

**2025**  
**Proposed Local Rule Amendments**  
**for the**  
**Court of Common Pleas**  
**Domestic Relations Division**  
**Summit County, Ohio**

**Proposed Local Rule Amendments for the  
Court of Common Pleas  
Domestic Relations Division  
Summit County, Ohio**

The Summit County Domestic Relations Court will accept public comments until January 15, 2026, on the following proposed amendments to the Rules of Practice and Procedure of the Court of Common Pleas Domestic Relations Division.

Comments on the proposed amendments should be submitted in writing to:

Renee Gosney-Shea, Judicial Attorney  
Honorable Katarina Cook  
Administrative Judge  
Summit County Domestic Relations Court  
205 South High Street  
Akron, Ohio 44308

Or  
RGosney-Shea@drcourt.org

no later than **January 15, 2026, at 4:00 p.m.**

Key to Proposed Amendments:

1. Existing language appears in regular type: text
2. Existing language appears in strikethrough: ~~text~~
3. New language to be added appears in underline: text

1. Proposed amendments to Local Rule 1 Compliance with Ohio Rules of Civil Procedure (now named General Provisions) and are numbered 1.01 through 1.15 and are listed as follows:
  2. New Local Rule 1.01-General.
  3. New Local Rule 1.02-Hours of Court Session.
  4. New Local Rule 1.03-Physical Address and Contact Information.
  5. New Local Rule 1.04-Clerk of Courts which includes 1.04(C) which is the former Local Rule 39 Public Access to Court Records.
  6. New Local Rule 1.05-Minor Children.
  7. New Local Rule 1.06-which includes language from Local Rule 22 Ex Parte.
  8. New Local Rule 1.07-Disabilites or Special Needs-which includes language from Local Rule 38 Special Needs.

9. New Local Rule 1.08-Interpreter Services -which includes language from Local Rule 38 Special Needs.
10. New Local Rule 1.09-Court Security Plan- which includes language from Local Rule 43 Court Security.
11. New Local Rule 1.10-Check in & Conference Rooms.
12. New Local Rule 1.11-Court Decorum-which includes language from Rule 36 Court Decorum.
13. New Local Rule 1.12-Conflicts of Interest-which includes language Local Rule 37 Conflicts of Interest.
14. New Local Rule 1.13 Forms-which substitutes for former Local Rule 2.13 Blank Forms.
15. New Local Rule 1.14-Court Technology.
16. New Local Rule 1.15-Definitions which includes former Local Rule 40(A) Definition of Terms.
17. Proposed Amendments to Local Rule 2- Pleadings, Motions, and Orders (now named Filing Pleadings, Motions and Orders) which now include provisions of former Local Rule 40 Electronic Filing of Court Documents.
18. Proposed Amendments to Local Rule 4 Court Costs (now named Filing Fees and Court Costs).
19. Proposed Amendments to Local Rule 12 (Trials and Evidentiary Hearings)
20. Proposed Amendments to Local Rule 15 Domestic Violence Actions (now named Civil Protection Orders) and now includes 15.10- Civil Protection Order Reporting to Law Enforcement.
21. Local Rule 22 Ex Parte is now Local Rule 22 RESERVED.
22. Proposed Amendments to Local Rule 36 Court Decorum (which will now be named Outside Evaluators)
23. Newly created Local Rule 36.1 which will now be named Custody Evaluators.
24. Local Rule 37 Conflicts of Interest is now Local Rule 37 RESERVED.
25. Local Rule 38 Special Needs is now Local Rule 38 RESERVED.
26. Local Rule 39 Public Access to Court Records is now Local Rule 39 RESERVED.
27. Local Rule 40 Electronic Filing of Court Documents is now Local Rule 40 RESERVED.
28. Proposed Amendments to Local Rule 41 Records Retention
29. Local Rule 43 Court Security is now Local Rule 43 RESERVED.

The above amendments are adopted effective December 31, 2025, pursuant to Sup.R. 5(A)(2), subject to public comment.

There are comments below to the proposed new rules to explain any significant changes. Text that remains unchanged, but moved to a new rule number, appears in regular type. Thus, only deleted and added language appears in red with strikethrough or underlining, as appropriate.

## Local Rules 2025 Amendments

### ~~RULE 1—COMPLIANCE WITH OHIO RULES OF CIVIL PROCEDURE~~

~~Unless otherwise provided herein, all pleadings, motions, and other filings shall comply in form and content with the Ohio Rules of Civil Procedure and the Local Rules of this court.~~

### Chapter 1 - General Provisions

#### Rule 1.01 – General

- (A) These rules are known as the Amended Rules of Practice and Procedure of the Court of Common Pleas Domestic Relations Division Summit County, Ohio, and are referred to as “Local Rules” and may be cited as “Loc.R. ”.
- (B) These rules conform to the Ohio Revised Code, Ohio Rules of Civil Procedure and the Rules of Superintendence for the Courts of Ohio and provide for the efficient and expeditious management of business before the Domestic Relations Division of the Court of Common Pleas for Summit County, Ohio, (“Court”) with due regard to local practices and requirements.
- (C) These rules are not intended to supersede the Rules of Superintendence established by the Supreme Court of Ohio, the Ohio Rules of Civil Procedure or the Ohio Revised Code. Any previously ordered local rules of practice that conflict with the last amended version of the rule shall be rendered void and of no force or effect.

#### Rule 1.02 - Hours of Court Sessions

- (A) **Hours.** The hours of the Court are generally Monday through Friday from 8:00a.m. to 4:00 p.m. The Court shall be in session at such other times and hours as the administrative judge shall prescribe to meet special situations or conditions. The Court shall be closed at such times as the administrative judge prescribes.
- (B) **Holidays.** The Court is closed for the following annual holidays: New Year’s Day, Martin Luther King Jr. Day, Presidents’ Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Eve and Christman Day and any other holidays approved by Summit County Council.
- (C) **Notifications.** The Court provides notice of closures not identified in these rules by posting on the Court’s website and physical notice at the Court.

## Rule 1.03 - Physical Address and Contact Information

Summit County Domestic Relations Court

205 South High Street

Akron, Ohio 44308

Unless otherwise specified, direct all inquiries to this phone number:

Telephone: 330-643-2365

Internet Address: [www.drcourt.org](http://www.drcourt.org)

A Court Directory is available at [www.drcourt.org/wp/about/information](http://www.drcourt.org/wp/about/information)

## Rule 1.04 - Clerk of Courts

- (A) **General.** The Summit County Clerk of Courts, Domestic Relations Division (“Clerk”) is responsