring and maintaining computer systems for the office of the Clerk of the Court of Common Pleas.

(C) Pursuant to the authority of R.C. 2303.201 (E)(1) it is determined that for the efficient operation of the Court, the fee of $75.00 shall be charged at the commencement and re-openings of all civil, domestic relation and criminal cases.

2.12 **Copying Fees- Other than Fax (effective 1/1/11)**

The Clerk is authorized to charge a fee for the copying of any records or documents requested by parties or public at large which are maintained in the office.

Said fees shall be calculated at the cost for each page copied.

Said fees shall be paid in advance as much as practicable and shall not be charged as costs in any action. Said fees shall be paid into the Treasury of Allen County as provided by law for such miscellaneous collections.

Pursuant to the authority of O.R.C. 2303.20(Z) the fees for certified copies shall be $1.00 per page.

Pursuant to the authority of O.R.C. 2303.20(Y) the fees for emailing copies shall be $2.00 per transmission and $1.00 per page. (Certified copies can not be sent via email.)

For fax- See 3.09(4)

Requests for copies shall be submitted via fax, phone, by mail, or in person.

2.13 **Court Costs Upon Disposition**

Upon the disposition of a case, the Court shall order which party or parties are responsible for payment of costs. If the Court is silent, the costs will be assessed against the non-prevailing party(s). If there are insufficient fees on deposit to cover the costs, the responsible party(s) will be billed. If the costs remain unpaid at the conclusion of one billing and four statements (150) days, the Clerk may file a certificate of judgment for the amounts due on the party(s) responsible, **or may refer the matter of collection to a third party collections company.**

2.14 **Attorneys (Duties and Pro Hac Vice)**

(1) Attorney Withdrawal

A. No attorney who entered appearance in any civil or criminal action shall withdraw appearance, or have it stricken from the record, except by an entry of the Court.

B. An attorney who appears or enters appearance for a defendant in a criminal case shall not be permitted to withdraw except in open court in the presence of the defendant and upon written entry approved by the Court.

(2) Conduct

Attorneys shall at all times conduct themselves with dignity and propriety.

(3) Communication with Jury

When permission is granted for the jury to visit the scene, the bailiff, or acting bailiff, shall point out places or objects agreed to by counsel or ordered by the Court. No other person shall communicate with the jury.

(4) Engaged Counsel

A. If a designated trial attorney has such a number of cases assigned for trial in courts of this state so as to cause delay in the disposition of such cases, the Administrative Judge may require the trial attorney to provide a substitute trial attorney.

B. If the trial attorney fails to provide a substitute trial attorney, the Administrative Judge shall remove the trial attorney as counsel in the case. If the attorney was appointed by the Court, the Court shall appoint a substitute trial attorney.

C. All counsel are directed to familiarize themselves with and conform to Rule 41 of the Rules of Superintendence for the Courts of Ohio.

(5) Admission of Out of State Attorneys

Pro Hac Vice admission to practice shall be governed by Gov. Bar R. XII.
An attorney must be admitted to practice in the State of Ohio in order to practice in the Court of Common Pleas.
The assigned judge to the particular case has the discretion to admit out-of-state counsel upon written motion for admission pro hac vice and require local counsel.

2.15 **Filing and removal of papers from custody of clerk**

(1) Filing

A. Duties of Clerk

The Clerk of Courts shall file and maintain all documents delivered to the Clerk's office. No judgment Entry or Order shall be accepted or docketed by the Clerk until it is approved by the appropriate judge.

B. Size of documents, pagination, and heading requirement

All pleadings, motions, briefs and other similar documents that are filed with the Clerk shall be typewritten or printed, double spaced on 8 1/2x 11" paper, in at least a 12 point regular type font, one-sided, and paginated sequentially. In all filings, a blank space for endorsement thereon and shall have apporopriate top, bottom and side margins of not less than one inch.

C. Documents Requiring Service of Notice

All documents requiring service or notice upon filing shall:

1. Include the address of the plaintiffs and defendants in the caption of the document; or
2. Indicate that the addresses of the plaintiffs and defendants are unknown if such addresses are in fact unknown.

The Clerk shall not accept for filing any document that must be served upon counsel or parties which does not designate their names and addresses. Unless specifically requested by precipe, service will be perfected by certified mail.

All service shall be issued in accordance with Ohio Rules of Civil Procedure. Any request for priority or overnight mail shall be accompanied by appropriate packaging and adequate postage.

D. Attorney Registration Number

All attorneys shall include their attorney registration number issued by the Supreme Court of Ohio on all documents filed with the Court.

(2) Removal

A. Original Documents

1. Removal

No person except a judge of the Court, magistrate or representative to either shall remove any documents or case files from the custody of the Clerk.

2. Examination

Upon request, the Clerk of Courts shall allow any person to examine, but not remove, any original documents or case file that is maintained by its office. Examination shall be allowed during regular business hours.

3. Duplication

Upon request and the payment of a photocopy fee, the Clerk shall provide copies of any original documents maintained by its office. Copies shall be provided during regular business hours within a reasonable period of time as determined by the Clerk of Courts. A reasonable period of time shall

be based upon the extent of the request with efforts toward a 24-hour response time.

4. Transcripts of Testimony

The inspection, examination and duplication of transcripts of testimony shall be governed by Local Rule 2.12.

2.16 **Duties of Clerk**

No Judgment Entry or Order shall be accepted or docketed by the Clerk of Courts until it is approved by the assigned judge and/or other judge acting in the assigned judge's absence. **Duties of the Clerk of Courts DO NOT include performing records checks for the public.**

2.17 **Documents Requiring Service or Notice**

If a precipe is not included with a new case filing then the Clerk of Courts shall proceed with service by certified mail. The Clerk shall not attempt service on "unknown party" at an "unknown address" even if presented with a precipe.

2.18 Depositions [Effective 1/13/13]

1. General

See Civil Rules 26, 27, 28, 29, 30, 31, 32, 37 and 45 (D)

(A) Witnesses, parties and counsel shall conduct themselves at depositions in a temperate, dignified and responsible manner.

(B) Counsel are expected to make a timely and good faith effort to confer and agree to schedules for the taking of depositions. Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours. Except for good cause, counsel for the deponent shall not cancel a deposition or limit the length of a deposition to less than 1 day of 7 hours without stipulation of the examining counsel or order of the Court.

2. Deposition Conduct

The following rules for the taking of depositions emphasize the expectations of the Court as to certain issues; they are intended to supplement Ohio R. Civ.P. 26, 30, 32 and 37:

(A) *Decorum.* Opposing counsel and the deponent shall be treated with civility and respect, and the questioner shall not engage in repetitive, harassing or badgering

questioning. Ordinarily, the deponent shall be permitted to complete an answer without interruption by counsel.

(B) *Objections*. Objections shall be limited to:

(a) those which would be waived if not made pursuant to Ohio R.Civ.P. 32(D), and

(b) those necessary to assert a privilege,

(c) those necessary to enforce a limitation on evidence directed by the Court,

(d) those necessary to present a motion under Ohio R.Civ.P. 30 (D), or

(e) those necessary to preserve a proper evidentiary objection should the deposition be used as evidence or for impeachment, or

(f) those necessary to assert that the questioning is repetitive, harassing or badgering. No other objections shall be raised during the course of the deposition.

(C) *Speaking Objections*. Counsel may interpose an objection by stating "objection" and the legal grounds for the objection. Speaking objections which refer to the facts of the case or suggest an answer to the deponent are improper and shall mot be made in the presence of the deponent. Counsel shall not argue the reasons for the objection on the record.

(D) *Instructions Not to Answer*. Counsel may instruct a deponent not to answer a question only when necessary to preserve a privilege, enforce a limitation on evidence directed by a court, present a motion under Ohio R.Civ.P. 30 (D), or terminate repetitive, harassing or badgering questioning. In the event privilege is claimed, examining counsel may make appropriate inquiry about the basis for asserting the privilege.

(E) *Irrelevant and Embarrasing Questions*. If an attorney objects to a particular line of questioning on the ground that the questioning is being conducted in bad faith, or in such a manner as unreasonably to annoy, embarrass or degrade the deponent, the questioning attorney should move on to other areas of inquiry, reserving the right to pursue the objected-to questions at a later time or date if the objecting attorney agrees to withdraw the objection or if, as a result of a conference call by the attorneys to the appropriate court, a motion to compel or a motion filed under Civil Rule 30(D), a court determines that the objected-to questions are proper.

(F) *Conferring During Questioning.* While a question is pending, counsel for the deponent and the deponent shall not confer, except for the purpose of deciding whether to assert a privilege.

(G) *Documents.* During the deposition, examining counsel shall provide opposing counsel and counsel for the deponent with copies of all documents shown to the deponent.

(H) Where a witness, party or counsel violates any of these rules at a deposition, the Court may order sanctions or other remedies, including those sanctions available under Civ.R.26(C) or 37, as well as attorney's fees.

(I) The Allen County Common Pleas Court recognizes the Ohio Supreme Court's Commission on Professionalism has issued its publication "Deposition Do's and Don'ts." The Allen County Court of Common Pleas expects all attorneys practicing before the Court to adhere to the best practices contained in this document incorporated therein.

2.19 Standing Special Process Server

A person may apply to be designated as a 'Standing Special Process Server' for cases filed in this Court by filing an application supported by an affidavit setting forth the following information:

(1) the name, address, and telephone number of applicant;

(2) that the applicant is eighteen years of age or older;

(3) that the applicant agrees not to accept service of process in any case which the applicant is a party or counsel for a party;

(4) that the applicant agrees to follow the requirements of Civil Rules 4 through 4.6, and any applicable local rules, and specific instructions for service of process as ordered by the Court in individual cases.

LOCAL RULE
3

CIVIL ACTIONS: PLEADINGS, MOTIONS, HEARINGS

3.01 **Documents [AMENDED 2/1/17 due to addition of paragraph 7]**

All pleadings, motions and other litigation documents shall be typewritten or legibly printed on paper securely bound at the top.

The caption in every complaint shall state the name and address, if known, of each party.

Each civil complaint or petition shall state in the caption the nature of the action in one of the following categories: (1) Professional Torts; (2) Product Liability; (3) Other Torts; (4) Worker's Compensation; (5) Administrative Appeal; (6) Foreclosure; (7) Complex Litigation; or (8) Other Civil.

Each domestic relations complaint, petition, or motion which initiates or re-initiates the jurisdiction of the Court shall state in the caption the nature of the action in one of the following categories: (1) Divorce with Children; (2) Divorce without Children; (3) Dissolution with Children; (4) Dissolution without Children; (5) Modification of Parental Rights and Responsibilities; (6) Modification of Enforcement of Parenting time Companionship or Visitation Rights; (7) Support Modification or Enforcement; (8) Domestic Violence; (9) U.R.E.S.A.; or (10) Miscellaneous Enforcement.

Subsequent pleadings, motions, briefs, or other litigation documents shall set forth the case number, the name of the judge to which the case has been assigned, the name of the first party plaintiff and the first party defendant.

Every Amended Complaint or other pleading which adds [an] additional party(ies) shall be accompanied by a precipe directing the Clerk to serve the additional party(ies) with a copy of the Amended Complaint or pleading in accordance with the Civil Rules.

The Clerk shall not accept for filing any document which does not comply with this rule.

Motions for Leave to File Amended Complaint/Answer/etc. shall be accompanied by an unattached proposed signed original pleading. Any pleading attached to the Motion or marked as an exhibit will not be filed separately as the original, should the motion be granted. The Clerk of Courts has no duty to follow-up with counsel to request the submission of an original pleading.

3.02 **Rule Day Extensions**

Civil Rule 12 prescribing Rule Day for Pleadings will be strictly enforced. Extensions of time will be granted only by written order of the Court.

3.03 **Hearings on Motions Other than Summary Judgment**

All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon. The opposing counsel or party may file an answer brief by the fourteenth day after the day on which the motion was filed. Thereafter, the motion shall be deemed submitted to the judge to whom the case is assigned. Unless ordered by the Court, oral argument will not be allowed accept on leave of the trial judge upon written request by a party prior to a submission and the time of hearing and length of such argument shall be fixed by said judge.

This rule shall apply to all motions, including motions for new trial, motions for judgment notwithstanding the verdict, and motions for reconsideration except as otherwise provided herein.

3.04 **Hearing on Summary Judgment Motions**

Unless otherwise ordered by the Court, motions for summary judgment shall be heard on briefs and other materials authorized by Civil Rule 56 (C) without oral arguments thirty days after service of the motion for summary judgment, the hearing date shall be extended to thirty days from the service upon the opposing party of the latter motion.

No motions shall be filed in any case after it has been set for pre-trial without leave of the trial judge first obtained, who may establish the times for filing of briefs and submission of the motion.

3.05 **Discovery**

(A) In accordance with Ohio Civil Rule 5 (D), all documents, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and responses thereto shall not be filed unless on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the court or for use as evidence or for consideration of a motion in a proceeding.

(B) Effect of Rule: Discovery Disputes-Motions to Compel, for Protective Orders, Objections to Discovery or Motions for Sanctions

(1) No motion to compel discovery for protective order, objections to any form of discovery, motions for sanctions, or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.

(2) Pursuant to Civ. R. 37(E), before filing a motion authorized by this Rule, the party shall make a reasonable effort to resolve the matter through discussion with the attorney, unrepresented party, or person from whom discovery is sought.

"In addition, prior to making a motion for an order compelling discovery, protective order, objection to a discovery request, or for a discovery violation sanction, the lawyer or party seeking the Court's involvement shall initiate a conference (either live or by telephone) with the assigned judge and the attorney, unrepresented party, or person from whom discovery is sought, so that the parties and the Court can discuss the discovery dispute and seek informal resolution before an order compelling discovery or discovery sanction order is issued by the Court."

The motion shall be accompanied by a statement reciting the efforts made to resolve the matter in accordance with this section.

(3) The presentation of any insufficient or unwarranted application, objection, or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule, including the imposition of costs, expenses and reasonable counsel fees.

(C) **Policy of Local Rule**

(1) It is declared policy of this Local Rule to encourage professional informal discovery wherever practicable in preference to formal discovery. The policy of the General Division Judges is to involve themselves in the discovery process as soon and as early as practicable to avoid discovery problems and disputes. Counsel shall make every effort to comply with this policy.

(2) This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

(D) **Informal Discovery**

Counsel will participate in discovery conferences with opposing counsel and shall freely exchange discoverable information and documents upon informal request. Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court.

(E) **Discovery Cutoff**

The discovery cutoff date specified in the case schedule shall be the last date for any party to seek the involvement of the Trial Judge in the discovery process by way of conference, motion seeking a ruling, an order, sanctions or other Court action, absent extraordinary circumstances. Voluntary, mutually agreed-upon discovery including perpetuation of trial testimony by video tape or otherwise, may continue after the discovery cutoff in a manner that does not delay any other event on the case schedule.

3.06 **Jury Costs**

Pursuant to R.C. 2335.28, the Clerk shall assess as costs all those expenses which are directly associated with the calling and serving of jurors in all cases unless otherwise ordered by the Court. Said expenses shall include, but not limited to jury view expenses, meals, lodging, and attendance fees.

3.07 **Foreclosure Actions**

(A) A case will be reported as terminated to the Ohio Supreme Court upon filing of foreclosure entry. Whether the case proceeds to the sale of the property has no influence on the termination of the case for reporting purposes.

(B) Within 21 days after filing of any judgment of foreclosure, if a precipe for sale has not been issued, the Clerk shall compute costs and pay same from the deposit made.

(C) If a party wishes to proceed with sale of property after case has been closed and deposit returned, it shall file a precipe for Order of Sale and deposit sufficient monies to cover costs as set forth in Rule 2.01 (A) (1) (b).

(D) Once an Order of Sale has been issued by the Clerk to the Sheriff, there shall not be a cancellation of said sale without (1) direction from attorney ordering the sale and payment or sufficient monies on deposit to pay all costs, (2) satisfaction of judgment, (3) a bankruptcy stay order.

3.07(E) **Judicial Sale of Real Estate**

CERTIFICATION

In every action hereinafter filed in any division of the Common Pleas Court of Allen County, Ohio wherein a judicial sale of real estate is contemplated by the Complaint or subsequent pleadings the party praying for said sale or the attorney for the party praying for said sale shall endorse thereon the following Certification:

"The undersigned hereby certifies that an examination of the public records of Allen County, Ohio has been made to determine the ownership of subject real estate and all parties who may claim an interest therein, and that, in the opinion of the undersigned, all parties have been named as parties to this action", stating as exceptions any interested party not so named.

3.07(F) **Sheriff Procedures for Judicial Sales of Real Estate (effective March 2009)**

1. Property Description Approval Form

The Allen County Engineer Tax Map Office, by means of the Allen County Property Description Approval Form, must first approve all descriptions of properties in foreclosure.

a. The Property Description Approval Form must be filled out completely prior to submission.
b. The Tax Map Office will review all legal descriptions submitted for approval and affix a red stamp of approval on each approved description. All descriptions not meeting the Allen County Tax Map Office Standards Governing Conveyances will be returned for corrections.
c. Original "red stamped" legal descriptions and the Property Description Approval Form, are required to be submitted, and attached to the documents filed with the Clerk of Courts, for the following steps in the foreclosure process:
(1) Original Complaint
(2) Precipe for Order for Sale
(3) All "Alias" filings of Precipes for Order of Sale
d. For the Judgment Entry Ordering Sale, The Entry Confirming Sale and the Sheriff's Deed, a copy of the "red stamped" legal description and Property Description Approval Form attached to the documents when filed will be accepted.
e. Any of the above documents filed with the Court of Common Pleas or the Allen County Sheriff's Office that do not have the appropriate and legible Property Description Approval Form and approved legal description, as described above, will be returned unprocessed.

2. Bid and Deposit
   a. In every judicial sale of real estate, the Sheriff shall require from the bidder, a deposit form of a certified check, money order or cash, in the amount of 5% of the appraised value of the property. The deposit shall be no less than $750, or more than $25,000. Some Treasurer Tax sales may have a lower minimum deposit as determined by the Sheriff's Office.
   b. The lienholder shall be required to pay a deposit of 1% of appraised value with a minimum of $250 and a maximum of $2,500.00 Law firm checks will be accepted from lienholder bidders.
   c. All bids are required to be tendered at the time that the officer conducting the sale accepts the bid.
   d. If such deposit is not tendered at that time, the bidding will be re-opened

immediately, starting with the next highest bid, if still available, and continuing until a sale is made to a bidder who meets the requirements of this rule regarding deposits.

e. The deposit will be used for the costs associated with the Sheriff recording the deed on behalf of the purchaser. The balance of the deposit not required for recording purposes will be applied to the purchase price, or in the case of a plaintiff purchase, to the costs and taxes of the case refunded.

3. **Purchaser Information Form**
   a. All successful bidders are required to present a completed Purchaser Information Form at the time that the deposit is paid. Failure to provide the required Information will result in the bidding being re-opened immediately, starting with the next highest bid, if still available, and continuing until a sale is made to a bidder who meets the requirements of this rule regarding the purchaser information.
   b. The Purchaser Information Form will be made part of the court record upon the Sheriff's return of the Order of Sale.

4. **Confirmation of Sale**
   Counsel shall prepare and submit to the Court an Entry Confirming Sale no later than 30 days from the date of the sale.
   a. Prior to filing the Entry Confirming Sale, the plaintiff will contact the Allen County Treasurer's Office to obtain the prorated amount of real estate taxes.
   b. The required plaintiff deposit will be referenced in the Entry Confirming Sale as to the payment of recording fees, transfer tax and conveyance fees, the Sheriff's associated deed recording costs of $75 and whether the balance is to be applied to the court costs and taxes or refunded to the plaintiff attorney.
   c. If a third party purchased the property, no reference to their deposit need be made, as the balance of the deposit, after recording costs have been deducted, will be applied to the purchase price.

5. **Deed**
   a. Within 7 days of filing the Entry Confirming Sale, the attorney shall prepare and present a Sheriff's deed to the Sheriff for approval along with a check for the balance of any money remaining due.
   b. To save costs, a short form deed is acceptable provided it complies with ORC 2329.36
   c. The deed must include a copy of the "red stamp" approved legal description per Rule 3.07(F)(1), and a completed Conveyance Form or Exemption Conveyance Form.
   d. The Sheriff, after proofing the deed, shall sign the same. If errors are found, the deed will be returned for correction.
   e. The attorney will include a self addressed and stamped envelope for return of the deed after recording.
   f. The Sheriff will record the deed within 14 business days after receiving full payment of all money due.

3.08 **Videotaped Testimony and Evidence**

In addition to the requirements of Rule 13 of the Rules of Superintendence for Courts of Common Pleas, a written transcript of the deposition shall be filed when the videotape is filed. It is the responsibility of the party intending to use any videotape testimony at trial to:

1. File the videotape and written transcript with the Clerk of Courts seven (7) days prior to trial;

2. Notify the appropriate bailiff of the intended use seven (7) days prior to trial;

3. Ensure the necessary equipment will be available; and

4. Provide other equipment or personnel, if necessary.

3.09 **Facsimile Copy Filing with the Clerk**

1. ORIGINAL FILING

(A) Pursuant to the authority extended to the Court by Civil Rule(E), the General and Domestic Relations Divisions of the Court adopt the following procedures for the Clerk of Courts' acceptance of facsimile copies, subsequent to the original complaint, of pleadings and other papers not longer than ten (10) pages in length. No documents longer than ten (10) pages in length shall be filed in this manner, unless approved by the Court.

(B) The Clerk of Courts shall maintain an independent private telephone line, publish the number of the same, and maintain a facsimile machine for utilization by members of the bar authorized to practice law in Ohio in filing documents with the Court and its' Clerk as provided herein. Pleadings and other papers may be filed with the Clerk of Courts by transmission to 419-222-8427 subject to the following conditions.

(C) The filing of pleadings or other papers, subsequent to the original complaint and not requiring a security deposit pursuant to Local Rule 2.01, may be filed with the Clerk by facsimile copy. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document the Clerk of Courts but must, however, maintain in his or records and have available for production on request by the Court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

(D) The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

(E) Proposed Judgment Entries and Orders submitted for the Courts review and signature of either judge or magistrate shall become the original copy for the purposes of filing with the Clerk of Courts. There is no need to send the original source document.

(F) Fax filings may NOT be sent directly to the Court for filing but shall only be transmitted directly through the facsimile equipment operated by the Clerk of Courts.

2. **Cover Page**

(A) The person filing a document by fax shall also provide therewith a cover page containing the following information:

1. The name of the Court;

2. The title of the case;

3. The case number;

4. The assigned judge;

5. The title of the document being filed; (i.e. Defendant Jones' Answer to Amended Complaint)

6. The date of transmission;

7. The transmitting fax number;

8. The number of pages included in the transmission, including the cover page;

9. The name, address, telephone number, fax number and Supreme Court registration number, if applicable.

(B) The Clerk of Courts is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Courts may inform the sending party of a failed fax filing.

(C) The risks of transmitting a document by fax to the Clerk of Courts shall be borne entirely by the sending party. Anyone using facsimile filing that does

not obtain transmission verification from their facsimile transmission device may verify receipt of such filing with the Clerk of Courts.

(D) The Clerk of Courts is not required to file any unsigned fax transmitted documents.

3. **TIME OF FILING**

(A) Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk of Courts shall be considered filed with the Clerk of Courts as of the date and time the Clerk receives the document.

(B) The office of the Clerk of Courts will be deemed open to receive facsimile transmission of documents on the same days and at the same time the Court is regularly open for business. In the event any facsimile copy is received by the Clerk of Courts after 4:30 p.m. on a regular business day or anytime on a weekend or holiday the facsimile copy shall be considered filed on the next ensuing regular business day for the Clerk.

4. **FEES AND COSTS**

(A) Costs to be charged for both incoming and outgoing fax transmissions shall be $2.00 per transmission plus $1.00 per page. Unless otherwise arranged for in advance, the costs shall be charged to the case in which the documents are to be filed.

3.10 **Pretrial and Trial Procedure**

Pretrial Procedure
The procedure for civil Pretrial conferences shall be as follows:
(A) Exceptions
A pretrial conference shall be held in every civil case filed, unless:

(1) the assigned judge enters an order dispensing with said conference; or

(2) said judge permits an agreed statement of counsel in lieu of said pretrial conference. Upon entry of such order or agreed statement dispensing with the pretrial conference, provision shall be made for scheduling the case for trial.

(B) **Appearance of Counsel; Continuance**

Counsel who will actually handle the trial of a case shall attend all pretrial conferences unless excused by the judge. Continuances may be granted only by the judge scheduled to preside at the pretrial conference. No trial continuance

will be granted on the grounds that counsel is not prepared to go forward if such counsel has failed to attend the pretrial conference.

(C) **Parties to be Present**

All parties must be present at the pretrial conference unless excused by the Judge. If a claim for relief by any party is covered in whole or in part by insurance, a representative of the insurance company or carrier authorized to handle the claim(s) for relief in controversy must be present at the pretrial conference, unless otherwise authorized by the Judge. If a claim for relief against any party is fully covered by insurance, that party's presence at the pretrial conference is not required unless otherwise ordered by the Court.

(D) **Attorney Preparation**

At the pretrial conference, attorneys for all parties should be prepared to:

(1) discuss factual and legal theories of the case
(2) discuss necessity of desirability of amendments to any pleadings or the filing of additional pleadings;
(3) discuss simplification of issues;
(4) make admissions as to facts and genuineness of documents and other exhibits not in dispute;
(5) eliminate parties unnecessary to the case;
(6) give names of witnesses whom they intend to call at trial, together with a statement of the general nature of the testimony of each witness; if the Court so orders, counsel shall not be permitted to call additional witnesses at trial, except rebuttal witnesses, unless the names and addresses of such witnesses and the general nature of their testimony are furnished, in writing, to opposing counsel of record within a reasonable time prior to trial;
(7) give names, addresses and area(s) of expertise of any anticipated expert witness;
(8) exchange reports of any expert witnesses expected to be called upon to testify at trial;
(9) discuss limitations on the number of expert witnesses;
(10) provide a list of exhibits to be introduced at trial, and, if required by the judge, produce the exhibits for examination by the judge or parties;
(11) furnish an itemized list of special damages and expenses, and a full description of the nature of any injuries for which compensation is claimed;
(12) exchange medical reports and hospital records;
(13) produce information relative to insurance agreements in accordance with Civ.R. 26(6)(2);

(14) discuss necessity of supplementing interrogatory answers or other Previous discovery;
(15) discuss procedures and time limitations for completion of any additional discovery;
(16) discuss whether a view of the premises is appropriate or necessary;
(17) discuss possibility of consolidation of cases for trial;
(18) consider the possibility of separation of issues, if any, for determination by or to the judge or the jury, and separate determination of the issues of liability and damages;
(19) submit and consider authorities on unique or controverted issues, or guarantee their submittal at least two (2) working days prior to trial;
(20) fully explore and be authorized to conclude settlement; and,
(21) discuss any other matters that may expedite the trial or disposition of the case.

(E) **Motions**

The judge may decide or take under consideration for decision, any motions pending in the case at the time of the pretrial conference.

(F) **Deadline for Pretrial Motions**

All pretrial motions, including but not limited to motions in limine, shall be filed no later than 7 days before trial, unless leave is requested and granted to file after said deadline.

(G) **Failure to Appear**

Failure of any attorney or party to appear at a pretrial conference, failure of any attorney to be prepared, and/or failure of any party to cooperate in good faith in the conduct of the pretrial conference, shall render said attorney or party, subject to sanctions as provided by Civ.R. 37 at the judge's discretion. Such sanctions may include an award of expenses and/or attorney fees to any party prejudiced by said failure and any other appropriate sanctions ordered by the Court.

3.11 **Citations Made in Legal Memoranda**

Legal memoranda and briefs submitted to the Court shall include, as an attachment, all opinions previously referred to as "unpublished" that are not posted on the Ohio Supreme Court website under Rule 3 of the Supreme Court Rules for Reporting of Opinions.

LOCAL RULE 4

ENTRIES

4.01 **On Decree**

Unless the trial judge otherwise directs, counsel for the party in whose favor an order, decree, or judgment is rendered, shall within five (5) work days thereafter prepare the proper judgment entry and submit it to opposing counsel who shall approve or reject the same within five (5) work days after receiving it. Approved judgment entries shall be immediately forwarded to the Judge. If counsel are unable to agree upon the entry, it shall be submitted to the trial judge who will direct what entry shall by made. If counsel fail to present an entry within twenty (20) calendar days after the order is decreed, or the judgment is rendered, the trial judge may cause the proper entry to be prepared and filed without submission or notice to counsel or take such other action as may be appropriate under the circumstances.

4.02 **On Settlements**

Counsel shall promptly submit an entry of dismissal to the trial judge following settlement of any case. If counsel fail to present such an entry to the trial judge within twenty (20) days after representation to the court that a case has been settle, the trial judge may order the case dismissed for want of prosecution. In addition, if a case has been assigned for trial and it is settled, counsel shall forthwith notify the court. Failure to do so may be considered as a contempt of court by the trial judge who may take such action as is appropriate under the circumstances.

4.03 **Final Orders Involving Titled Property**

To facilitate disposition and avoid rejection at the Title Department and/or Auditor's Office, it is recommended that all Final Orders that involve the disposition of a titled vehicle, watercraft or manufactured home include the YEAR, MAKE, and SERIAL NUMBER.

As to real estate, said Order should include a legal description or permanent parcel number.

LOCAL RULE
5

ADMINISTRATIVE APPEALS

5.01 **Statutory Time Limits**

Where the time for filing bills of exceptions, assignments or errors and briefs is fixed by statute or rule of the Ohio Supreme Court, they shall be filed within such time or Extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by such judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.

5.02 **Time Limits**

Where the time for filing is not fixed by statute or rule of the Ohio Supreme Court, the appellant shall file a brief within twenty (20) days after the filing of the transcript of the record; the appellee shall file his brief within ten (10) days after the filing of the brief of the appellant and any reply brief shall be filed within five (5) days after the filing of the appellee's brief. Extensions of time may be granted by entry by the judge to whom the case is assigned.

In all cases in which demand or request to the agency by the appellant is prerequisite to the preparation of filing of the transcript of the record by the agency, such demand or request shall be filed by the appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law or rule of Ohio Supreme Court.

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

5.03 **Revised Code, Chapter 2506 and 199 Applicability**

The applicable procedures of paragraphs 5.01 and 5.02 above shall apply to all appeals including those under Chapter 2506 and Chapter 119 of the Revised Code. Under those chapters or any the provision of law including appeals from the Industrial Commission, if the offering of additional evidence or a trial de novo is granted or required by law, the case shall be deemed ready for trial at the discretion of the trial judge.

5.04 **Briefs**

Failure of appellant to file a bill of exceptions, assignments of error, brief or demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the judge to whom the case is assigned.

LOCAL RULE 6

MEDIATION (OTHER THAN DOMESTIC RELATIONS)

6.01 **Cases for Mediation**

Any civil case filed in the Court of Common Pleas may be referred to Mediation.

6.02 **Referral to Mediation**

(1) The judge may, by appropriate entry, refer the case to mediation.

(2) Any party may request, in writing to the Judge, that the case be considered for referral to mediation.

(3) Referral of a case to mediation shall not operate as a stay of discovery proceedings unless otherwise ordered by the Court.

6.03 **Mediation Conferences**

(1) The mediator may direct the parties and their attorneys to attend a mediation conference in person. Such a conference shall be conducted by the mediator to consider the possibility of settlement, the simplification of the issues and any other matters which the mediator and the parties determine may aid in the handling or the disposition of the proceedings.

(2) Mediation shall continue until the parties have reached a settlement, until they are willing to proceed further, or until the mediator determines that further mediation efforts should cease. The mediator may schedule such sessions as may be necessary to complete the process.

(3) The mediator may request that the parties bring documents and witnesses, including expert witnesses, to the sessions, but has no authority to order such production.

6.04 **Mediation Fees**

(1) No fees shall be charged for civil cases referred to the Allen County Court of Common Pleas when a judge mediates.

(2) If the case is referred to a mediator other than a Judge of the Common Pleas Court, the parties shall share the cost of the mediation in such proportions as they may agree.

6.05 **Confidentiality**

(1) The provisions of Section 2317.023 of the Ohio Revised Code shall control.

(2) All communications and information not otherwise discoverable presented during mediation are confidential.

(3) The mediator shall not disclose to the Court or to any Judge of the Court the Contents of mediation discussions unless agreed to by all of the parties.

(4) No party to mediation shall call the mediator as a witness for any purpose.

(5) Each party shall submit a mediation statement not to exceed three (3) pages to the Court Mediator and all parties not later than ten (10) business days prior to the mediation conference.

These statements are not to be filed with the Clerk of Courts and will be maintained separate and apart from the case file.

6.06 **Reporting to the Court**

(1) The mediator shall notify the Court promptly when a case is not accepted for mediation. At the conclusion of cases accepted for mediation, the mediator will also report the fact that the mediation process has ended.

(2) If a case is settled during mediation, the attorney for one of the parties shall prepare and submit to the Court an entry reflecting the fact of settlement as in any other case.

(3) If some but not all of the issues in the case are settled during mediation or if agreements are reached to limit discovery or on any other matter, the parties shall submit a joint statement to the Court enumerating the issues that have been resolved and the issues that remain for trial. This statement shall be submitted within 30 days of the termination of mediation.

LOCAL RULE 7

ARBITRATION

7.01 Establishment of Mandatory Arbitration

Pursuant to Sup. R. 15, the Court of Common Pleas of Allen County, General Division, does hereby adopt this plan for the mandatory arbitration of civil cases.

7.02 Cases for Arbitration

A Judge of this Court, may by general order cause any case to be heard and decided by a Panel of Arbitration, which panel shall consist of three (3) members of the Bar of this Court, except as limited hereinafter:

A. before submitting a case to arbitration, a pretrial conference must first be held by the assigned trial judge.

B. actions involving title to real estate, equitable relief and appeals shall be excluded.

Counsel in any civil action which is at issue, may stipulate, in writing, before or after pretrial, that the case be submitted for arbitration in accordance with these rules.

7.03 Selection of Arbitrators

In all cases subject to arbitration, the Court shall appoint three (3) arbitrators by random selection from a Court approved list. The Court shall select a Chairman of the panel.

Not more than one (1) member of a law partnership or an association of attorneys shall be appointed to a particular panel. No member of a panel shall be related by blood or marriage to any party in the case or to any attorney or record in the case.

7.04 Assignment of Cases for Arbitration

The Chairman shall be responsible for setting the matter for arbitration and notifying the parties of the time and place of arbitration.

A. Arbitration may proceed in the absence of any party, who, after due notice, fails to be present or fails to obtain an adjournment.

B. No case shall be assigned to the panel within thirty (30) days from the time such case is ordered into arbitration unless the assigned trial judge directs that the case be set specifically within the thirty (30) day period.

C. No disclosure shall be made to the arbitrators prior to the filing of the report and award of any offers of settlements made by either party except by agreement of the parties. An arbitrator who has knowledge of settlement demands or offers shall be disqualified prior to the delivering of the Court file to the panel.

7.05 **Hearings: When and Where Held: Notice**

Hearings shall be held at a place provided by the Court.

Unless Counsel for all parties and the panel agree otherwise, that place shall be in the Allen County Courthouse. The chairman shall fix a time and date of hearing and shall notify the other arbitrators, the parties or their attorney.

A. The time set for hearing shall not be less than thirty (30) days more than sixty (60) after appointment, unless otherwise ordered by the assigned trial judge.

B. Since sufficient time is available to the parties prior to the hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of controversy prior to the commencement of the hearing.

7.06 **Oath of Arbitrators**

Each arbitrator shall solemnly swear that he will support the Constitution of the United States and of the State of Ohio, and that he will administer justice without respect to persons, and faithfully and impartially discharge and perform all duties incumbent upon him as Arbitrator, according to the best of his ability and understanding.

7.07 **Inability of Party to Proceed**

Whenever a case has been continued twice, said case be certified by the chairman to the assigned trial judge who shall summon the parties to their counsel. The trial judge shall have the power to make an appropriate order, including an order of dismissal for want of prosecution. The trial judge may make an order that the case be again assigned for arbitration and an award made whether or not the defendant appears and defends.

7.08 **Conduct of Hearing-General Powers**

The three (3) members of the arbitrations panel, unless the parties agree upon a lesser number, shall be the judges of the relevancy and materiality of the evidence. Conformity to rules of evidence shall not be necessary.

All evidence shall be taken in the presence of all arbitrators and of all the parties, except where any of the parties is in default, or any of the parties has waived his right to be present.

The panel may receive the evidence of witnesses by affidavit or written report and shall give it such weight as they deem it is entitled after consideration of any objections which may be made to it.

7.09 **Specific Powers**

The arbitrations panel shall have the general powers of a court including, but not limited to, the following:

A. Subpoenas: To cause the issuance of subpoenas to witnesses to appear before the Panel and to request the issuance of an attachment according to the practice of the Court for failure to comply therewith, pursuant to Civil Rule 45.

B. Production of Documents: To compel the production of all books, papers, and documents which they shall deem material to the case. Should a party or witness fail to produce documents or to testify as to a matter after being ordered to do so by a Panel, that matter shall be treated as not controverted and a final award may be made without the necessity of issuing a contempt citation.

C. Administering Oaths: Admissibility of Evidence: To administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by Depositions and to decide the law and the facts of the case submitted to them.

D. Property Damage Bills or Estimates: To accept as evidence in actions involving personal injury and/or damage to property, bills, or estimate with accompanying date, which may be offered and received as evidence without further proof for the purpose of providing the value and reasonableness of the charges for service, labor, and material or items contained herein, and, where applicable, the necessity for furnishing the same, on condition that one week's written notice has been given to the adverse party, or otherwise agreed upon by and between the parties, accompanied by a copy of the bills to be offered in evidence.

E. Hospital Bills: To accept as evidence bills on the official letterhead or billhead of the hospital, when dated and itemized.

F. Bills of Doctors and Dentists: To accept as evidence bills of doctors and dentists, when dated and containing a statement showing the date of each visit and the charge therefore.

G. Bills of Nurses, Etc.,: To accept as evidence bills of registered nurses, licensed practical nurses, or physical therapists, when dated and containing an itemized statement of the days and hours of service and the charges therefore.

H. Bills for Medicines, Etc.: To accept as evidence bills for medicine, eyeglasses, prosthetic devices, medical belts, or similar items.

I. Procedure in Case of Estimate: In the case of an estimate, the party intending to offer the estimate shall forward with his notice to the adverse party, together with the copy of the estimate, a statement indicating whether or not the property was repaired, and if it was, attaching a copy of the receipted bill showing the items of repair and the amount paid.

7.10 **Default of Party**

The arbitrations may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain a continuance. An award shall not be made solely on the default of a party. The arbitrators shall require the other party to submit such evidence as they may require before the making of an award.

7.11 **Supervisory Powers of Court**

The assigned trial judge shall have full supervisory powers with regard to any question that may arise in an arbitration proceeding, as well as to the application of these rules.

7.12 **Witness Fees**

Witness fees in any case referred to a panel for arbitration shall in the same amount as now or hereafter provided for witnesses in trial in the Common Pleas Court. These fees may be ordered taxed as costs in the case and the costs in any case shall be paid by the same party or parties by whom they would have been paid had the case been tried by the Common Pleas Court.

7.13 **Transcript of Testimony**

The arbitrators shall not be required to make a record of the proceedings before them. If any party desires a transcript, he shall provide a reporter and cause a record to me made. The party requesting the same shall pay the costs thereof which shall not be considered costs in the case. Any party desiring a copy of any transcript shall be provided it by the reporter upon payment therefore, based upon the customary charges.

7.14 **Report and Award**

Within thirty (30) days after the hearing, the Chairman shall file a Report and Award with the Court and on the same day shall forward copies thereof to all parties or their counsel.

The Report and Award shall be signed by all the members of the Panel. In the event all three (3) members do not agree on the Report and Award, the dissenting member shall write the word "dissents" before his signature. A minority report shall not be required unless the arbitrator elects to submit the same due to unusual circumstances.

7.15 **Judgment**

Unless exceptions to the arbitration are raised by written motion, pursuant to Rule 7.17, filed within thirty (30) days from the date of the Report and Award is docketed by the Clerk, the trial judge shall deem the award final and acceptable and enter judgment according to the award. The responsibility for preparation of its Judgment Entry and submission to the assigned trial judge rests in the prevailing party.

7.16 **Compensation of Arbitrators**

Each member of a Panel, who has signed an award or files a minority report shall receive as compensation for his service in each case a fee as approved and Ordered by the Court.

A. In cases requiring a hearing of unusual duration, involving questions of unusual complexity, the assigned trial judge, on motion and for good cause shown, may allow additional compensation. The members of the Panel shall not be entitled to receive their fees until after filing the Report and Award with the Clerk.

B. Fees paid to arbitrators shall be taxed as costs.

C. All compensation for arbitrators shall be paid upon proper warrant and shall be taken from the costs advanced through the Office of the Clerk of Courts.

D. In the event that a case shall be settled or dismissed sooner than two (2) days prior to the date scheduled for the hearing, the arbitrators shall not be entitled to the aforesaid fee. In the event that a case has been settled or dismissed within said two (2) work day period, the arbitrators shall be entitled to receive said fee.

7.17 **Exceptions and Reasons Therefore**

Any party may file with the Clerk written exceptions from the Report and Award of the arbitration panel within thirty (30) days from the filing of said Report and Award.

A. An affidavit that the exception is not being taken for delay must be filed and accompany the exceptions.

B. Copies of any motion, affidavit and exception shall be served upon the opposing parties according to law.

C. Exceptions to the decision of the board or single arbitrator may also be filed by any party within thirty (30) days after filing of the report, and, if sustained, the report shall be vacated.

7.18 **Court Costs Deposit**

To guarantee the arbitrators fees, the parties shall deposit with the Clerk of Courts the sum Ordered by the Court within 14 days of said Order. If there are multiple defendants and they cannot agree as to their proportionate share of the deposit, upon proper motion, the judge to whom the case is assigned shall order the apportionment. When it appears proper, the Court may order additional deposits.

7.19 **Return to Active Trial Calendar-Hearing De Novo**

Within a reasonable time after the exceptions called for under Rule 7.17 are filed, the assigned trial judge shall order the return of the case to the trial calendar. In the event a jury demand has been timely filed in the pleadings the case shall be assigned for jury trial, and if there has not been a timely jury demand in the pleadings the case shall be heard by the Court.

Either the jury trial or court trial shall be trial de Novo, and not limited to a review of the transcript taken at the Arbitration hearing.

7.20 **Testimony of Arbitrators Prohibited**

The arbitrators shall not be called as witnesses.

LOCAL RULE 8

EXHIBIT/DEPOSITION/TRANSCRIPT RELESE RULES/RECORDS RETENTION

8.01 **Scope of Rules**

These Rules shall be applicable only for those actions wherein an appeal from the trial court is not pending, and the exhibits/depositions/transcripts of the case remain filed with the Common Pleas Court after the conclusion of litigation, including times for direct appeals.

8.02 **Service of Notice**

All notices required by these Rules to be served upon a party in an action shall be sent to the party's attorney-of-record at **the address last specified on the pleadings**.

Service shall be deemed complete for purposes of these Rules upon the **sending** of the notice.

8.03 **Processing Orders Releasing Exhibits, Depositions and/or Transcripts**

A. The court reporter or Clerk of Courts will notify the party that tendered the exhibits, depositions, or transcripts in writing that the party may retrieve the exhibits, depositions, or transcripts within sixty days from the date of the written notification.

B. The written notification required in this rule will inform the party that tendered the exhibits, depositions or transcripts that the exhibits, depositions or transcripts will be destroyed if not retrieved within sixty days of the notification.

C. The written notification required in this rule will inform the party that tendered the exhibits, depositions or transcripts of the location for retrieval of the exhibits, depositions or transcripts.

D. If the party that tendered the exhibits, depositions or transcripts does not retrieve the exhibits, depositions or transcripts within sixty days from the date of the written notification the exhibits, depositions or transcripts shall be disposed of as provided for by Rule 8.04.

E. If the exhibits, depositions and/or transcripts are disposed of, pursuant to these Rules, the Reporter/Clerk of Courts shall file a Notice of Disposal with the Clerk of the Common Pleas Court approved by a Judge of the Common Pleas Court.

8.04 **Disposal of Exhibits/Depositions/Transcripts**

When disposal of unclaimed exhibits, depositions and/or transcripts is required pursuant to these Rules, such disposal shall be performed by the Reporter and/or Clerk of Courts in the manner provided for in the order of the Common Pleas Court releasing the exhibits in the action and pursuant to the Ohio Supreme Court's Superintendence Rule 26.

8.05 **Forms**

The Reporter and/or Clerk of Courts of the Common Pleas Court shall use the forms required by these Rules for the release of exhibits, depositions, and/or transcripts.

8.06 **Extension**

Extension of the within retention period for case files may be made on an individual basis.

This Rule is in compliance with Ohio Supreme Court Superintendence Rule 26.

8.07 **Court Records Management and Retention**

The Allen County Common Pleas Court does hereby adopt the standards for the maintenance, preservation and destruction of records as provided in the Ohio Supreme Court's Superintendence Rule 26 through 26.05 as our records retention schedule.

LOCAL RULE 9

TRANSCRIPTS OF RECORD

9.01 **Written Transcripts of Appeal**

Any attorney-of-record who desires a written transcript of proceedings for appellate purposes shall file his request in writing with the Court reporter responsible for said preparation.

Said request shall state whether it shall be a complete transcript or a partial transcript, and if a partial transcript, specifically describe what part of the proceedings are to be included.

9.02 **Written Transcripts Other Than On Appeal**

Any attorney-of-record who desires a written transcript of proceedings other than for appellate purposes shall follow all procedures enumerated in Rule 9.01. In addition to those requirements of Rule 9.01, the requesting party shall deposit with the Clerk of this Court the sum of $150.00 pursuant to Local Rule 2.01(B) as security for costs for said Reporter's fees. Upon the completion of the transcript the Reporter shall provide the requesting attorney a statement for services, and in the event the monies on deposit are insufficient to satisfy the same, the requesting attorney shall forthwith deposit sufficient funds as security. If excess funds are on deposit, the unused portions shall be refunded.

9.03 **Delivery of Transcripts**

No written transcript shall be delivered to any person other than the requesting attorney or the Clerk of the Court of Appeals.

No written transcript shall be delivered to any attorney, a party, or filed with the Clerk of the Court of Appeals unless security for fees has been satisfactorily

accomplished as provided by these Rules, the Local Rule of the Third Appellate District, or otherwise provided by law.

9.04 **Transcript Fees for Court Reporters[AMENDED 1/1/13]**

Transcript Fees for Court Reporters

Transcript fees are as follows:

Original	$3.25 per page
Copy	**$ .05 per page**
Electronic Copy	NO CHARGE

If an electronic copy is requested to be put on a compact disc or other electronic medium, the party requesting the electronic copy shall provide the disc or other medium at his/her own cost.

An electronic copy may not be substituted for a transcript of the record unless specifically authorized pursuant to the Ohio Rules of Civil Procedure and approved by the Court.

LOCAL RULE 10

CRIMINAL ACTIONS

10.01 **Grand Jury Assignments**

The two general division judges of this court shall alternately call, instruct, and handle the grand jury each four month session of the court term beginning January 1, May 1, and September 1, of each year. During this period the assigned judge will:

A. accept the grand jury report;
B. set bonds up to and including arraignment;
C. preside at arraignments;
D. assign pre-trial dates;
E. The judge who is not assigned to handle grand jury will hear cases proceeding upon bill of information during that term.
F. upon arraignment, immediately assign cases by lot as required by Supt. Rule 4;
G. remand misdemeanor cases to the Lima Municipal Court.

10.02 **Bond and Arraignment**

A. General

The Court shall set bonds pursuant to Criminal Rule 46 (A)(1) & (3) and amend existing bond/bail pursuant to Criminal Rule 46 (E), but this Court shall not, except as provided in paragraph (B)(1) of this rule, establish or recognize a bond with 10% privileges or as a Unsecured Appearance Bond.

Conditions of bond shall include the requirement that defendant submit to urinalysis testing unless otherwise ordered. Counsel shall advise defendant accordingly.

B. Bond Setting

1. In the event that a criminal defendant is bound over to, and subsequently indicted by the Grand Jury, this rule automatically recognizes the bond as set in Municipal Court, and establishes said bond for the purposes of proceedings in this Court and the Clerk of Courts is authorized to accept bail on the specific charge or charges without further proceedings or journalization, unless a new bond is requested and until the matter is brought to the attention of a Common Pleas Judge orally at arraignment or by written motion of a party.

2. In the event that a criminal defendant has not been bound over to the Grand Jury by the Municipal Court but is secretly indicted by the Grand Jury, the judge assigned to handle Grand Jury (Grand Jury Judge) for that session (see Local Rule 10.01) shall establish the bond.

C. Bond Modification

This rule shall not affect the inherent power of the Court at any time to revoke, increase, or decrease a bond previously fixed by it or any other Court upon good cause shown, as provided in R.C. 2937.28 and Crim. R. 46. If the Grand Jury returns additional counts to that originally charged in a Municipal Court, the Grand Jury Judge shall fix the bail for each of the additional charges upon the request of the defendant, prosecuting attorney, or at arraignment, whichever is earlier. Subsequent to arraignment, said motion shall be entertained by the Assigned Judge.

D. Delayed Service or Unavailability of Defendant

In cases of delayed service or unavailability of defendant indicted during a particular four month Grand Jury session, the assigned Judge will continue to fix bond, arraign, and assign pre-trial dates for such defendants when served or available.

10.03 **Companion Cases**

Companion criminal cases shall be assigned to the same judge. Likewise, cases in which a party is charged with a subsequent criminal offense shall be assigned to the trial judge handling the EARLIER original charge.

10.04 **Absence of Judge**

In the absence or disability of the assigned judge, the functions set forth in Rule 10.01 above may be carried out by any other available and qualified judge.

10.05 **Indictment Reports**

Concurrent with the return of the grand jury report, the prosecuting attorney shall submit to both judges of the general trial division completed reports regarding each person indicted on a form approved by the court disclosing pertinent information as requested by the court.

10.06 **Apprehension on Warrants**

Whenever a person is apprehended by the Sheriff of Allen County, Ohio upon a bench warrant or upon warrants belatedly served after arraignments from a particular grand jury return have taken place, both the Sheriff and the Clerk of this Court shall immediately notify the judge assigned to the particular case (or if the case has not been assigned to the judge handling grand jury that term) of such apprehension in writing.

10.07 **Sealing of Criminal Record [aka Expungement]**

If the Court grants the sealing of a criminal record under R.C. 2953.32(C), upon the payment of court costs, the Clerk of this Court shall forward certified copies of the order granting sealing to the Bureau of Criminal Investigation in London, Ohio, the Sheriff of Allen County, Ohio, the Lima Police Department, Lima Municipal Court, the Adult Parole Authority office in Lima, Ohio, the Criminal Justice Investigation Services, 1000 Custer Hollow Road, West Virginia, 26306 and to counsel for the applicant.

Unless so Ordered, the Clerk of Courts shall only be responsible for sending the Sealing of Criminal Record Order to the above agencies.

Applicants for sealing of a record should use an application similar to the form provided in the Appendix.

The Journal Entry Sealing Felony Record shall be prepared by Attorney for Applicant and shall follow and include all matters set forth in the Form as provided in the Appendix section herein as Rule 10.07.

All journal entries granting sealing of a felony record shall contain the defendant's date of birth, social security number, and date of offense upon which the conviction to be sealed is based.

10.08 **Bail and Bond**

The Court, pursuant to Criminal Rule 46(D) may add additional terms and conditions to defendant's bond, including the condition that the defendant submit to random urinalysis and be subject to bond revocation if a positive urine test is taken.

Unless otherwise specifically ordered by the Court, all monies for bail shall be deposited in the name of the defendant only unless otherwise noted.

If the Court determines that the defendant has violated conditions of bond, whether the conditions be expressed or implied, the defendant is subject to sanctions, including revocation of bail. Woolfork v. Beck (July 22, 2004), Allen App. No. 1-04-42

10.08(A) **Failure of Surety to Pay Obligation to Court**

If, at any time, judgment has been rendered and not paid by a surety within five (5) days of notice to the surety in accordance with this rule, surety's general power to write bonds before this Court shall be revoked.

The Court shall notify the surety in writing, by regular mail, within five (5) business days of the revocation, after which the revocation becomes effective. Until payment is made in full, the surety will no longer be permitted to execute bonds before this Court.

If the surety makes full payments of the amount due plus interest at the rate of ten percent (10%) and demonstrates to the satisfaction of the Court that it was justified in not paying its obligation when due and the Court determines that the surety is safe and solvent, the surety may be reinstated and be permitted to execute bonds in this Court.

If, within 180 days of its reinstatement, the surety defaults a second time, the Court shall permanently revoke the surety's permission to execute bonds.

In the event of permanent revocation, the surety may apply to the Court for reinstatement no sooner than one year after the permanent revocation.

The Court reserves the right to regulate sureties, their contracts, agents, and procedures as the same shall affect the Allen County Court of Common Pleas. If adverse action is taken against a surety, it contracts, agents, or procedures, the surety has to right to request a timely hearing before the administrative judge to show cause why such action should be stayed or rescinded.

10.09 **Restitution**

If restitution is ordered, monies deposited shall be applied by the Clerk first to the costs, second to restitution and third to fines, with the balance, if any, refunded to the defendant unless otherwise ordered by the Court.

In cases where restitution is ordered to be paid first, before court costs if, after the lapse of at least six months, the Clerk of Courts cannot, after reasonable efforts, locate the victim, the Clerk of Courts shall apply monies on deposit to court costs until such time as the victim can be located.

10.10 **Probation Service Fee-Intensive Probation Supervision**

If a criminal defendant is convicted and sentenced to community control or place on probation with the Allen County Adult Probation Department--Intensive Probation Supervision [I.P.S.], there shall be a "county probation service fee" of **$20.00** per month, plus poundage, charged to the defendant.

Said fee shall commence when ordered by the sentencing court and shall be paid to the Clerk of Courts directly or through the Allen County Adult Probation Office.

10.11 **Capital Cases**

In all cases where a capital crime is involved, parties shall submit to the Clerk of Courts the original plus one copy of ALL pleadings, transcripts, and documents. All exhibits shall be photographed and submitted in duplicate. (Supreme Court Rule Section 4.D.2)

10.12 **Inactive Criminal Cases**

Criminal cases in which further proceedings are not presently possible shall be placed in a suspended file by the Clerk and considered closed for statistical purposes either upon motion of the prosecuting attorney or the Trial Court's own motion and shall not be subject to dismissal for want of prosecution. A case shall be removed from that list when the defendant is available and proceedings resume or when the case is dismissed. Cases to which this Rule is applicable shall include those in which the defendant is not competent to stand trial, is confined in a penal institution in another state, has not been served or cannot be found. No case shall be placed on the suspended list until any bail has been forfeited and judgment entered.

10.13 **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 2925.25 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 (R.C. 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.drccqe.com). For security purposes, the Clerk and the Court do not avail computers to the public for internet access.

1. The Petitioner shall provide the DRC Electronic Petition Number and attach a printed receipt of electronic Petition.

2. All Petitions shall be accompanied by the Department of Rehabilitation and Corrections CQE Summary (CQE Summary).

B. Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of $100.00. The Petitioner may submit a Financial Disclosure Form or other relevant information for the Court's consideration if requesting a reduction in the filing fees. Said Financial Disclosure Form 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 the 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.

F. The Court 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.

1. The Court or investigating officer shall submit a list of these courts to the Clerk of Court for purposes of notification and request for information.

G. The Clerk of Courts shall send a Notice to Court Regarding Petition for Certificate of Qualification for Employment [Form C] and Submission of Information Regarding Petition for Certificate of Qualification for Employment (Form E) to each court so identified. Such Notice shall be sent via ordinary US mail.

H. The Clerk of Courts shall also send 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 or Magistrate 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 services, and all other relevant evidence.

1. The Judge or Magistrate may order any report, investigation or disclosure by the Petitioner that it believes 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 Petitioner requests and is granted an extension of time.

1. The decision to grant or deny a Petition may be referred to a Magistrate, and then sent to the Judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

K. The Clerk shall provide a written notice to the Petitioner of the Court's Decision and Judgment Entry.

1. If denied, the notice shall include conditions, if any, placed on subsequently filings and language that a final appealable order has been filed.

2. 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.

LOCAL RULE 11

DISCOVERY IN CRIMINAL CASES
(as amended, effective 7/1/10)

11.01 **Prosecutor's Duties**

(A) No later than seven (7) days after the demand for discovery is made by the defendant, except as provided in division (C), (D), (E), (F), or (J) of this Ohio Criminal Rule 16, the Prosecutor shall deliver to defense counsel a discovery package to include the following:

(1) Any written or recorded statement by the defendant or a co-defendant, including police summaries of such statements, and including grand jury testimony by either the defendant or co-defendant.

(2) Criminal records of the defendant, a co-defendant, and the record of prior convictions that could be admissible under Rule 609 of the Ohio Rules of Evidence of a witness in the state's case-in-chief, or that it reasonably anticipates calling as a witness in rebuttal;

(3) Subject to divisions (D)(4) and (E) of Crim. R. 16, all laboratory or hospital reports, books, papers, documents, photographs, tangible objects, buildings, or places;

(4) Subject to division (D)(4) and (E) of Cr. R. 16, results of physical or mental examinations, experiments or scientific tests;

(5) Any evidence favorable to the defendant and material to guilt or punishment;

(6) All reports from peace officers, the Ohio State Highway Patrol, and federal law enforcement agents, provided however, that a document prepared by a person other than the witness testifying will not be considered to be the witness's prior statement for purposes of the cross examination of that particular witness under the Rules of Evidence unless explicitly adopted by the witness;

(7) Any written or recorded statement by a witness in the state's case-in-chief, or that it reasonably anticipates calling as a witness in rebuttal.

11.02 **Defense Counsel's Duties**

Within twenty-one days after arraignment or seven days before the date of trial, whichever is earlier, or at such reasonable time later as the court may permit, the defense attorney shall file a written demand for discovery and serve a copy of the written demand upon the Prosecutor.

After the defendant serves a written demand for discovery or any other pleading seeking disclosure of evidence on the prosecuting attorney, a reciprocal duty of disclosure by the defendant arises without further demand by the state.

The defendant shall provide copies or photographs, or permit the prosecuting attorney to copy or photograph, the following items, except as provided in division (J) of Crim. R. 16.

(1) All laboratory or hospital reports, books, papers, documents, photographs, tangible objects, buildings, or places;

(2) Results of physical or mental examinations, experiments or scientific tests;

(3) Any evidence that tends to negate the guilt of the defendant is material to punishment, or tends to support an alibi. However, nothing in this rule shall be construed to require the defendant to disclose information that would tend to incriminate that defendant;

(4) All investigative reports, except as provided in division (J) of Crim. R. 16;

(5) Any written or recorded statement by a witness in the defendant's case-in-chief, or any witness that it reasonably anticipates calling as a witness in rebuttal.

11.03 **Continuing Duty**

Once discovery is initiated by demand of the defendant, all parties have a continuing duty to supplement their disclosures.

11.04 **"Counsel Only" Designation or Nondisclosure by Prosecutor**

(A) The Prosecutor's "Counsel Only" designation, provided for by Crim. R. 16 (C) or certification of nondisclosure, provided for by Crim, R. 16(D) shall be filed with the Court no later than seven (7) days after the demand for discovery is made by the defendant. A certification of nondisclosure shall identify the nondisclosed material.

(B) Motion of the defendant to review the prosecuting attorney's certification of nondisclosure or designation of "counsel only" material shall be made by defendant no later than seven days prior to trial, or three days after the Prosecutor files the Certification of Nondisclosure or after the Prosecutor designates material "Counsel Only" whichever is later.

(C) The Court shall hold an in camera hearing regarding nondisclosure or "counsel only" designation at least seven (7) days prior to trial, with counsel participating.

11.05 **Time Extensions**

All discovery time limits under Local Rule 11 shall be extended or reduced only by written Order of the Court.

LOCAL RULE 12

CRIMINAL PRETRIALS

12.01 **Attendance**

Attendance by prosecuting attorney, defense counsel and defendant at pre-trials is mandatory.

Counsel for defendant shall meet with defendant prior to the first pre-trial.

12.02 **Pre-trial Motions**

Unless an oral hearing is specifically requested and good cause shown that an oral hearing is necessary and warranted, or unless the Court, on its own motion, orders an oral hearing, all pre-trial motions in criminal cases shall be submitted and determined without oral hearing upon brief written statement of reasons in support and opposition.
(See Crim. R. 47)

LOCAL RULE 13

COUNSEL FOR INDIGENT DEFENDANTS

13.01 **Financial Disclosure Forms**

Pursuant to Revised Code, Chapter 120, it is mandatory that an Financial Disclosure Form be filed by each indigent defendant in order for the court-appointed attorney to be compensated. This affidavit shall be filed with the Clerk's office prior to the first assigned pre-trial, preferably at arraignment. Failure to file such affidavit shall result in nonpayment of any court-appointed attorney fees submitted. The filing of an Financial Disclosure Form in no manner affects the responsibility of a defendant to pay costs, is so ordered. The form to be utilized is adopted as Form 13- 2.01 and no other form will be accepted.

13.02 **Fee Statements**

Court-appointed counsel shall, upon making application for compensation, itemize hours spent and clearly designate which was "in court" and which was "out of court" time.

A current Financial Disclosure Form shall be attached to the application for Compensation.
(The form to be utilized is adopted as Form 13 - 2.02.)

13.03 **Assignment and Compensation of Counsel to Defend**

(A) Counsel assignments will be made from names appearing on the applicable list of approved trial counsel. Any lawyer admitted to practice by the highest Court of this State for at least one (1) year and who has previous significant experience with felony delinquency cases or significant trial experience at the misdemeanor level is eligible to have his/her name entered on the appropriate list by letter of application.

The letter of application will be reviewed and approved by the Judge of the Common Pleas Court.

(B) The approved trial counsel list shall be created by lot by drawing and listing in order drawn.

13.04 **Fees for Court-appointed Attorneys**

The fee schedule for court-appointed attorneys is fixed by the County Commissioners and is as shown on the following Schedule for Maximum Fees for Court-Appointed Attorneys:

SCHEDULE FOR MAXIMUM FEES
FOR COURT-APPOINTED
ATTORNEYS

1. Reimbursement shall be made on the basis on $40.00 per hour of representation out of court and $50.00 per hour of representation in court, up to the following maximum amounts for the following offense classifications and other proceedings:

AGGRAVATED MURDER (w/specs) As per O.R.C. 2929.04(A) And 2941.14(6)	$10,000/1 atty. $20,000/2 or more attys.
AGGRAVATED MURDER(w/o specs)	$4,500/1 atty $6,500/2 or more

MURDER	$2,500/1 ATTY
FELONIES (level 1-2)	$1,500 w/ trial $ 750 w/o trial
FELONIES (level 3-5)	$1,200 w/ trial $ 600 w/o trial
JUVENILE PROCEEDINGS	
AGGRAVATED MURDER (w/o specs) MURDER	$1,500
FELONIES(level 1-2) FELONIES(level 3-5)	$1,000
JUVENILE PROCEEDINGS	
PAROLE, PROBATION AND ALL OTHER	$ 150
PROCEEDINGS NOT ELSEWHERE CLASSIFIED	$ 150

Reimbursement for expenses which exceeds to above stated maximums will be made only with prior approval of the Court.

3. Reimbursement for appellate representation shall be made on the basis of $40.00 per hour of representation out of court and $50.00 per hour of representation in court. Reimbursement shall be made when submitted with the appropriate certificate (OPD-E-204), approved by the Appellate Court, and within the prescribed fees as permitted by the following maximum amounts for these offense classifications:

AGGRAVATED MURDER (Death sentence imposed)	
AGGRAVATED MURDER (other sentence)	$3,000
MURDER	$750
FELONIES	$750
MISDEMEANORS	$300

4. Except in Aggravated Murder cases with specification as per O.R.C. 2929.04(A) (and 2941.14(8), representation for post conviction proceedings and state or federal habeas corpus proceedings shall be reimbursed at the rate of $40.00 per hour of representation out of court and $50.00 per hour of representation in court up to following maximum amounts:

POST CONVICTIONS PROCEEDINGS WITH EVIDENTIARY HEARING	$ 750
POST CONVICTIONS PROCEEDINGS WITHOUT EVIDENTIARY HEARING	$ 375

1. Felony Delinquency Offenses (including relinquishment of jurisdiction for purposes of criminal jurisdiction)

$ 750 with trial
$ 350 w/o trial

2. Misdemeanor Delinquency Offenses	$ 500 w/ trial $ 300 w/o trial
3. Guardian Ad Litem	$ 250
4. All Others	$ 500 w/trial $ 350 w/o trial

PAROLE, PROBATION AND ALL OTHER PROCEEDINGS NOT ELSEWHERE CLASSIFIED	$ 350
CONTEMPT OF COURT	$ 150

Reimbursement for representation which exceeds the above state maximums will be made only with prior approval of Court.

2. Reimbursement for expenses associated with providing representation shall be made when submitted with the attorney's fee certificate (OPD-E-202) and approved by the Trial Judge. Allowable expenses include, but are not limited to, such items as expert witness fees, polygraph examination costs, and investigation costs. Parking and meal expenses, long distance calls, copying and postage will be reimbursed without prior approval of the Court. The maximum amount of reimbursement for expenses, without prior approval of the Court, shall be as follows:

AGGRAVATED MURDER (w/specs) As per O.R.C. 2929.04 (A) And 2941.14(8)	$2,000
HABEAS CORPUS W/EVIDENTIARY HEARING	$ 750
HABEAS CORPUS W/OUT EVIDENTIARY HEARING	$ 750

In Aggravated Murder cases with a death sentence imposed, reimbursement shall be made at the rate of $45.00 per hour for in our out of court representation to a

maximum of $10,000 for each state of the post conviction or habeas corpus proceeding.

Reimbursement for representation which exceeds the above stated maximums will be made only with prior approval of the court.

5. Payment and/or reimbursement for expenses associated with providing representation shall be made upon submission of the attorney's fee certificate OPD-1026 and Financial Disclosure Form which has been approved by the trial judge.

6. No fees will be paid if the request for payment in Item 5 above is submitted to the County Auditor more than 60 days after the termination of said case except upon approval of the Administrative Judge.

7. Any additional compensation for felony or misdemeanor case in excess of the maximum, as indicated, will only by made by Court approval in extraordinary cases. The additional fees paid my not exceed fifty percent (50%) of the maximum scheduled fees, and are subject to the hourly rates of Item 1 above.

LOCAL RULE 14

PRE-SENTENCE INVESTIGATION

Every defendant shall report to the office of the Adult Probation Department - IPS, 330 North Elizabeth Street, Lima, Ohio, immediately after any hearing in which the court orders a pre-sentence investigation, or if by reason of the lateness of the day, such is impracticable, the defendant will do report the following workday morning. If defendant is incarcerated, and following such a hearing in not interviewed by the Adult Probation Department while defendant is incarcerated, then defendant shall report to the said office representing such defendants will advise their clients of this rule and take all reasonable steps to see that this rule is strictly enforced.

LOCAL RULE 15

WRITTEN PLEA OF NOT GUILTY

Pursuant to Criminal Rule 10(B), the defendant may be absent from the assigned arraignment date if the following conditions are met prior to that time:

A. the defendant is not in custody on the assigned arraignment date;
B. the defendant is represented by private counsel, or if indigent, has obtained court-appointed counsel; and
C. the defendant, his attorney, and the prosecuting attorney have executed and filed a Written Not Guilty plea on the form approved by the court and adopted herein as Form 15 - 2.03.

LOCAL RULE 16

INTERVENTION IN LIEU OF CONVICTION

Any defendant who wished to avail him or herself of the remedies provided in R.C. 2951.041 shall appear in person and file the request in writing with the Court prior to the entry of a guilty plea. The request shall comply with R.C. 2951.041, and include a waiver of the defendant's right to a speedy trial. THE COURT MAY REJECT AN OFFENDER'S REQUEST WITHOUT HEARING.

In order for the Court to make a determination that it has "reason to believe" that drug or alcohol usage by the offender was a factor leading to the offender's criminal behavior, there shall be a "prima facie" hearing, the defendant shall present sufficient evidence by direct testimony and/or reports to establish a basis in fact for the defendant's eligibility, under r.c. 2941.041(6) prior to any Court-ordered medical and/or psychiatric examination. There shall also be a showing of the defendant's ability to satisfactorily fund and complete the program if granted subsequently by the Court.

Any evaluation conducted shall be at defendant's expense and paid directly to the service provider.

LOCAL RULE 17

JURY MANAGEMENT

SEE LOCAL RULE 1

LOCAL RULE 18

SPECIALIZED CRIMINAL DOCKET[S]

18.01 Creation of Specialized Criminal Docket[s]

In order to coordinate and integrate treatment, education, housing, employment and other services with intensive monitoring and supervision in the context of intervention in lieu of conviction, community control, and judicial release, the court has created the following specialized dockets:

(a) Allen County Treatment Court[including Drug Court and Mental Health Court] which provides substance abuse and mental health treatment, education, housing, employment and other services along with intensive monitoring and supervision in the context of intervention in lieu of conviction or community control supervision and includes Drug Court and Mental Health Court.

(b) Allen County Re-Entry Court which provides substance abuse and mental health treatment, education, housing, employment and other services, along with intensive monitoring and supervision in the context of judicial release or other post-release supervision.

18.02 Placement on a Specialized Criminal Docket

(a) In order to have his/her criminal case placed on the specialized docket of the Allen County Treatment Court, a criminal defendant shall either:

(1) File for intervention in lieu of conviction pursuant to R.C. 2951.041 and Loc. R. 16 and ask that placement in the Allen County Treatment Court be a condition of the intervention plan; or

(2) Request, by either oral or written motion, that placement in the Allen County Treatment Court be a condition of community control.

In either event, application for placement in the Allen County Treatment Court shall be subject to approval by the judge assigned to the criminal case and the Allen County Treatment Court Team, according to the criteria adopted by the Allen County Treatment Court.

Before being considered for placement in the Allen County Treatment Court a criminal defendant must be assessed by a licensed, credentialed professional who shall assess the applicant's substance abuse/mental health problem and the applicant's amenability to treatment. The assessment shall be presented to the judge assigned to the criminal case BEFORE a referral is made to the Allen County Treatment Court.

(b) In order to have his/her criminal case placed on the specialized docket of the Allen County Re-Entry Court, a criminal defendant shall:

(1) File and qualify for judicial release and be referred to Re-Entry Court by the judge assigned to the criminal case.

In any event, application for placement in the Allen County Re-Entry Court shall be subject to approval by the judge assigned to the criminal case and the Allen County Re-Entry Court Team according to the criteria adopted by the Allen County Re-Entry Court.

Before being considered for placement in the Allen County Re-Entry Court a criminal defendant must be assessed by Community Connection for Ohio Offenders, Inc. The assessment shall be presented to the judge assigned to the criminal case BEFORE a referral is made to the Allen County Re-Entry Court.

18.03 **Case Management for the Specialized Criminal Docket[s]**

All case management action for cases on a specialized criminal docket shall be according to the specific procedure set forth by the specialized court with case management services coordinated by Community Connection for Ohio Offenders, Inc. (see flow chart attached as Exhibit 18.03). However, the judge presiding over the specialized docket shall have the primary responsibility for case management.

18.04 **Removal of Case from Specialized Criminal Docket**

If an individual is unsuccessfully terminated from a specialized docket court for any reason, then his/her case shall be returned to the regular docket, pursuant to Loc.R. 1.01(B)(3)(a).

DOMESTIC RELATIONS CASES
(Amended February 1, 2018)

LOCAL RULE 20

Rule 20.01 FILING

A. Upon the initial filing of any case or upon the re-opening of a closed file, the caption of each case shall contain the name, address, and year of birth of the parties and shall identify in the caption all requests for temporary orders. Social Security Numbers and the month and day of birth shall not be included on any pleading to be filed in the case. Accounts will be identified by the name of the institution, the type of account (e.g. checking, savings, credit card, etc) and the last three numbers of the account. All filings shall comply with the Rules of Superintendence for the Courts of Ohio particularly including, but not limited to Rules 44 through 47 regarding Court Records.

B. Each domestic relations complaint, petition or motion which invokes the jurisdiction of the Court shall state in the caption the nature of the action in one of the following categories: (1) Divorce with Children; (2) Divorce without Children; (3) Dissolution with Children; (4) Dissolution without Children; (5) Modification of Parental Rights and Responsibilities; (6) Modification or Enforcement of Parenting Time, Companionship or Visitation Rights; (7) Support Modification or Enforcement; (8) Domestic Violence; (9) UIFSA; or (10) Miscellaneous Enforcement.

C. With all requests for child support and/or spousal support orders in either original cases or post decree filings the parties shall provide an IV-D Application for child support services to the Domestic Relations Division of Common Pleas Court who will then forward the application to the Child Support Enforcement Agency. NO SUPPORT ORDERS WILL BE ISSUED WITHOUT AN IV-D APPLICATION FOR CHILD SUPPORT SERVICES.

D. The Clerk of Courts shall forward a copy of all Judgment Entries and Orders regarding support along with any Separation Agreements, Parenting Plans and Child Support Worksheets to the Child Support Enforcement Agency upon filing.

E. In all original domestic cases each party must file a completed Uniform Affidavit of Income and Expenses and Affidavit of Property. In re-opened domestic relation cases each party shall file a Uniform Affidavit of Income and Expenses. In any case where a waiver of deposit of court costs is requested, the requesting party must file both affidavits.

F. In all original and post decree domestic relations actions involving parental rights and responsibilities each party shall file a Parenting Proceeding Affidavit (3127.23 A)) and a Health Insurance Affidavit.

G. All divorce complaints and complaints for legal separation shall be signed by the plaintiff and shall include a statement in said pleading that the plaintiff has received a copy of the Court's standing orders, Local Rule 22.

H. All litigants in original divorce, dissolution and legal separation cases as well as post decree motions regarding determination and enforcement of parental rights and responsibilities shall attend this Court's required parenting program unless specifically exempted by the court.

Upon filing of any original pleading in a divorce, dissolution or legal separation case with children, post decree motions regarding determination or enforcement of parental rights and responsibilities, or responsive pleadings thereto, the filing party shall pay their parenting program course fee in addition to the appropriate filing fees in the case to the Allen County Common Pleas Clerk of Courts. This fee shall be designated for the parenting program and shall be received by the Clerk and forwarded to the Allen County Auditor. This fee may be waived by the Court in appropriate cases.

Upon the completion of each parenting program session, a Notice of Completion will be filed in each case.

Each counsel filing pleadings shall advise their client of the program and provide them a copy of this Local Rule prior to filing.

The Clerk of Courts shall serve a copy of this Local Rule upon the opposing party with the original pleadings in each case. If the filing party is filing pro se, the Clerk shall personally provide the filing party with a copy of this Rule.

I. Family File

In all domestic relations cases, including but not limited to divorce, dissolution, legal separation, annulment, actions for custody and support and any requests for relief post decree, the Common Pleas Clerk of Courts shall create a family file in addition to the case file.

The Family file shall be considered confidential and shall only be accessible to Clerk and Court staff, parties, their legal counsel and as may be otherwise specifically ordered by the Court.

The family file will include but is not limited to the following:

1. Health care documents, including but not limited to physical health, psychological health, mental health and counseling documents;

2. Drug and alcohol use assessments and predisposition treatment facility reports;

3. Guardian ad Litem reports, including collateral source documents attached to or filed with the reports;

4. Home investigation reports, including collateral source documents attached to or filed with the reports;

5. Child custody evaluations and reports, including collateral source documents attached to or filed with the reports;

6. Domestic violence risk assessments;

7. Supervised parenting time or companionship or visitation records and reports, including exchange records and reports;

8. Financial disclosure statements regarding property, debt, taxes, income and expenses including collateral source documents attached to or filed with records and statements;

9. Asset appraisal and evaluation;

10. Other documents containing information the Court specifically finds should not be subject to public disclosure.

Any person, by written motion to the Court, may request access to a document or information in a confidential family file. The Court will give notice of the motion to all parties in the case, and may schedule a hearing on the motion. The Court may permit public access to a document or information in a confidential family file if it finds by clear and convincing evidence that the presumption of maintaining confidentiality is outweighed by a higher interest.

All filings including those contained in the family file, shall be properly reflected upon the docket.

Rule 20.02 Dissolution of Marriage

A. A Waiver of Magistrate's Decision shall be signed by the parties and counsel and submitted with the judgment entry in all dissolution of marriage cases where the matter is heard by a Magistrate.

B. In all dissolution of marriage actions where only one party is represented by counsel, a signed Waiver of Counsel must be filed with the Clerk of Courts affirmatively stating in writing that the unrepresented party waives representation by counsel and is proceeding without advice of counsel.

C. A Uniform Affidavit of Income and Expenses and a Uniform Affidavit of Property on behalf of each party shall be filed with the Clerk of Courts with any Petition for Dissolution of Marriage.

D. Upon receiving all necessary filings the Court will set the matter for hearing.

20.03 Divorce Actions

A. Upon service of the complaint upon the defendant, the assignment commissioner shall assign all divorce actions for uncontested divorce/pretrial hearing after the lapse of forty-two (42) days.

B. In all cases where the divorce is uncontested the matter shall proceed to final hearing at that time. An uncontested case is one where after proper service, no response has been filed and the responding party has not appeared.

C. In all cases where a responsive pleading or answer has been filed, the matter shall proceed to pretrial.

D. All parties shall attend pretrials unless excused by the Court for good cause. All counsel shall attend pretrial with their respective assignment calendars and a final hearing date shall be confirmed at pretrial. All parties shall provide the Court and opposing parties or counsel with a fully completed Uniform Affidavit of Property, at the pretrial.

E. Discovery

1. In accordance with Ohio Civil Rule 5(D), all documents, after the complaint, required to be served upon a party shall be filed with the Court within three days after service, but depositions upon oral examination, interrogatories, requests for documents, requests for admission, and answers and response thereto shall not be filed unless on order of the Court for use as evidence or for consideration of a motion in a proceeding.

The Clerk of Court shall not accept for filing the transcript of a deposition unless it is accompanied by a certification by counsel that the deposition is being filed on order of the Court or for use as evidence or for consideration of a motion in the proceeding.

2. No motion to compel discovery, for protective order, objections to any form of discovery, motions for sanctions or the like shall be filed until the impasse which provoked it has been discussed with opposing counsel, and a diligent effort has been made to solve the problem informally.

Counsel will participate in discovery conferences with opposing counsel and shall freely exchange discoverable information and documents upon informal requests. Counsel shall make every effort to resolve discovery disputes by agreement prior to filing motions with the Court.

3. Pursuant to Civ. R.37(E), before filing a motion authorized by this rule, the party shall make a reasonable effort to resolve the matter through discussion with the attorney, unrepresented party, or person from whom discovery is sought.

In addition, prior to filing a motion for an order compelling discovery, protective order, objection to a discovery request, or for a discovery violation sanction, the lawyer or party seeking the Court's involvement shall initiate a conference (either live or by telephone) with the assigned judge and the attorney, unrepresented party, or person from whom discovery is sought, so the parties and the Court can discuss the discovery dispute and seek informal resolution before an order compelling discovery or discovery sanction order is issued by the Court.

The motion shall be accompanied by a statement reciting the efforts made to resolve the matter in accordance with this section.

Any motion to compel discovery or requesting discovery sanctions shall be accompanied by a statement reciting the efforts made to resolve the matter in accordance with the Ohio Rules of Civil Procedure and these Local Rules.

4. The presentation of any insufficient or unwarranted application, objection or motion and any unwarranted opposition to discovery, formal or informal, will subject the offender to sanctions under Rule 37 of the Ohio Rules of Civil Procedure and this Local Rule, including the imposition of costs, expenses and reasonable counsel fees.

5. It is the declared policy of this Local Rule to encourage professional informal discovery wherever practicable in preference to formal discovery. The policy of the Court is to become involved in the discovery process as soon and as early as practicable to avoid discovery problems and disputes. Counsel shall make every effort to comply with this policy.

6. This policy is not intended to discourage the use of depositions to discover and to record evidence as provided in the Ohio Rules of Civil Procedure.

20.04 <u>Temporary Orders</u>

A. In all cases where child support is an issue, a Uniform Affidavit of Income and Expenses and a child support computation worksheet shall be filed with the motion requesting child support or with any responsive pleading to the same.

B. A proposed Judgment Entry and a completed and signed IV-D Application for Child Support Assistance shall be submitted with all motions and requests for temporary support orders. Temporary support orders will not be issued without an IV-D Application for Child Support Assistance.

C. Except for emergency orders, a party shall have fourteen (14) days after service to respond to a request for temporary orders and upon the expiration of twenty-one (21) days or the filing of a responsive pleading, whichever is earlier, the matter shall be deemed submitted to the Court.

D. When any motion or request for temporary spousal support is filed the party requesting support shall file a Uniform Affidavit of Income and Expenses with the Clerk of Courts and serve a copy upon the opposing party or counsel pursuant to Ohio Rules of Civil Procedure.

E. After any temporary spousal support or child support order is journalized according to Civil Rule 75 (N), any written request for oral hearing to modify such temporary order pursuant to Civil Rule 75 (N)(2) must be filed with the Clerk of Court within fourteen (14) days after filing of the order on the opposing party or counsel and specifically state the subject matter for which the hearing is being requested. Pursuant to Ohio Rules of Civil Procedure 6, an additional three (3) days shall be added to this time period for a total of seventeen (17) days after filing of the order. A request for oral hearing shall not suspend or delay the payment of temporary support previously ordered. The hearing shall be set within twenty-eight (28) days of the request before Judge or Magistrate.

F. Pursuant to the Ohio Rules of Civil Procedure, motions for restraining orders relating to domestic cases shall be accompanied by sworn affidavits setting forth the specific basis of the requested relief.

If considered meritorious by the Judge or Magistrate, these restraining orders may be granted ex-parte. After journalization the Clerk shall serve a certified copy of the order on the affected party at the address in the complaint, counsel of record for the affected party, if any, and any other individual or institution affected by the order. All service shall be by certified U.S. Mail unless otherwise requested.

Any party affected by an ex-parte restraining order may file a written response and/or request or oral hearing thereon within fourteen (14) days following service. If the response is accompanied by a sworn affidavit by the affected party the court may modify the previous order ex-parte. Upon request for oral hearing by either party filed within fourteen (14) days following service of a restraining order, the Court may set the matter for hearing to be held within twenty-eight (28) days of the request.

Rule 20.05 Attorney Fees

A. The amount of $250.00 shall be deemed to be a reasonable, necessary and appropriate amount for attorney fees for representation in cases upon which a finding of contempt has been made or a motion to impose jail sentence from a previous finding in contempt is heard. Any request for attorney fees in excess of $250.00 shall require a presentation of evidence as to the reasonableness and necessity of presentation of evidence with the law of Ohio. Except for those matters in which attorney fees are statutorily mandated, it is in the discretion of the Court whether to award attorney fees in any action. This is not applicable to fees for Court appointed counsel which shall be paid upon proper application to the Court made within ninety (90) days of the last day necessary attorney services were provided.

Rule 20.06 Guardian Ad Litem

A. All applicants for Guardian Ad Litem appointments will complete an application form available at the Domestic Relations Division of the Common Pleas Court.

B. All Guardians Ad Litem shall comply with Rule 48 of the Rules of Superintendence for the Courts of Ohio, including, but not limited to, Guardian Ad Litem conduct, responsibilities, preservice training and yearly documentation of continuing education.

C. All individuals on the Guardian Ad Litem appointment list will certify by January 15 of each year that they are either unaware of any circumstances that would disqualify them from serving as a Guardian Ad Litem or advise the Court of such circumstances.

D. Upon the motion of either party or at the discretion of the Court, the Court may order a Guardian Ad Litem and/or attorney appointed at any time the Court deems necessary essential to protect the interest of the minor child(ren) of the parties or to represent an incompetent person. No motion for appointment of Guardian Ad Litem shall be granted except by leave of Court once the matter has been set for trial.

E. The Guardian Ad Litem shall be selected and appointed solely by the Court. Appointment of a Guardian Ad Litem from the list of qualified candidates will not be on a rotating basis. In making appointments the Court will consider the complexity of the issues, the parties, counsel and children involved as well as the experience and demeanor of qualified candidates.

F. The Court will set forth the amount of initial deposit and the deadline for payment of the deposit in the Order Appointing Guardian Ad Litem. Failure to timely pay the deposit may result in the release of the Guardian Ad Litem and in such instance, the case will proceed without a Guardian Ad Litem.

G. All parties and counsel will contact the Guardian Ad Litem within ten (10) days of the filing of the Order Appointing Guardian Ad Litem to provide information and releases required by the Guardian Ad Litem.

H. Unless otherwise directed by the Court, the Guardian Ad Litem shall prepare a report and shall mail or hand deliver the report to the Court and counsel, or any party unrepresented by counsel, not less than seven (7) days in advance of the hearing date. While the Guardian Ad Litem will be made available to parties and counsel, the report shall be considered confidential and in the best interest of the minor child(ren) shall not be filed with the Clerk of Courts. No party shall permit the child(ren) to obtain, view, or read the Guardian Ad Litem's report. No party shall discuss the contents of the Guardian Ad Litem's report with the child(ren) or within the child(ren)'s presence and/or hearing. No party shall permit another person to discuss the Guardian Ad Litem's report with the parties' child(ren) or within the child(ren)'s presence or hearing. Any violation of this order may subject the violating party to appropriate contempt proceedings and sanction. The Court shall consider the recommendation of the Guardian Ad Litem in determining the best interest of the child when the report or a portion of the report has been admitted as an exhibit.

I. The final Judgment Entry shall contain a provision for the discharge of the Guardian Ad Litem at the conclusion of the matter for which the Guardian Ad Litem was appointed unless otherwise directed by the Court.

J. The Court will, in its discretion, apportion the final payment of fees between the parties and may order the payment of fees by income withholding.

K. The parties and counsel participating in any case where a Guardian Ad Litem has been appointed may present comments or complaints regarding the performance of the Guardian Ad Litem as follows:

1) Any comments or complaints regarding the performance of Guardian's Ad Litem shall be in writing and submitted directly to the Common Pleas Court, Domestic Relations Division.

2) Within five (5) days of receipt, the Court will provide a copy of the comments or complaints and a Court notice of the response date to the Guardian Ad Litem who is the subject of the comments or complaint.

3) The Guardian Ad Litem may respond in writing to the comments or complaints in conformance with the Court notice accompanying the comments or complaints. A copy of any response will be provided to the commenting or complaining party by the Court.

4) After receipt of all appropriate information, including any supplements or amendments requested by the Court, the Court will issue a disposition within thirty (30) days and notify the person making the comment or complaint and the Guardian Ad Litem of the disposition.

5) The nature of the comments or complaints and the disposition shall be maintained with the Guardian Ad Litem file in the Domestic Relations Division of Common Pleas Court.

Rule **20.07** **Child Healthcare Information Form**

A. A separate Child Healthcare Information Form shall accompany all Judgment Entries in all cases where the Court exercises jurisdiction with respect to children, including post decree actions regarding parental rights and/or support. See prescribed form in appendix. The Child Healthcare Information Form will be forwarded to the Allen County Child Support Agency but will not be filed in the Clerk of Courts case file because of the private nature of the information on the Order.

Rule **20.08** **Final Judgment Entries**

A. All Judgment Entries shall have a signed copy of any Separation Agreement and/or Parenting Plan incorporated into the entry, as well as a child support calculation worksheet attached to the Judgment Entry.

B. All Court costs shall be specifically assessed to either party or jointly to both parties.

C. All counsel shall provide a certified copy of the Judgment Entry to his/her client upon the filing of the same.

D. If a deviation from the child support guidelines is ordered, the Judgment Entry shall state why the deviation is in the best interest of the minor child(ren) and shall support the statement with findings of fact and shall be accompanied by a child support calculation worksheet.

E. All Judgment Entries shall state that child support shall be paid through the Ohio Child Support Payment Central, along with the appropriate processing fees.

F. All Judgment Entries shall contain statutorily required language for wage withholding and notice requirements.

G. When the Court orders counsel to prepare an entry, all parties and counsel shall be summoned to appear before the Court to present the entry and all associated paperwork. Failure to appear may result in sanction by the Court unless the Court excuses the appearance of parties or counsel.

H. All Judgment Entries ordering child support shall state child support in a monthly amount per child and shall be accompanied by a signed and completed IV-D Application for Child Support Services and a child support calculation worksheet.

I. To facilitate disposition and avoid rejection at the Title Department, Auditor's Office, and/or Recorder's Office, it is recommended that all orders that involve the disposition of a titled vehicle, watercraft or manufactured home include the year, make, model and vehicle identification number or serial number.

J. Any orders as to real estate should include the legal description and permanent parcel number.

Rule 20.09 <u>Modification of Child Support</u>

A. Any party with standing in a child support case, and/or the Allen County Child Support Enforcement Agency (hereinafter CSEA) may file a motion for modification of child support. Motions requesting a modification of child support shall state why the amount of child support previously ordered should be modified.

B. The filing of any motions requesting a modification of child support or responses to such motion shall be accompanied by a completed Uniform Affidavit of Income and Expenses of the filing party.

Rule 20.10 <u>Post-Judgment Modification of Parental Right and Responsibilities</u>

A. In addition to the Affidavit of Income and Expenses and Parenting Proceeding Affidavit (RC3127.23(A)) and post-judgment motions filed requesting modifications of parental rights and responsibilities (including companionship time) shall be accompanied by affidavits specifically stating support therefore.

B. The parties shall have fourteen (14) days after the service of the motion to respond and the matter shall be deemed submitted twenty-one (21) days after service. If submitted to a Magistrate, the Magistrate may issue a decision upon the matter being submitted or set the matter for hearing. If either party files objections to said decision, the reasons therefore shall be stated with particularity and addressed pursuant to Ohio rule of Civil Procedure 53.

20.11 Reasonable and Ordinary Uninsured Medical Expenses

A. The amount of $100.00 per year per child shall be deemed reasonable and ordinary medical expenses of a minor child.

B. Expenses remaining thereafter shall be deemed extraordinary and shall be allocated between the parties on a case by case basis based upon the income shares established and any other factors that the Court deems to be relevant.

C. Medical expenses shall be defined as hospital, doctor visits, dental, orthodontic, laboratory testing, optical, optometric, pharmaceutical, psychiatric and psychological expenses pre-approved by both parents, ordered by the Court, or reasonable and necessary under the circumstances. Medical expenses do not include those for purely cosmetic reasons or nonprescription items.

Rule 20.12 Child Relocation

A. Prior to the relocation of either parent to a residence other than that specified in the parenting order or decree of the Court, the relocating parent must serve a notice of intent to relocate upon the other parent by certified mail. Included in said notice shall be the last known address of all parties, a new residential address of the parent, and the telephone number and the name and address of the school in the district in which the child(ren) shall attend, if applicable. The residential parent must comply with the Ohio Revised Code requiring filing of this notice.

B. Upon receipt of said notice the other parent may petition this Court for hearing on visitation and companionship rights. If no such pleading is filed within fourteen (14) days from service of the notice the relocation shall proceed as set forth in the notice.

Rule 20.13 Post Judgment Relief Accompanied by Citation for Contempt

A. Any motion requesting a citation in contempt shall state the basis for the contempt citation with particularity and be accompanied by affidavit specifically setting forth the facts supporting the motion.

B. A show cause order shall contain notice of hearing and shall accompany any motion filed requesting citation in contempt. The same shall be submitted to the Assignment Commissioner with the filing of the motion. The notice of hearing/show cause order shall be served with the motion and citation pursuant to the Civil Rules.

C. Any Motion for Citation in Contempt for nonpayment of medical bills and any responsive pleading thereto shall be accompanied by an Explanation of Medical Bills form as set forth in the appendix to these rules.

Rule 20.14 <u>Extra Curricular</u>

A. In the absence of orders to the contrary, extra curricular activities and the costs of those activities will be governed by this section.

B. Regardless of where the child is living, his/her continued participation in extracurricular activities, school related or otherwise, shall continue uninterrupted. It shall be the responsibility of the parent providing the physical care and supervision of the child at the time of the activity to provide the physical and economic cost of transportation to these activities. Both parents shall provide each other with notice of all extracurricular activities, school related or otherwise, in which the child participates, schedules of all extracurricular (handwritten if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available).

C. The parents shall notify each other about any and all expenses arising from the child's extracurricular activities.

D. Extracurricular expenses shall include but are not limited to all sports activities, fees to play, necessary equipment, uniform and spirit wear, necessary specialized footwear such as cleats, theatre, dance, music and performance groups, teams or individual involvement, 4-H, FFA and school projects not required in the curriculum of any offered classes. Extracurricular fees do not include individual lessons, books, fees and required costs associated with school classes.

E. The child support recipient shall pay the first $100.00 per season per school sponsored activity. Thereafter, extracurricular or unusual activities shall be paid according to the percentages of the parent's income. Any fees in excess of $100.00 for extracurricular activities or for specialized involvement or enhancement of said activities such as camps, club teams, competitive groups or field trips shall be discussed by the parents before the child is enrolled. If the parties agree, the parent incurring the expense will advance payment and forward a copy of the bill or invoice immediately to the parent, who will in turn reimburse the first parent the appropriate sum upon presentation of the bill or invoice, but in no event later than thirty (30) days from receiving the bill or invoice.

If the parties do not agree, the parent desiring to enroll the child shall pay the fees subject to filing a motion with the Court to determine if it is the child's best interest to participate in said extracurricular activity and whether parenting time should be adjusted due to the participation. If found to be in the child's best interest to participate, the cost in excess of the $100.00 shall be paid according to the percentages of parent's income as calculated on the child support worksheet effective at the time of the activity.

F. The parent's shall give careful consideration of the child's best interests and the child's wishes in scheduling activities, and neither parent will unreasonably withhold agreement to any particular activity. The parents shall be reasonable with respect to these provisions and take into consideration the needs and interest of the child at all times. The scheduling of events, appointments and activities shall not be done in a manner to cause undue inconvenience or harassment to another parent; however both parents must understand that the child needs to be able to participate in regular activities without interference and with the support of both parents.

LOCAL RULE 21

HOME STUDY INVESTIGATION

If, pursuant to Civil Rule 75, either party desires an investigation where allocation of parental rights and responsibilities of children is an issue, such party shall request such investigation by separate motion. The Court will set a fee deposit after the filing of the motion. Failure to timely deposit the fee will result in denial of the request. If the request is granted, a written report shall be prepared and filed with the Court by the Court appointed investigator to be considered by the Court and made available to both parties upon written request not less that ten (10) days prior to the scheduled hearing. Either party may call the investigator as a witness as on cross-examination and such testimony shall be received into evidence for consideration by the Court.

Once an investigation is ordered, but cancelled prior to its completion, the Court will determine the amount to be paid to the investigator based on the time involved and the progress of the report. A minimum compensation for cancelled child custody investigator shall be $100.00

LOCAL RULE 22

TEMPORARY STANDING ORDERS

All parties to original divorce and legal separation actions in the Allen County Common Pleas Court are subject to the following temporary orders from the date an action is filed until the case is concluded. This order shall be strictly compiled with under penalty of contempt of Court.

(1) Each party is hereby enjoined and restrained from causing or permitting the minor child of the parties to be removed from the State of Ohio except by a signed written agreement of the parties or authorization by this Court. The minor child(ren) shall continue to be enrolled in the same school they have historically attended previous to the filing of a pleading to terminate the marriage or for legal separation unless the parties agree otherwise in writing or the Court authorizes a change of the school district.

(2) Each party is hereby enjoined and restrained from injuring, maltreating, vilifying, molesting, or harassing the adverse party or any child(ren) of the parties or attempting or threatening the same.

(3) Neither party shall incur additional debts except in the ordinary course of business or regular household expenses unless otherwise authorized by the Court.

(4) Both parties are restrained from entering safety deposit boxes until further order of the Court.

(5) The attorney representing the plaintiff in any divorce action hereinafter filed in this Court shall furnish the client a copy of this rule, and that client, upon filing of the complaint, shall be bound by the terms of this rule.

(6) The Clerk of this Court shall attach a copy of this rule to the summons so that both documents shall be served simultaneously and the Sheriff or other officer serving the summons shall note the service of a copy of this rule together with a copy of the complaint in the return.

In every other action hereinafter filed, the parties shall be bound by the terms of these standing orders upon service of the same.

(7) Each party is hereby enjoined and restrained from canceling, modifying, altering, or otherwise interfering with health, medical, prescription, dental or vision insurance covering the parties or their children.

(8) Any party may file a motion and supporting affidavit to modify this standing order for good cause shown.

LOCAL RULE 23

PARENTING TIME ALLOCATION

A. The allocation of parenting time shall comply with this Rule unless otherwise ordered by the Court or by the mutual agreement of the parties. Any variance from the parenting time provisions of this rule must be specifically set forth in writing and adopted by the Court to be enforceable by contempt proceedings. This does not prohibit the parties from reaching agreement and accommodation regarding parenting time outside of the Court. The Court encourages parties to exercise consideration and compromise in addressing parenting time with children, however only those parenting time agreements adopted and made an order of the Court can be enforced by contempt proceedings.

B. The non-residential parent shall have parenting time on alternate weekends from Friday at 6:00 p.m. to Sunday evening at 6:00 p.m.

C. The non-residential parent shall have weekly parenting time from 5:30 p.m. to 8:30 p.m. (one evening per week). The beginning and ending times may be varied by agreement to accommodate the work schedules of the parties, the schedule of the children and the appropriate bedtime for children during the school year. If the parties are unable to agree upon the date of the week for this time, Wednesday will be used unless ordered by the Court.

D. The parent receiving the children on weekend parenting time shall be responsible for transportation unless otherwise ordered by the Court. The parent exercising the weekday parenting time shall provide transportation for both pickup and drop off.

E. Holiday parenting time shall be as follows:

EVEN YEARS

Mother	**Father**
Martin Luther King Day- Friday evening to Monday evening	**President's Day**- Friday evening to Monday evening
Memorial Day - Friday evening to Monday evening	**Easter** - Thursday evening to Sunday evening
Labor Day - Friday evening to Monday evening	**July 4th** -If the 4th falls on Tuesday, Wednesday or Thursday the time shall commence at 6:00 p.m. on July 3 until 9:00 a.m. on July 5. If the 4th falls on Sunday or Monday the time shall commence on Friday at 6:00 p.m. and conclude July 5 at 9:00 a.m. If the 4th falls on Friday or Saturday, Parenting time shall commence at 6:00 p.m. on July 3rd and conclude Sunday at 6:00 p.m.
	Thanksgiving Day- Wednesday evening to Sunday evening.
Christmas Eve- commencing at 6:00 p.m. on December 24th through Christmas Day until 9:00 a.m. December 26th.	**Christmas** - 9:00 a.m. December 26 for the remainder of the Christmas holiday until 6:00 p.m. on January 1st. If January 1st falls on Friday or Saturday the parenting time shall continue until the Sunday immediately following that date at 6:00 p.m

During the ODD YEARS this schedule shall be reversed.

The holiday schedule may be modified by agreement of the parties or by court order upon proper motion.

The child shall spend Mother's Day in the companionship of the mother commencing at 6:00 p.m. the Friday before Mother's Day and concluding at 6:00 p.m. on Mother's Day.

The child shall spend Father's Day in the companionship of the father commencing at 6:00 p.m. the Friday before Father's Day and concluding at 6:00 p.m. on Father's Day.

The first non-holiday weekend following any weekend holiday parenting time shall be exercised by the party who did NOT exercise the preceding holiday parenting time weekend and thereafter alternate pursuant to these rules.

Unless otherwise specified, evening parenting time shall be deemed to begin or conclude at 6:00 p.m. and morning parenting time shall be deemed to begin or conclude at 9:00 a.m.

F. The child's birthday shall be celebrated in the home of the parent exercising parenting time in accordance with these orders without regard to that party being designated as residential or non-residential parent.

G. The non-residential parent shall be entitled to four (4) weeks and the residential parent two (2) weeks of extended parenting time each year to be exercised in blocks of time consisting of fourteen (14) or seven (7) consecutive days per time period.

1. This extended parenting time shall not interfere with the child's school.

2. If exercised in a seven (7) day period, the period will include one regular weekend parenting time of the requesting party.

3. Written notification to the other parent not less than thirty (30) days prior to the exercise of any extended parenting time is required unless otherwise agreed by the parties or granted by the Court.

4. The parent first to notify the other parent in writing of the intent to exercise extended parenting time will be entitled to that time in event of a conflict.

5. Unless otherwise ordered, holiday parenting time shall take precedence over weekend parenting time and extended parenting time. Extended parenting time, after notice, shall take precedence over weekend parenting time.

6. The first non-holiday weekend following the completion of an extended parenting time or holiday weekend parenting time shall be spent with the other parent and thereafter alternate between the parties pursuant to this rule.

H. Each parent shall provide their address and phone numbers at all times to the other parent unless otherwise restricted by Court order. *Non-residential parents shall be entitled to exercise reasonable telephone communications not less than twice weekly with each conversation lasting not longer than thirty (30) minutes per conversation.*

I. Pursuant to the Ohio Revised Code, each parent is entitled to access to any school record related to their child under the same terms and conditions unless otherwise limited by Court order. Each parent shall be responsible to contact the school the child is attending to make appropriate arrangements to receive access to school activity schedules and performance records of their child.

J. Each parent shall provide food, including formula and diapers to be used for infants, during the time the child(ren) are in their respective homes.

K. Adequate clothing shall be provided by the residential parent for parenting times and the same shall be returned at the end of said parenting time.

L. A copy of this rule shall be affixed to all parenting time orders adopting Rule 23.

M. The party exercising parenting time and/or physical custody of the child(ren) shall be responsible to transport the child(ren) to all scheduled activities, appointments and events of the child(ren) during the time the party is exercising parenting time and/or physical custody of the child(ren) and shall further make sure the child(ren) have the appropriate equipment or dress to participate in the activities or events. This does not impose a duty to purchase such items unless required by other orders.

Scheduled activities include, but are not limited to, regular meetings and events associated with school and extra curricular activities such as band, chorus, sporting events, swim and gymnastic lessons, 4-H and scouting. It would also include health related appointments.

These would not include a regular Sunday church service, but would include baptism or any ceremony for admission to a church including meetings and education prerequisites for admission.

The scheduling of events, appointments and activities shall not be done in a manner to cause undue inconvenience or harassment to another parent, however both parents must understand that the children need to be able to participate in regular activities without interference and with the support of both parents.

LOCAL RULE 24

Domestic Relations Mediation

Rule 24.01

A. At any time subsequent to the filing of pleadings opening the case, the Court may refer the parties to mediation based upon the Court's own discretion or upon request of counsel.

B. All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

C. Continuances of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the Mediator, the Judge or Magistrate who referred the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

D. Pursuant and subject to the provisions of the "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10, O.R.C. 3109.052, the Rules of Evidence, and any other pertinent judicial rule, all communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the UMA, Rules of Evidence and other pertinent judicial rules. Upon written agreement, all communications may be confidential.

The mediator shall inform the court who attended and whether the case settled. If the case has not settled, then the mediator shall inform the court whether the case is scheduled for further mediation or is returned to the court for further proceedings. No other information shall be communicated by the mediator to the court unless all who hold a mediation privilege, including the mediator, have consented to such disclosure.

E. The efforts of the mediator shall not be construed as giving legal advice.

F. All parties shall attend the mediation sessions, including the GAL, unless previously excused. Further, and pursuant to the UMA, all parties may have their attorney and/or other support person or persons attend the mediation session. If counsel or any mediation party becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but who has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned Judge of such fact.

If the opposing parties to any case are (1) related by blood, adoption, or marriage; (2) if the parties have resided in a common residence, or (3) have known or alleged domestic abuse at any time prior to the mediation, then the parties and their counsel have

a duty to disclose such information to the mediator and have a duty to participate in any screening required by the Supreme Court of Ohio's Rules of Superintendence Rule 16.

The mediator shall have the right not to conduct the mediation session. The Court shall also have the right to require the attendance of the attorneys at the session if the court determines it is appropriate and necessary for the process and consistent with O.R.C. 2710.09.

G. If any of the individuals identified in the above paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award attorney's fees and other costs, contempt or other appropriate sanctions.

H. Attorneys may, at their option, or must if required on a specific case by the Court, submit to the mediator a mediation memorandum which shall contain the following:

1. The elements of each claim asserted by the party filing the mediation memorandum;

2. A brief statement of the facts supporting the claim(s); a statement of admitted or undisputed facts; and, a statement of remaining issues of facts to be tried;

3. Any amendments required to the pleadings;

4. Any tender of issues in the pleadings that are to be abandoned;

5. A proposal for settlement of the claim(s).

Mediation memoranda may be submitted in confidence or exchanged by counsel at their preference. However, any attorney who submits a mediation memorandum in confidence shall advise the opposing counsel it is their intention to file it in confidence. Any mediation memorandum submitted under this Rule shall be provided to the mediator at least 5 working days prior to the mediation session.

I. Any mediator hired shall meet the following qualifications:

1. General qualifications and training. A mediator employed by the division or to whom the division makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with minor children shall satisfy all of the following:

a. Possess a bachelor's degree, or equivalent education or experience as is satisfactorily to the division, and at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal

representation in family law matters, or such other equivalent experience satisfactory to the division.

b. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the division.

c. After completing the training required by division (b) of this rule, complete at least 40 hours of specialized family or divorce mediation training which has been approved by the Court.

2. Specific qualifications and training: domestic abuse. A mediator employed by the division or to whom the division makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section in accordance with standards established by the Supreme Court Advisory Committee on Dispute Resolution. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediates with a mediator who had completed the specialized training.

J. Any mediator providing services for the Court shall utilize procedures that will:

1. Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation;
2. Screen for domestic violence both before and during mediation;

3. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims or and suspected victims of domestic violence;

4. Prohibit the use of mediation in any of the following:

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. determining the penalty for violation of a protection order.

K. Further, any mediator providing services for the court shall only conduct a mediation session where violence or fear of violence is alleged, suspected or present when that mediator has completed the training specified above and ensures that the following conditions are satisfied:

1. The person who is or may be the victim of domestic violence is fully informed, both orally and in writing of his or her right to decline participation in the mediation process, and his or her option to have a support person present at the mediation sessions;

2. Conclude that the parties have the capacity to mediate without fear or coercion or control;

3. Use procedures to provide for the safety of the parties, non-party participants, and the mediator.

4. Terminate a mediation if the mediator believes there is a continued threat of domestic violence or coercion.

5. The Court has issued written findings of fact, as required by O.R.C. 3109.052 to refer certain cases involving domestic violence to mediation.

L. Mediators providing services for the court shall comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for the State Regulation of Family Mediators and Court Affiliated Programs as set for in rule 16 of the Rules of Superintendence for the Courts of Ohio.

M. The parties will timely pay all fees associated with mediation pursuant to their contractual agreement or as otherwise ordered by the Court.

N. Any complaints or grievances by the participants to the mediation process shall be made to the Court in writing and the Court shall investigate said complaints and rule upon the same as it pertains to the mediation process.

LOCAL RULE 30

COURT SECURITY

The Ohio Supreme Court adopted Security Standards on October 17, 1994. Thereafter, the Local Court Security Advisory Committee was appointed to establish written directives for the purpose of ensuring security within all Court facilities while maintaining accessibility to the community.

On September 11, 1997 the Court Security Manual was adopted.

LOCAL RULE 31

RECEIVERSHIPS

[effective 1/1/13]

31.01 **Applicability**

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

31.02 **Motions for Appointment of a Receiver**

A. The court has no closed-panel or "approved" list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.

B. Parties seeking appointment must fully advise the court of the entire fee arrangement proposed to compensate the receiver, including all expenses reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.

C. Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an ex parte basis. The party (or parties) seeking a receivership should ordinarily consult all known secured creditors, the debtor, and other parties expected to have a significant interest in being heard in order to schedule the receivership hearing in a timely manner.

D. The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of a secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

31.03 **Hearings and Requests for Procedural Orders**

A. Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to chambers.

B. Unless it is clear that service has already been made by the court using the efiling system, the party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver's counsel and

upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.

C. For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the Court.

D. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

31.04 **Qualifications to Serve as a Receiver**

A. Every receiver appointed must be an individual who is resident of the state of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.

B. Every out-of-state business involved in a receivership must be represented by counsel having an office within this County, or having familiarity with receivership practice in the court.

C. Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that they will:
1) act in conformity with Ohio law and these local rules;
2) deposit all funds coming into their hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
3) avoid any conflict of interest;
4) not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
5) not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
6) otherwise act in the best interests of the estate.

31.05 **Oath and Bond of Receiver**

Before a receiver enters upon his or her duties, he or she must give an oath, pursuant to R.C. 2735.03 and execute a bond in an amount directed by the Court.

31.06 **General Duties of the Receiver**

Unless the court specifically authorizes a receiver to continue a business, the receiver shall:

A. take control of the assets of the defendant debtor that are subject to the receivership;

B. give notice to all known creditors of the receiver's appointment;

C. afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the County a deadline or bar date for submitting claims;

D. cause the assets of the business to be preserved, inventoried and where appropriate appraised;

E. determine the validity and priority of creditor's claims;

F. take such other appropriate steps as may be timely, reasonable and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free-and-clear of all liens provided the liens attach to the proceeds of sale and;

G. make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

31.07 **Receivership Plan and Progress Reports**

A. At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court shall be provided with a written plan for the receivership. The plan shall, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.

B. The initial receivership plan shall identify:

1) the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
2) whether the present goal is to preserve and operate a business, collect rental on property, liquidate assets, or take other action;
3) the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
4) anticipated transactional costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);
5) the anticipated duration of the receivership;

6) if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;
7) if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;
8) if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.

C. The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.

D. Copies of each receiver's plan and report shall be filed with the Clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy shall be submitted to chambers, together with a proposed entry approving the plan and report.

E. Ordinarily, no approval of fees or other proposes action in a receivership will occur unless seven (7) days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.

F. After consideration, the court shall approve or disapprove the plan and report by court entry.

G. After filing the first plan and report, the receiver shall file updated plans and reports no less often than semi-annually. Each shall include a summary of action taken to date measured against the previous plan for the receivership; shall set forth proposed future action; and shall update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

31.08 **Failure to Act Timely**

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

A. Removal of the receiver and/or attorney for the receiver; and/or

B. Withholding of fees for the receiver and/or counsel.

31.09 **Applications to Employ Counsel or Professionals**

A. A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property shall apply to the court. All such professionals must be disinterested persons with no business relationship with the Receiver, unless

otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such application during the initial hearing on whether to grant a receivership, written notice of all such applications shall be given to the debtor, all parties that have appeared and all those for whom service of process remains pending.

B. The retention agreement between a receiver and every professional shall be in writing. Every professional whose retention is approved by the court is, and shall remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.

C. Applications for authority to retain professionals to assist a receiver shall summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:

1) all necessary licenses are in good standing and not under supervision;
2) appropriate "conflict" checks have been made by the professional;
3) as to lawyers, professional liability insurance in an amount equal to the minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and
4) the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise or sell through the receivership.

D. Applications to employ professionals shall also set forth:

1) the professional's usual and customary hourly rate or fee;
2) their proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;
3) whether any fees were paid to the professional during the one (1) year period preceding the filing of the application from, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and
4) the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.

E. No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval

31.10 **Expenditure Authority of the Receiver**

A. A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.

B. A receiver taking charge of an operating business shall have authority to pay reasonable wages to employees and all reasonable and customary business related expenses, subject to periodic accounting to the court.

C. All fees, compensation or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court.

D. All expenses of the receivership of the court if, in the aggregate, they exceed $2,500 per month, or such other threshold as set by order in the specific receivership.

31.11 **Disposition of Property**

A. With court approval after such notice as the court deems appropriate a receiver may use, sell, or lease property other than in the ordinary course of business.

1) Unless otherwise ordered, a receiver shall serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice shall be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.

2) If any party or person having an interest in the property to be sold or leased files an objection within fourteen days of service of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.

3) The receiver shall have the burden of proving the commercial reasonableness of a proposed disposition of property.

4) If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.

5) The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property shall attach to the proceeds of disposition (net of the reasonable expenses incurred in sale of the property) in the same order, priority, and validity as the liens had with respect to that receivership property immediately before sale.

B. Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures.

31.12 **Payment of Receiver and Professional Fees**

A. Fee applications shall be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver shall attach to each fee application a brief, updated plan and progress report, consistent with Local Rule 66.06, together with a billing summary concisely reflecting:

1) the dates on which work was performed;
2) a description of work performed;
3) the name of each individual performing the work; and
4) the hourly rate(s) sought to be charged, or to other method used to calculate proposed fee(s) and expenses.

B. Fees allowed for services by a receiver, counsel, and professionals employed by a receiver shall be within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.

C. An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

31.13 **Final Report to the Court and Creditors**

When the final fee application is submitted, it shall be accompanied by a Receiver's Final Report that includes all of the following information:

1) (a) the total amount of money collected during the receivership, (b) the total funds collected since the last interim fee award to the receiver (if any), and (c) the source(s) of funds;

2) total funds previously disbursed to creditors;

3) the amount of money or any property remaining on hand;
4) the status of all known secured and unsecured creditor's claims;
5) the approximate number and admitted balances due creditors but remaining unpaid;
6) the approximate number and total of creditor's claims that remain open or unresolved;
7) proposed final distributions to creditors and the date by which receiver proposes to make them and close out the case;
8) the total administrative expense incurred to date, including fees paid to the receiver, attorneys and other professionals;
9) the amount of additional administrative expense sought to be paid in the final fee application; and
10) any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

31.14 **Trade Secret or Privileged Information**

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document shall be submitted to the court for in camera review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should be disclosed in the public case file or for attorney-eye only.

31.15 **Effective Date**

Local Rule 31 shall take effect on January 1, 2013, and governs further proceedings in receiverships then pending, except to the extent that its application in a particular case would not be feasible or would work injustice.

APPENDIX A
(Filing Fee Schedule--Effective February 1, 2018)

1.	a. Civil Petitions, Complaints, Counterclaims, Cross-claims and third party claims	**$300.00**
	b. Real estate actions ($195.00 allowance for appraisers' fees)	$600.00
	c. Personal service or out of county service, an additional	$ 20.00 per person
	d. Proceedings in aid of execution	$175.00
	e. In cases where there are over five (5) defendants, an additional	$ 50.00
	f. Motion to vacate, revive or modify a former judgment entry of this court in a civil action, **unless otherwise ordered by the Court**, the moving party shall pay all unpaid court costs which said moving party has been ordered to pay and in addition thereto shall deposit	$200.00
	g. For seizure of motor vehicle upon REPLEVIN or execution, an additional	$650.00
	For seizure of farm machinery, mobile home, roadworking equipment or other oversized units an additional amount to be determined by the Court in each particular case.	
	h. Foreign Judgments	$ 50.00
	i. Foreign subpoenas	**$ 50.00**
2.	a. Domestic Relations Complaints, Petitions, Cross-Claim, Counter Claim	**$350.00**
	b. Personal service or out of county service, an additional	$ 20.00 per person

	c. Motion(s) for temporary orders, an additional	$ 25.00
	d. Cases with children, for "parenting class", each parent shall deposit	$ 10.00
	e. Child custody, home study investigation, an additional	$450.00
	f. Motion to vacate, revive or modify a former judgment entry in a domestic relation action, **unless otherwise ordered by the Court**, the moving party shall pay all unpaid court costs which said party has been ordered to pay and in addition thereto shall deposit	**$250.00**
	g. Objections to Notice to Relocate on Domestic Relations cases	**$100.00**
	h. Qualifying Domestic Relations Order	**$ 75.00**
3.	Criminal Expungement proceedings where all past Court costs have been paid	$275.00
4.	Motion for Relief from Disability R.C. 2923.14	$100.00
	b. Deposit for transcript to Local Rule 9.02	$150.00

FINANCIAL DISCLOSURE FORM

($25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION

Applicant's Name	D.O.B.	Name of Person Being Represented *(if juvenile)*	D.O.B.
Mailing Address		City	State / Zip Code
Case No.		Phone ( )	Cell Phone ( )

SSN Last 4	Gender	Race
		☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Native Hawaiian or Pacific Islander ☐ Spanish or Latino ☐ White ☐ Other

II. OTHER PERSONS IN YOUR HOUSEHOLD

Name	D.O.B.	Relationship	Name	D.O.B.	Relationship
1)			3)		
2)			4)		

III. PRESUMPTIVE ELIGIBILITY

The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'

Ohio Works First / TANF: ____ SSI: ____ SSD: ____ Medicaid: ____ Poverty Related Veterans' Benefits: ____ Food Stamps: ____

Refugee Settlement Benefits: ____ Incarcerated in state penitentiary: ____ Committed to a Public Mental Health Facility: ____

Other (please describe): _____ Juvenile: ____ *(If juvenile, please continue at Section VIII)*

IV. INCOME AND EMPLOYER

	Applicant	Spouse (Do not include spouse's income if spouse is alleged victim)	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
		TOTAL INCOME	$

Employer's Name: _____ Phone Number: _____

Employer's Address: _____

V. LIQUID ASSETS

Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	$
Stocks, Bonds, CDs	$
Other Liquid Assets or Cash on Hand	$
Total Liquid Assets	$

VI. MONTHLY EXPENSES

Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (If working only)		Transportation / Fuel	
Insurance (medical, dental, auto, etc.)		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
EXPENSES	$	**EXPENSES**	$

VII. DETERMINATION OF INDIGENCY

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.
For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.
If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.
If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

VIII. $25.00 APPLICATION FEE NOTICE

By submitting this Financial Disclosure Form, you will be assessed a non-refundable $25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

IX. APPLICANT CERTIFICATION

I, _____ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

_____ _____

Signature Date

X. JUDGE CERTIFICATION

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: _____. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

_____ _____

Judge's Signature Date

XI. NOTICE OF RECOUPMENT

ORC. §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

XII. JUVENILE'S PARENTS' INCOME – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income		
	TOTAL INCOME	$

*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

Instructions for Completing
Financial Disclosure Form OPD 206R

Revised September 2017

Section I. Personal Information

Complete this section with the applicant's name, contact information, and case number. If the person who will be represented by court-appointed counsel is a juvenile, also include the juvenile's name in the box marked "Person Represented's Name *(if juvenile)*."

Section II. Other Persons Living in Household

Complete this section with the names of those with whom the applicant lives, who either have a duty to support the applicant or for whom the applicant has a duty to support, such as a spouse or dependent children. Do not include information about persons who share a household with the applicant but with whom the applicant shares no duty to support, such as roommates.

Section III. Presumptive Eligibility

If the applicant is currently receiving assistance from any of the governmental assistance programs listed in this section, check the line(s) next to the name of the program(s). Since that applicant has already been screened and deemed eligible for assistance by another government agency, you may presume the applicant's eligibility for court-appointed counsel. An applicant who is committed to a public mental health facility or who is incarcerated in a state penitentiary at the time of application may be presumed to be indigent and eligible for court-appointed counsel. All juveniles are presumed indigent and eligible for court-appointed counsel. Information in Sections IV – VI does not need to be collected for a juvenile who is requesting court-appointed counsel. (However, an adult requesting court-appointed counsel in a juvenile proceeding, such as a parent in an A/D/N case, must complete Sections IV – VI.) *See Ohio Administrative Code section 120-1-03 (C).*

Section IV. Income and Employer

Complete this section with the gross monthly income and other financial support received by the applicant, including the name and contact information of their employer. If the applicant indicated in Section III that the applicant receives assistance from any of the listed programs, include the amount of monthly assistance received through that program in the second box of this section, which includes "other types of income."

- Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the applicant's total income falls at or below

187.5% of the federal poverty guidelines on this chart, the applicant must be given court-appointed counsel. *See OAC 120-1-03 (B).* See Section V instructions below for potential ineligibility.

Section V. Liquid Assets

Complete this section with information about the applicant's liquid assets. An applicant's liquid assets can make an applicant ineligible for court-appointed counsel, even if his or her income falls below the guidelines. *See OAC 120-1-03 (D)(2)-(3).*

Section VI. Monthly Expenses

OAC 120-1-03 states that the "pivotal issue in determining indigency is not whether the applicant ought to be able to employ counsel but whether the applicant is, in fact, able to do so." Therefore, an applicant whose gross monthly income falls above 187.5% of the federal poverty guidelines may still qualify for court-appointed counsel. If an applicant whose income exceeds 187.5% believes he or she is financially unable to employ counsel, complete this section with information about the applicant's basic monthly expenses.

Section VII. Determination of Indigency

If the applicant's total income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.

Applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines can be subject to recoupment.

If the applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied *if the applicant can employ counsel using those liquid assets.*

If the applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but is financially unable to employ counsel after paying the monthly expenses in Section VI, counsel must be appointed.

VIII. $25.00 Application Fee Notice

This section provides notice to the applicant that he or she will be assessed a non-refundable $25 application fee when submitting this form, unless that fee is waived or reduced by the court. No applicant may be denied counsel based upon failure or inability to pay this fee. *See ORC 120.36 (B).*

IX. Applicant Certification

This section must be signed by the applicant, certifying that the information is correct, and true to the best of his or her knowledge.

X. Judge Certification

If the applicant is unable to complete this form (e.g. minor, incarcerated person, etc.), in this section, the judge may determine the applicant is eligible for court-appointed counsel and should provide a brief description of why the applicant is unable to complete the form.

XI. Notice of Recoupment

This section provides notice to the applicant that if his or her gross monthly income falls at or above 125% of the federal poverty guidelines, he or she may be subject to recoupment. *See ORC 120.03 (B)(6)–(8), OAC 120-1-05*, and *ORC 2941.51 (D).*

Attorneys' fees and expenses cannot be taxed as part of the costs charged in a case. However, through recoupment, if the indigent client or juvenile's parent(s) has, or reasonably may be expected to have the means to pay *some* part of the costs of services rendered, the indigent client or juvenile's parent(s) can be required to pay the county an amount that person reasonably can be expected to pay. *See ORC 2941.51 (D).*

XII. Juvenile's Parents' Income

If the respondent/defendant is a juvenile, complete this section with the income information of that juvenile's custodial parent(s). Because financial information was not collected about the parent(s) in Sections IV and V, information collected in this section is used to determine whether the parent(s) of the juvenile will be subject to recoupment.

- Compare the dollar amount in the box labeled Total Income in this section to OPD's *Indigent Client Eligibility Guidelines*. If the parents' total income falls below 125% of the federal poverty guidelines on this chart, they cannot be subject to recoupment. *See OAC 120-1-03 (C)(1).* If the parents' total income falls at or above 125%, they can be subject to recoupment. *See OAC 120-1-03 (B).*

- Because recoupment is limited to "an amount that the person reasonably can be expected to pay," you may choose to also collect information about the parents' monthly expenses in Section VI of this form. *See ORC 2941.51 (D).*

$25.00 INDIGENT APPLICATION FEE
CLIENT INFORMATION SHEET

1. What is the $25.00 Indigent Application Fee?

Beginning September 29, 2005, Ohio law requires that all persons who request a public defender or appointed counsel must pay an up-front application fee of $25.00. (R.C. 120.36)

2. Where do I pay the fee?

Pay the fee to the Clerk of Courts who is designated to collect money for the court where your case is being heard. If you are unable to pay it in person, someone else may pay it on your behalf.

3. When do I have to pay it?

You must pay within seven (7) days of submitting the affidavit of indigency/financial disclosure form.

4. What happens if I don't pay the fee?

If you fail to pay the fee within seven days, the court will assess the fee at sentencing or at the closing of your case. You will still owe the money until the fee ispaid or waived (see #7 below).

5. Is the fee refundable if I am found not indigent?

No, the fee is not refundable. If you request counsel and submit a financial disclosure form and/or affidavit ofindigency, you will be assessed the fee. However, -if you withdraw your request for a public defender or appointed counsel prior to submitting the financial disclosure form and/or affidavit of indigency, you will not be assessed a fee.

6. I was assessed the fee before on a previous or different case. Do I owe it again?

Yes, the fee is assessed one time <u>per case</u>. You will be assessed a fee each time the court determines that the matter now in front of them is a new violation and/or separate case.

7. Can the fee be reduced or waived?

The court can reduce or waive the fee if it determines you lack the financial resources to pay it or if payment would result in an undue hardship. If you cannot pay the fee for these reasons, you should ask the court or consult your attorney to file a request to have the fee waived or reduced.

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

	CASE NO.
Plaintiff	
-VS-	**NOTICE FOR RELEASE OF EXHIBITS**
Defendant	JUDGE JEFFREY L. REED

Your exhibits in the above entitled case are being retained by the Reporter of the Common Pleas Court of Allen County, Ohio. By Court Order, a copy of which is enclosed herewith, the Reporter has been authorized to destroy or otherwise dispose of these exhibits if you fail to claim or take custody of them within thirty (30) days after this notice.

This will be the only notice you will receive in this matter.

DATE:

_____
SUSAN K. THOMAS,
ALLEN COUNTY COMMON
PLEAS COURT

L.R. 8.05(A) FORM

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

Plaintiff

CASE NO.

-VS-

JOURNAL ENTRY

Defendant

D

This cause came on to be heard upon the oral application of the Reporter of the Common Pleas Court for an Order directing the Reporter to notify the parties to claim and take custody of their respective exhibits within thirty (30) days of such notice, and for an Order directing the Reporter to destroy or otherwise dispose of said exhibits if they have not been claimed after the expiration of thirty (30) days from service of said notice.

It is the finding of the Court that the time for appeal in this case from the judgment herein has run, such judgment having been rendered and journalized on , and that, therefore, the judgment of this Court has become final.

IT IS THEREFORE ORDERED that the Reporter of the Common Pleas Court shall direct notice to the parties in the above captioned case, that the Plaintiff(s) and Defendant(s) have thirty (30) days from the mailing date of such notice within which to claim and take custody of their respective exhibits. The Reporter is further directed and authorized, that upon failure of the parties to claim and take custody of their respective exhibits within thirty (30) days after notice, to destroy or otherwise dispose of said exhibits.

DATE:

_____

L.R. 8.05(B) FORM

From the office of the Clerk of Courts Notice To Parties of Release of Deposition/ Transcript

Case No.

Plaintiff(s)

Vs.

Defendant(s)

A deposition(s)/transcript(s), submitted to the above referenced docket, by you or your attorney on file in the Allen County Clerk of Court of Common Pleas. There being in excess of sixty (60) days from final judgment, we are required to serve notice that the above items(s) are available for release.

You may pickup the above referenced item(s) at the Allen County Courthouse, Clerk of Courts, 301 N Main St, Lima Ohio. Our office hours are Monday through Friday 8:00 A.M. till 4:30 P.M.

You have sixty (60) days in which to claim your deposition(s)/transcript(s) after which these items will be disposed of according to Sup. R. 26(F)(2).

Date

Clerk/Deputy Clerk

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

Plaintiff	CASE NO.
-VS-	**RECEIPT OF EXHIBITS**
Defendant	JUDGE JEFFREY L. REED

Now comes the PLAINTIFF / DEFENDANT, by and through his attorney, and hereby acknowledges receipt from the Reporter of the Common Pleas Court of Allen County, Ohio of all of PLAINTIFF(S) / DEFENDANT(S) exhibits in the above captioned case.

_____
ATTORNEY

_____
DATE

L.R. 8.05(C) FORM

From the office of the Clerk of Courts Notice of Receipt of Deposition/Transcript

Case No.

Plaintiff (s)

Vs.

Defendant(s)

The deposition(s)/transcript(s) from the above referenced case have been claimed from the office of the Allen County Clerk of Court of Common Pleas this day by:

Date

Clerk/Deputy Clerk

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

	CASE NO.
Plaintiff	
-VS-	**JOURNAL ENTRY**
Defendant	JUDGE JEFFREY L. REED

This cause came on to be heard upon the oral application of the Reporter of the Common Pleas Court for an Order directing the Reporter to notify the parties to claim and take custody of their respective exhibits within thirty (30) days of such notice, and for an Order directing the Reporter to destroy or otherwise dispose of said exhibits if they have not been claimed after the expiration of thirty (30) days from service of said notice.

It is the finding of the Court that the time for appeal in this case from the judgment herein has run, such judgment having been rendered and journalized on , and that, therefore, the judgment of this Court has become final.

IT IS THEREFORE ORDERED that the Reporter of the Common Pleas Court shall direct notice to the parties in the above captioned case, that the Plaintiff(s) and Defendant(s) have thirty (30) days from the mailing date of such notice within which to claim and take custody of their respective exhibits. The Reporter is further directed and authorized, that upon failure of the parties to claim and take custody of their respective exhibits within thirty (30) days after notice, to destroy or otherwise dispose of said exhibits.

DATE:

_____

JEFFREY L. REED, JUDGE

IN THE COURT OF COMMON PLEAS, ALLEN COUNTY, OHIO

	CASE NO.
Plaintiff	
-VS-	**NOTICE OF DISPOSAL OF EXHIBITS**
Defendant	JUDGE JEFFREY L. REED

Now comes the Reporter of the Common Pleas Court of Allen County, Ohio, and pursuant to prior Court Order, hereby gives notice of the disposal of all PLAINTIFF / DEFENDANT exhibits in the above captioned case, the PLAINTIFF / DEFENDANT having failed to claim and take custody of the exhibits within the required thirty (30) days after the mailing of the Notice of Release of Exhibits. Disposal of said exhibits took place on , and occurred in the following manner: DESTROYED.

DATE:

SUSAN K. THOMAS,
ALLEN COUNTY COMMON
PLEAS COURT

L.R. 8.05(D) FORM

From the office of the Clerk of Courts Notice of Destruction of Deposition/Transcript

Case No.

Plaintiff(s)

Vs.

Defendant(s)

The deposition(s)/transcript(s) from the above referenced case have not been claimed from the office of the Allen County Clerk of Court of Common Pleas, therefore, they have been disposed of according to Sup. R. 26(F)(2) this day.

Date

Clerk/Deputy Clerk

Judge

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

STATE OF OHIO,	*	**CASE NO.: CR** _____
Plaintiff	*	
-v-	*	**APPLICATION TO SEAL FELONY RECORD R.C. 2953.32**
_____,	*	
Defendant	*	

* *

Now comes _____, by and through his/her attorney, _____ and applies, pursuant to R.C. 2953.32 for an Order from this Court *sealing* the record of conviction in this case.

The applicant represents to the Court:

1. The date of the offense for which the application is made was: _____.
2. The defendant was arrested on: _____.
3. The defendant was convicted of:_____, a (Felony)(Misdemeanor) of the _____ Degree.
4. Defendant's date of birth is:_____. The last four digits of the Defendant's social security number are: *** **____.
5. The Defendant is an "**Eligible offender**" as defined in R.C. 2953.31 in that he/she has been convicted of an offense in this state or any other jurisdiction and he/she has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction.
6. That if defendant's offense was a misdemeanor, the forfeiture of bail was agreed to by the applicant and the prosecutor in the case.
7. The appropriate time has expired, to wit:
   a) three years after the offender's final discharge if convicted of a felony,
   b) one year after the offender's final discharge if convicted of a misdemeanor.
8. a) criminal proceedings are NOT pending against the applicant;
   b) the applicant has been rehabilitated to the satisfaction of the court;
   c) the prosecutor has NOT filed an objection in accordance with division (B) of R.C. 2953.32, or the prosecutor has filed an objection and the Court has considered the reasons against granting the application specified by the prosecutor in the objection;
   d) The interests of the applicant in having the records pertaining to the applicant's conviction sealed outweigh the legitimate needs, if any, of the government to maintain those record.

Therefore, it is requested that all official records pertaining to this case be sealed and, except as provided in R.C. 2953.32(D), all index references to the case deleted.

The applicant notifies the clerk of Courts that he/she does/does not wish to opt out of receiving the benefits of having the court send notice of its order under division R.C. 2953.32(C)(2) to the qualified third party selected by the attorney general and having the procedures under section 109.381 of the Revised Code apply to the records that are subject to the order sealing the record.

The defendant/applicant shall pay all costs related to this motion.

_____
Attorney for Applicant
Address

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

STATE OF OHIO,	*	**CASE NO.: CR 20_____**
Plaintiff	*	
-v-	*	**JUDGMENT ENTRY SEALING FELONY RECORD R.C. 2953.32**
_____,	*	
Defendant	*	

* *

This matter came on for a hearing on defendant's Motion to Seal Record of Conviction. The Court ordered a post-sentence investigation by the Allen County Adult Probation Department. The post-sentence investigation was completed and reviewed by the Court. The defendant was present at the hearing and was represented by Attorney _____. The Allen County Prosecuting Attorney represented the State of Ohio.

The Court being fully advised of the premises, finds:

1. The date of the offense for which the application is made was: _____
2. The defendant was arrested on: _____.
3. The defendant was convicted of: _____, Felony/Misdemeanor of the ____th Degree.
4. Defendant's date of birth is: _____. The last four digits of the Defendant's social security number are: *** **_____.
5. The Defendant is an "**Eligible offender**" as defined in R.C. 2953.31 in that he/she has been convicted of an offense in this state or any other jurisdiction and he/she has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction in this state or any other jurisdiction.
6. That if defendant's offense was a misdemeanor, the forfeiture of bail was agreed to by the applicant and the prosecutor in the case.
7. The appropriate time has expired, to wit:
   a) three years after the offender's final discharge if convicted of a felony,

b) one year after the offender's final discharge if convicted of a misdemeanor.

8. a) criminal proceedings are NOT pending against the applicant;

b) the applicant has been rehabilitated to the satisfaction of the court;

c) the prosecutor has NOT filed an objection in accordance with division (B) of R.C. 2953.32, or the prosecutor has filed an objection and the Court has considered the reasons against granting the application specified by the prosecutor in the objection;

The Court has also weighed the interests of the applicant in having the records pertaining to the applicant's conviction sealed against the legitimate needs, if any, of the government to maintain those record and finds the application should be granted.

It is therefore ORDERED that all official records pertaining to this case be sealed and, except as provided in R.C. 2953.32 (D), (E) & (F), all index references to the case deleted.

The proceedings in this case shall be considered not to have occurred and the conviction of the applicant shall be sealed, except that upon conviction of a subsequent offense, the sealed record of prior conviction may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33 of the Revised Code.

It is further ORDERED that all official records pertaining to this case be sealed and, except as provided in R.C. 2953.32(D), all index references to the case deleted.

It is further ORDERED that the Clerk of Courts shall forward a certified copy of this judgment entry to the Allen County Prosecutor, Lima Police Department, the Allen County Sheriff's Department, Lima Municipal Court, the Federal Bureau of Investigation, the Ohio Department of Rehabilitation and Correction, the Ohio Bureau

of Criminal Identification and Investigation, The Criminal Justice Investigation Services (1000 Custer Hollow Rd., Clarksburg, WV 26306), and the defendant.

It is further ORDERED that inspection of the sealed records may be made only pursuant to R.C. 2953.32(D).

It is further ORDERED that defendant pay all costs related to this motion.

Date: _____

_____
JUDGE

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____

CASE NO.
DRC ELECTRONIC PETITION NO:

PETITION FOR
CERTIFICATE OF QUALIFICATION FROM EMPLOYMENT (RC 2953.25)

The undersigned hereby petitions for a Certificate of Qualification for Employment with the Court of Common Pleas where the Petitioner resides. Petitioner claims to have suffered a collateral sanction that is related to employment or occupational licensing as a result of one or more convictions or pleas of guilty to an offense.

Pursuant to R. C. 2953.25(F). Petitioner includes the following information:

(1) Petitioner's name, date of birth, and social security number;

(2) All aliases of the petitioner and all social security numbers associated with those aliases;

(3) The petitioner's residence address, including city, county, and state of residence and zip code;

(4) The length of time that the petitioner has been a resident of this state, expressed in years and months of residence;

(5) The name or type of each collateral sanction from which the petitioner is requesting a certificate or qualification for employment;

(6) A summary of the petitioner's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;

(7) A summary of the petitioner's employment history, specifying the name of, and dates of employment with each employer;

(8) Verifiable references and endorsements;

(9) The name of one or more immediate family members of the petitioner, or other persons with whom the petitioner has a close relationship, who support the individual's reentry plan;

(10) A summary of the reason the petitioner believes the certificate of qualification fro employment should be granted;

(11) The date of release of the petitioner for any period of incarceration in a state or local correctional facility that was imposed fro that offense and all periods of supervision imposed after release from the period of incarceration or, if the petitioner was not

incarcerated for that offense, at any time after the expiration of one year from the date of the petitioner's final release from all other sanctions imposed for that offense. [RC 2953.25(B)(4)]

(12) Any other information required by rule by the department of rehabilitation and correction.

If filing is made directly with the Court, Petitioner also asserts no time has been served on a term in a state correctional institution or in a department-funded program.

Respectfully Submitted,

_____
Signature

_____
Name

_____
Street

_____
City, State, Zip

_____
Phone Number

_____
Fax Number (if any)

_____
Email

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

IN RE: _____ CASE NO:

DRC ELECTRONIC PETITION NO:

JUDGE:

AFFIDVAIT OF INDIGENCY

I, _____, do hereby state that I an without necessary funds to pay the costs of this action for the following reason(s):

I am requesting that the filing fee and security deposit, if applicable, be waived.

_____
Affiant

Sworn to, or affirmed, and subscribed in my presence this _____ day of _____, 20__.

_____
Notary Public

My commission expires: _____

NOTE: This affidavit must be executed not more than six months prior to being filed in the court. Affidavits not in compliance will be rejected for filing by the Clerk.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

NOTICE TO COURT OF PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

CLERK OF COURTS,

_____
Signature
Street
City, State, Zip
Phone Number
Fax Number
Email

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

NOTICE TO PROSECUTOR OF PETITION FOR

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

You are hereby notified that a Petition for Certificate of Qualification for Employment was filed by the above captioned Petitioner in this Court (see Attached Exhibit A). If you are interested in providing any information regarding this petition, please complete the attached form and file with the undersigned clerk of courts within fourteen days.

CLERK OF COURTS,

_____
Signature
Street
City, State, Zip
Phone Number
Fax Number
Email

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

RESPONSE TO REQUEST FOR INFORMATION REGARDING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

The undersigned voluntarily submits the following information regarding the above captioned Petition. NOTE: It is not necessary to submit any or all of the information listed below.

1. Please check one of the following:
   ° I recommend the Petitioner receive a CQE.

   ° I do not recommend the Petitioner receive a CQE.

   ° I have no opinion.

   If you marked "recommend" or "do not recommend," please comment below:

2. The Petitioner did/did not (circle one) successfully complete community control sanctions.
   Comments:

3. The Petitioner does/does not (circle one) owe any outstanding monies.
   Comments:

4. Additional Comments:

Respectfully Submitted,

_____
Signature

_____
Name of Person Submitting Information

_____
Position (if victim, indicate here _____)

_____
Name of Organization: Court, Prosecutor's Office, Other

_____
Street

_____
City, State, Zip

_____
Phone Number

_____
Fax Number

_____
Email

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

ORDER FOR INVESTIGATION REGARDING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Probation Department to do the following and report back its findings within _____ days of this Order:

_____ 1. Attempt to determine all other courts in the state in which the Petitioner has been convicted of or plead guilty to an offense.

_____ 2. Obtain a current LEADS report on Petitioner.

_____ 3. Verify the accuracy of information submitted in the Petition.

_____ 4. Other: (specify)

IT IS SO ORDERED.

_____
JUDGE/MAGISTRATE DATE

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

ORDER FOR ADDITIONAL INFORMATION PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby Orders the Petitioner to provide the following information within _____ days of this Order:

IT IS SO ORDERED.

_____
JUDGE/MAGISTRATE DATE

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____ CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

JUDGMENT ENTRY GRANTING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state; AND

The Petitioner has established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license; AND

The Petitioner has established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life; AND

The Petitioner has established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED, AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby GRANTED. The purpose for this certificate is to assist the petitioner in obtaining employment and to obtain a_____ (insert none if not applicable) license from the Ohio _____ licensing board.

IT IS FURTHER ORDERED that the Clerk notify the Department of Rehabilitation and Corrections that a Certificate of Qualification for Employment shall be issued to Petitioner.

The Clerk is HEREBY ORDERED to provide written notice to Petitioner.

IT IS SO ORDERED.

_____
JUDGE

Form H-last updated 12/4/14

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

IN RE: _____

CASE NO.

DRC ELECTRONIC PETITION NO.

JUDGE:

JUDGMENT ENTRY DENYING PETITION FOR CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (RC 2953.25)

Upon consideration of the above captioned Petition for Certificate of Qualification for Employment, the Court hereby finds:

The Petitioner has/has not (circle one) suffered a COLLATERAL SANCTION that is related to employment or occupational licensing as a result of individual's conviction of or plea of guilty to an offense (felony or misdemeanor) and that applies by operation of law in this state;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition will materially assist the individual in obtaining employment/occupational license;

The Petitioner has/has not (circle one) established by a preponderance of the evidence the Petitioner has a substantial need for the relief requested in order to live a law-abiding life;

The Petitioner has/has not (circle one) established by a preponderance of the evidence that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

THEREFORE, it is HEREBY ORDERED, ADJUDGED, AND DECREED that the above captioned Petition for Certificate of Qualification for Employment is hereby DENIED.

IT IS FURTHER ORDERED that the following conditions (if any) are placed on Petitioner's subsequent filings:

_____

The Clerk is HEREBY ORDERED to provide written notice to Petitioner and the Department of Rehabilitation and Corrections.

THIS IS A FINAL, APPEALABLE ORDER. THERE IS NO JUST CAUSE FOR DELAY.

IT IS SO ORDERED.

_____
JUDGE

Form I-last updated 12/4/14

MOTION, ENTRY, AND CERTIFICATION FOR APPOINTED COUNSEL FEES

In the _____ Court of _____, Ohio

Plaintiff:

Case No. _____

v.

Appellate Case No. (if app.) _____

_____
Defendant/Party Represented

☐ Capital Offense Case (*check if Capital Offense case*)
☐ Guardian Ad Litem (*check if appointed as GAL*)

In re: _____

Judge: _____

MOTION FOR APPROVAL OF PAYMENT OF APPOINTED COUNSEL FEES AND EXPENSES

The undersigned having been appointed counsel for the party represented moves this Court for an order approving payment of fees and expenses as indicated in the itemized statement herein. I certify that I have received no compensation in connection with providing representation in this case other than that described in this motion or which has been approved by the Court in a previous motion, nor have any fees and expenses in this motion been duplicated on any other motion. I, or an attorney under my supervision, have performed all legal services itemized in this motion.

☐ Periodic Billing (*check if this is a periodic bill*)

As attorney/guardian ad litem of record, I was appointed on _____, _____. This case terminated and/or was disposed of on _____, _____. I am submitting this application on _____, _____.

Name_____ Signature_____

Address_____ SSN/Tax ID_____
No. and Street *City* *State* *Zip*

OSC Reg. No. _____

SUMMARY OF CHARGES, HOURS, EXPENSES, AND BILLING

OFFENSE/CHARGE/MATTER	ORC/CITY CODE	DEGREE	DISPOSITION
1.)			
2.)			
3.)			

**List only the three most serious charges beginning with the one of greatest severity and continuing in descending order.*

Grand Total Hours From Other Side:

OUT-OF-COURT	IN-COURT			GRAND TOTAL
	PRE-TRIAL HEARINGS	ALL OTHER IN-COURT	IN-COURT TOTAL	

☐ Flat Fee Hrs:In _____ X Rate _____ = $_____ Tot. Fees $_____

☐ Min Fee Hrs:Out _____ X Rate _____ = $_____ Expenses $_____ Total $_____

JUDGMENT ENTRY

The Court finds that counsel performed the legal services set forth on the itemized statement on the reverse hereof, and that the fees and expenses set forth on this statement are reasonable, and are in accordance with the resolution of the Board of County Commissioners of _____ County, Ohio relating to payment of appointed counsel, that all rules and standards of the Ohio Public Defender Commission and State Public Defender have been met.

IT IS THEREFORE ORDERED that counsel fees and expenses be, and are hereby approved, in the amount of $_____. It is further ordered that the said amount be, and hereby is, certified by the Court to the County Auditor for payment.

☐ *Extraordinary fees granted (copy of journal entry attached)* Judge _____
Signature *Date*

CERTIFICATION

The County Auditor, in executing this certification, attests to the accuracy of the figures contained herein. A subsequent audit by the Ohio Public Defender Commission and/or Auditor of the State which reveals unallowable or excessive costs may result in future adjustments against reimbursement or repayment of audit exceptions to the Ohio Public Defender Commission.

County Number _____ Warrant Number _____ Warrant Date _____

County Auditor _____

CASE NUMBER _____ **ATTORNEY/GAL** _____

IF CAPITAL OFFENSE CASE, LIST CO-COUNSEL'S NAME HERE: _____

ITEMIZED FEE STATEMENT

I hereby certify that the following time was expended in representation of the defendant/party represented:

DATE OF SERVICE	OUT-OF-COURT TOTAL	IN-COURT			DAILY TOTAL
		PRE-TRIAL HEARINGS	ALL OTHER IN-COURT	IN-COURT TOTAL	

Continue at top of next column.

DATE OF SERVICE *(continued)*	OUT-OF-COURT TOTAL	IN-COURT			DAILY TOTAL
		PRE-TRIAL HEARINGS	ALL OTHER IN-COURT	IN-COURT TOTAL	
GRAND TOTAL					

Time is to be reported in tenth of an hour (6 minute) increments.

I hereby certify that the following expenses were incurred:

Use the following categories for Type: (1) Experts (2) Postage/Phone (3) Records/Reports (4) Transcripts (5) Travel (6) Other

TYPE	PAYEE	AMOUNT
	TOTAL	

Clearly identify each expense and include a receipt for any expense over $1.00. See Section (P)(1)(c) for privileged information.

L.R. 15.01

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

STATE OF OHIO	*	
		CASE NO. :
Plaintiff	*	
-v-	*	
		WRITTEN PLEA OF NOT GUILTY
	*	
Defendant	*	

Now comes _____, the defendant herein, who says he/she has been indicted by the _____ session of the Allen County Grand Jury as follows:

Count 1: _____
Count 2: _____
Count 3: _____
Count 4: _____
Count 5: _____

Defendant further acknowledges he/she has been served a copy of the indictment; waives the reading of the same in open Court; waives any applicable statutory waiting periods for arraignment; acknowledges an understanding of each charge with which he/she is indicted; and waives his/her right to be present in open court for arraignment.

The Defendant further acknowledges that he/she has been advised of the ORDER that he/she test twice per week for drugs at the Allen County Probation Department, 330 North Elizabeth Street, Lima, Ohio and that failure to appear and/or testing positive for drugs will result in bond revocation and incarceration.

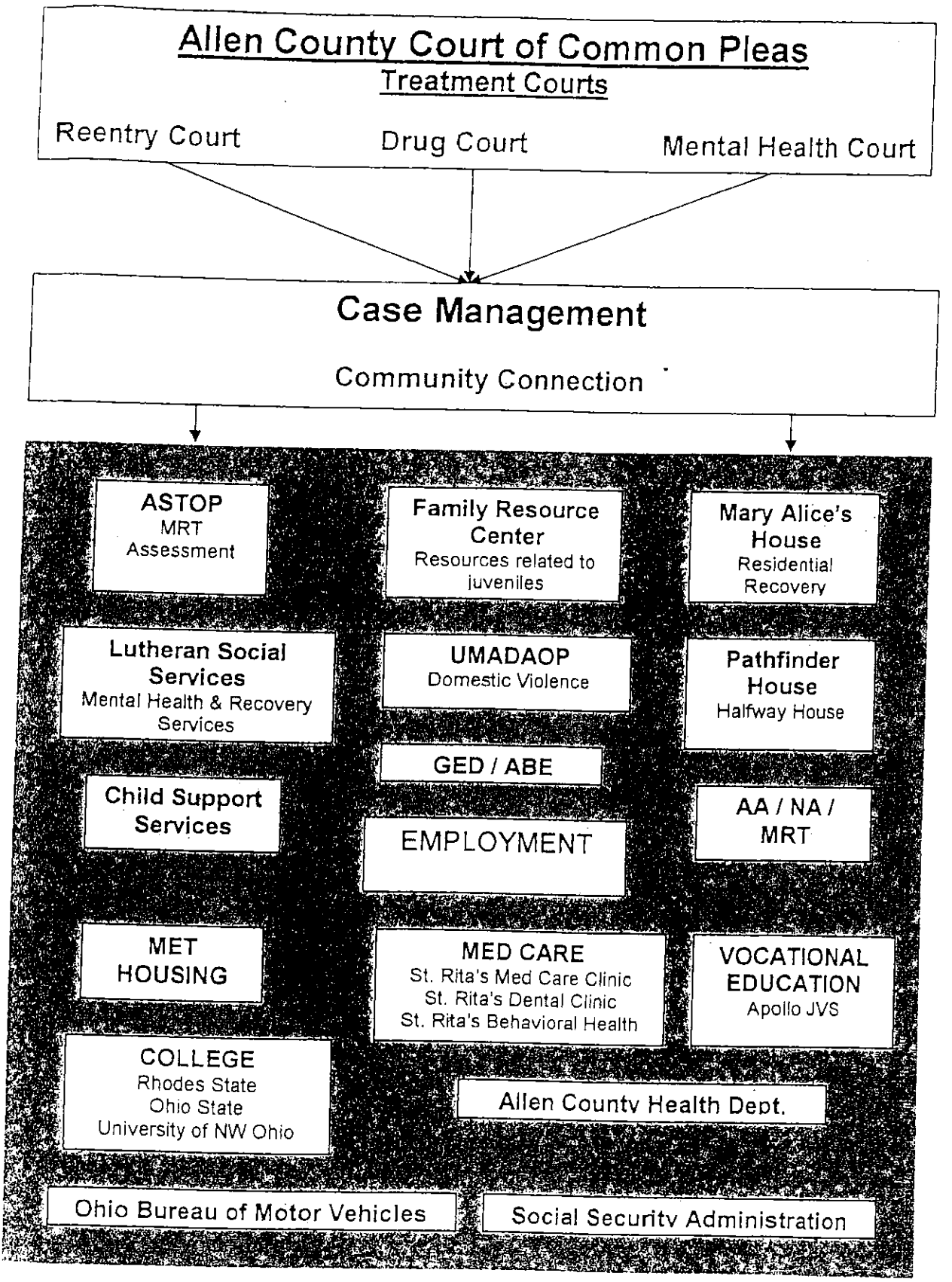
Defendant further enters a plea of Not Guilty upon each and every charge contained in the indictment.

_____
Defendant

_____
Attorney for Defendant

Pursuant to Criminal Rule 10(B) the State of Ohio approves for filing the above Written Not Guilty Plea.

_____
Prosecuting Attorney


Allen County Court of Common Pleas
Treatment Courts
Reentry Court
Drug Court
Mental Health Court
Case Management
Community Connection
ASTOP
MRT
Assessment
Family Resource Center
Resources related to juveniles
Mary Alice's House
Residential Recovery
Lutheran Social Services
Mental Health & Recovery Services
UMADAOP
Domestic Violence
Pathfinder House
Halfway House
GED / ABE
Child Support Services
EMPLOYMENT
AA / NA / MRT
MET HOUSING
MED CARE
St. Rita's Med Care Clinic
St. Rita's Dental Clinic
St. Rita's Behavioral Health
VOCATIONAL EDUCATION
Apollo JVS
COLLEGE
Rhodes State
Ohio State
University of NW Ohio
Allen County Health Dept.
Ohio Bureau of Motor Vehicles
Social Security Administration

DOMESTIC FORMS

Affidavit of Income and Expenses
Affidavit of Income, Expenses and Financial Disclosure - Short Form
Parenting Proceeding Affidavit (R.C. 3127.23(A))
Waiver of Counsel
Child Health Care Information
Affidavit of Property Health
Insurance Affidavit
Explanation of Medical Bills

COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____
Plaintiff/Petitioner 1

v./and

_____
Defendant/Petitioner 2

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed.
This affidavit is used to make complete disclosure of income, expenses and money owed. It is used to determine child and spousal support amounts. Do not leave any category blank. Write "none" where appropriate. If you do not know exact figures for any item, give your best estimate and put "EST." **If you need more space, add additional pages.**

AFFIDAVIT OF INCOME AND EXPENSES

Affidavit of _____
(Print Your Name)

Date of marriage _____ Date of separation _____

SECTION I - INCOME

	_____ **Your Name**	_____ **Spouse's Name**
Employed	☐ Yes ☐ No	☐ Yes ☐ No
Employer	_____	_____
Payroll address	_____	_____
Payroll city, state, zip	_____	_____
Scheduled paychecks per year	☐ 12 ☐ 24 ☐ 26 ☐ 52	☐ 12 ☐ 24 ☐ 26 ☐ 52

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

	_____ **Your Name**		_____ **Spouse's Name**
Base yearly income	$ _____	3 years ago 20 ____	$ _____
	$ _____	2 years ago 20 ____	$ _____
	$ _____	Last year 20 ____	$ _____
Yearly overtime, commissions and/or bonuses	$ _____	3 years ago 20 ____	$ _____
	$ _____	2 years ago 20 ____	$ _____
	$ _____	Last year 20 ____	$ _____

B. COMPUTATION OF CURRENT INCOME

	_____ Your Name	_____ Spouse's Name
Base yearly income	$ _____	$ _____
Average yearly overtime, commissions and/or bonuses over last 3 years (from part A)	$ _____	$ _____
Unemployment compensation	$ _____	$ _____
Disability benefits		
☐ Workers' Compensation		
☐ Social Security		
☐ Other: _____	$ _____	$ _____
Retirement benefits		
☐ Social Security		
☐ Other: _____	$ _____	$ _____
Spousal support received	$ _____	$ _____
Interest and dividend income (source)		
_____		
_____	$ _____	$ _____
Other income (type and source)		
_____		
_____	$ _____	$ _____
TOTAL YEARLY INCOME	$ _____	$ _____

Supplemental Security Income (SSI) or public assistance	$ _____	$ _____
Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship	$ _____	$ _____

SECTION II – CHILDREN AND HOUSEHOLD RESIDENTS

Minor and/or dependent child(ren) who are from this marriage or relationship:

Name	Date of birth	Living with

In addition to the above children there is/are in your household:

_____ adult(s)

_____ other minor and/or dependent child(ren).

SECTION III – EXPENSES

List monthly expenses below for your present household.

A. MONTHLY HOUSING EXPENSES

[redacted]

Real estate taxes (if not included above) $

[redacted]

Second mortgage/equity line of credit $

[redacted]

- Electric $

[redacted]

- Water and sewer $

[redacted]

- Trash collection $

[redacted]

Cleaning, maintenance, repair $

[redacted]

Other: $

[redacted]

TOTAL MONTHLY : $ _____

B. OTHER MONTHLY LIVING EXPENSES

- Groceries (including food, paper, cleaning products, toiletries, other) $ _____

Transportation

- Vehicle maintenance (oil, repair, license) $ _____

- Parking, public transportation $ _____

- Clothes (other than children's) $ _____

Personal grooming

- Other $ _____

Internet (if not included elsewhere) $ _____

TOTAL MONTHLY $ _____

C. MONTHLY CHILD-RELATED EXPENSES
(for children of the marriage or relationship)

Other child care $ _____

Special and unusual needs of child(ren) (not included elsewhere) $ _____

School supplies $ _____

Extracurricular activities, lessons $ _____

Other _____ $ _____

TOTAL MONTHLY $ _____

D. INSURANCE PREMIUMS

$ _____

Auto $ _____

$ _____

Disability $ _____

Other _____ $ _____

TOTAL MONTHLY $ _____

E. MONTHLY EDUCATION EXPENSES

- Self $ _____

Books, fees, other $ _____

Other $ _____

TOTAL MONTHLY: $ _____

F. MONTHLY HEALTH CARE EXPENSES
(not covered by insurance)

Dentists $ _____

Prescriptions $ _____

_____ $ _____

TOTAL MONTHLY: $ _____

G. MISCELLANEOUS MONTHLY EXPENSES

Child support for children who were not born of this marriage or relationship and were not adopted of this marriage $ _____

Subscriptions, books $ _____

$ _____

Charitable contributions $ _____

Memberships, associations, clubs $ _____

Travel, vacations $ _____

Gifts $ _____

Attorney fees $ _____

Additional taxes paid (not deducted from wages) (type) $ _____

_____ $ _____

TOTAL MONTHLY: $ _____

H. MONTHLY INSTALLMENT PAYMENTS
(Do not repeat expenses already listed.)
Examples: car, credit card, rent-to-own, cash advance payments

To whom paid	Purpose	Balance due	Monthly payment
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$
		$	$

TOTAL MONTHLY: $ _____

GRAND TOTAL MONTHLY EXPENSES (Sum of A through H): $ _____

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

_____
Notary Public
My Commission Expires:

_____

COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____
Plaintiff/Petitioner

v./and

_____
Defendant/Petitioner/Respondent

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed.
By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____
(Print Your Name)

Check and complete ALL THAT APPLY:

1. ☐ I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. ☐ Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. You must list the residences for all places where the children have lived for the last **FIVE** years.

a. Child's Name: _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

b. **Child's Name:** _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

c. **Child's Name:** _____ **Place of Birth:** _____

Date of Birth: _____ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence			Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to	present	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____
_____	to	_____	☐ Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

3. **Participation in custody case(s): (Check only one box.)**
   - ☐ **I HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case.
   - ☐ **I HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case. For each case in which you participated, give the following information:

a. Name of each child: _____ _____

_____ _____ _____

b. Type of case: _____

c. Court and State: _____

d. Date and court order or judgment (if any): _____

_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

4. **Information about other civil case(s) that could affect this case: (Check only one box.)**

☐ **I HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.

☐ **I HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

a. Name of each child: _____ _____

_____ _____ _____

b. Type of case: _____

c. Court and State: _____

d. Date and court order or judgment (if any): _____

_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

5. **Information about criminal case(s):**

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

Name	Case Number	Court/State/County	Convicted of What Crime?

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

6. **Persons not a party to this case who has physical custody or claims to have custody or visitation rights to children subject to this case: (Check only one box.)**

☐ **I DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

☐ **I KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name/Address of Person _____ _____

☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights

Name of each child: _____ _____

_____ _____ _____

b. Name/Address of Person _____ _____

☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights

Name of each child: _____

_____ _____ _____

c. Name/Address of Person _____ _____

☐ Has physical custody ☐ Claims custody rights ☐ Claims visitation rights

Name of each child: _____ _____

_____ _____ _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

_____
Notary Public

My Commission Expires:

_____

IN THE COURT OF COMMON PLEAS OF ALLEN COUNTY, OHIO

_____
Plaintiff

CASE NO. _____

vs.

_____
Defendant

WAIVER OF COUNSEL

The undersigned party/parties, being fully aware of his/her right to retain legal counsel to act on his/her behalf, being fully informed of the nature of this action, and being fully advised that counsel involved in this action is not representing the interest(s) of the undersigned in any manner whatsoever, hereby waives representation by counsel and is voluntarily proceeding in this action without representation by, and advise of legal counsel.

_____
Plaintiff

_____
Defendant

CHILD HEALTH CARE INFORMATION

CASE NUMBER: DR_____

CHILD(REN) COVERED

1. Name	DOB
Address	SSN
City, State, Zip Code	Custodial Parent

2. Name	DOB
Address	SSN
City, State, Zip Code	Custodial Parent

3. Name	DOB
Address	SSN
City, State, Zip Code	Custodial Parent

4. Name	DOB
Address	SSN
City, State, Zip Code	Custodial Parent

5. Name	DOB
Address	SSN
City, State, Zip Code	Custodial Parent

PARTY INFORMATION
(Attach copies of insurance cards)

PARTIES	EMPLOYER INFORMATION	INSURANCE INFORMATION
1. Name	Employer Name	Insurance Company
Address	Address	Address
City, State, Zip Code	City, State, Zip Code	City, State, Zip Code
DOB		Policy Number
SSN		Group Number

PARTIES	EMPLOYER INFORMATION	INSURANCE INFORMATION
2. Name	Employer Name	Insurance Company
Address	Address	Address
City, State, Zip Code	City, State, Zip Code	City, State, Zip Code
DOB		Policy Number
SSN		Group Number

PARTIES	EMPLOYER INFORMATION	INSURANCE INFORMATION
3. Name	Employer Name	Insurance Company
Address	Address	Address
City, State, Zip Code	City, State, Zip Code	City, State, Zip Code
DOB		Policy Number
SSN		Group Number

COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____ Case No. _____
Plaintiff/Petitioner

Judge _____

v./and

Magistrate _____

_____
Defendant/Petitioner

Instructions: Check local court rules to determine when this form must be filed.
This affidavit is used to disclose health insurance coverage that is available for children. It is also used to determine child support. It must be filed if there are minor children of the relationship. **If more space is needed, add additional pages.**

HEALTH INSURANCE AFFIDAVIT

Affidavit of _____
(Print Your Name)

	Mother	**Father**
Are your child(ren) currently enrolled in a low-income government-assisted health care program (Healthy Start/Medicaid)?	☐ Yes ☐ No	☐ Yes ☐ No
Are you enrolled in an individual (non-group or COBRA) health insurance plan?	☐ Yes ☐ No	☐ Yes ☐ No
Are you enrolled in a health insurance plan through a group (employer or other organization)?	☐ Yes ☐ No	☐ Yes ☐ No
If you are not enrolled, do you have health insurance available through a group (employer or other organization)?	☐ Yes ☐ No	☐ Yes ☐ No
Does the available insurance cover primary care services within 30 miles of the child(ren)'s home?	☐ Yes ☐ No	☐ Yes ☐ No

	Mother	Father
Under the available insurance, what would be the annual premium for a plan covering you and the child(ren) of this relationship (not including a spouse)?	$ _____	$ _____
Under the available insurance, what would be the annual premium for a plan covering you alone (not including children or spouse)?	$ _____	$ _____
If you are enrolled in a health insurance plan through a group (employer or other organization) or individual insurance plan, which of the following people is/are covered:		
Yourself?	☐ Yes ☐ No	☐ Yes ☐ No
Your spouse?	☐ Yes ☐ No	☐ Yes ☐ No
Minor child(ren) of this relationship?	☐ Yes ☐ No Number _____	☐ Yes ☐ No Number _____
Other individuals?	☐ Yes ☐ No Number _____	☐ Yes ☐ No Number _____
Name of group (employer or organization) that provides health insurance	_____	_____
Address	_____ _____	_____ _____
Phone number	_____	_____

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

Sworn before me and signed in my presence this _____ day of _____, _____.

_____
Notary Public
My Commission Expires:
_____

Name of Child _____ _____ Case No. _____

Instructions: This form is used when you are claiming the other party has not paid health care bills. **Use a separate form for each child.** A Motion for Contempt and Affidavit (Uniform Domestic Relations Form 21) and a Show Cause Order, Notice and Instructions to the Clerk (Uniform Domestic Relations Form 22) must be filed. You must bring copies of health care bills, Explanation of Benefits forms, and proof of payment to the hearing. Be prepared to indicate the amount owed to you, service providers, collection agencies, or other entities. **If more space is needed, add additional pages.**

EXPLANATION OF HEALTH CARE BILLS

Date of Treatment	Name of Service Provider (e.g., Doctor, Dentist, Therapist, Hospital) & Services Provided	Total Bill	Date Bill Sent to Other Party	Amount Insurance Paid	Amount You Paid	Amount Paid by Other Party	Amount of Unpaid Bill	Amount Due from Other Party

_____ _____
Your Signature Date

Total Amount of Claim $ _____

COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____
Plaintiff/Petitioner 1

v./and

_____
Respondent/Petitioner 2

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed.
List ALL OF YOUR PROPERTY AND DEBTS, the property and debts of your spouse, and any joint property or debts. Do not leave any category blank. For each item, if none, put "NONE." If you do not know exact figures for any item, give your best estimate, and put "EST." **If more space is needed, add additional pages.**

AFFIDAVIT OF PROPERTY

Affidavit of _____
(Print Your Name)

I. REAL ESTATE INTERESTS

Address	Present Fair Market Value	Titled To	Mortgage Balance	Equity (as of date)
[redacted]				
2. _____	$ _____	☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both	$ _____	$ _____

TOTAL SECTION I: REAL ESTATE INTERESTS $ _____

II. OTHER ASSETS

Category	Description (List who has possession)	Titled To	Value/Date of Value
A. Vehicles and Other Certificate of Title Property	(Include model and year of automobiles, trucks, motorcycles, boats, motors, motor homes, etc.)		
		☐ Your Name ☐ Spouse's Name ☐ Both	$
2.		☐ Your Name ☐ Spouse's Name ☐ Both	$
4.		☐ Your Name ☐ Spouse's Name ☐ Both	$
6.		☐ Your Name ☐ Spouse's Name ☐ Both	$
B. Financial Accounts	(Include checking, savings, CDs, POD accounts, money market accounts, etc.)		
		☐ Your Name ☐ Spouse's Name ☐ Both	$
2.		☐ Your Name ☐ Spouse's Name ☐ Both	$
4.		☐ Your Name ☐ Spouse's Name ☐ Both	$

Category	Description (List who has possession)	Titled To	Value/Date of Value
C. Pensions & Retirement plans	(Include profit-sharing, IRAs, 401k plans, etc.; Describe each type of plan)		
		☐ Your Name ☐ Spouse's Name ☐ Both	$
2.		☐ Your Name ☐ Spouse's Name ☐ Both	$
4.			
D. Publicly Held Stocks, Bonds, Securities, & Mutual Funds			
		☐ Your Name ☐ Spouse's Name ☐ Both	$
2.		☐ Your Name ☐ Spouse's Name ☐ Both	$
4.			

Category	Description (List who has possession) (Type of ownership and number)	Titled To	Value/Date of Value
E. Closely Held Stocks & Other Business Interests and Name of Company			
2.		☐ Your Name ☐ Spouse's Name ☐ Both	$

F. Life Insurance Type (Term/Whole Life) (Any cash value or loans) (Insured party & value upon death)

2. _____ ☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both $ _____

4. _____ ☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both $ _____

Category	Description	Who Has Possession	Value/Date of Value
G. Furniture & Appliances	(Estimate value of those in your possession and value of those in your spouse's possession)		
2.		☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both	$ _____
4.		☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both	$ _____

H. Safe Deposit Box (Give location and describe contents) Titled To

2. _____ ☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both $ _____

I. Transfer of Assets

Explanation: List the name and address of any person (other than creditors listed on your Affidavit) who has received money or property from you exceeding $300 in value in the past 12 months and the reason for each transfer.

☐ _____ Your Name $ _____

☐ _____ Spouse's Name

2. ☐ Both

☐ _____ Your Name $ _____

☐ _____ Spouse's Name

4. _____ _____ ☐ Both _____

Category	Description (Also list who has possession)	Titled To	Value/Date of Value

J. All Other Assets Not Listed Above

Explanation: List any item you have not listed above that is considered an asset.

☐ _____ Your Name $ _____

☐ _____ Spouse's Name

2. _____ _____ ☐ Both _____

TOTAL SECTION II: OTHER ASSETS $ _____

III. SEPARATE PROPERTY CLAIMS: Pre-marital assets, gifts to one spouse only, inheritances

If you are making any claims in any of the categories below, explain the nature and amount of your claim. **This includes, but is not limited to, inheritances, property owned before marriage, and any pre-marital agreements.**

Category (Pre-marital Gift, Inheritance, etc., acquired after separation)	Description	Why do you claim this as a separate property?	Present Fair Market Value
1. _____	_____	_____	$ _____
2. _____	_____	_____	$ _____
3. _____	_____	_____	$ _____
4. _____	_____	_____	$ _____
5. _____	_____	_____	$ _____

TOTAL SECTION III: SEPARATE PROPERTY CLAIMS $ _____

IV. DEBT

List ALL OF YOUR DEBTS, the debts of your spouse, and any joint debts. Do not leave any category blank. For each item, if none, put "NONE." If you don't know exact figures for any item, give your best estimate, and put "EST." **If more space is needed to explain, please attach an additional page with the explanation and identify which question you are answering.**

Type	Name of Creditor/Purpose of Debt	Account Name	Name(s) on Account	Total Debt Due	Monthly Payment
A. Secured Debt (Mortgages, Car, etc.)					
			☐ _____ Your Name ☐ _____ Spouse's Name		
2.			☐ Joint	$	$
			☐ _____ Your Name ☐ _____ Spouse's Name		
4.			☐ Joint	$	$
B. Unsecured Debt, including credit cards					
			☐ _____ Your Name ☐ _____ Spouse's Name		
2.			☐ Joint	$	$

☐ _____ Your Name
☐ _____ Spouse's Name
☐ Joint

4. $ _____ $

TOTAL SECTION IV: DEBT $ _____

V. BANKRUPTCY

Filed by:
☐ _____ Your Name
☐ _____ Spouse's Name
☐ Both

Date of Filing: Case Number	Date of Discharge or Relief from Stay	Type of Case (Ch. 7, 11, 12, 13)	Current Monthly Payments
2. ☐ _____ Your Name ☐ _____ Spouse's Name ☐ Both			$ _____

TOTAL SECTION V: BANKRUPTCY $ _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____ swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

_____
Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

_____
Notary Public
My Commission Expires:
_____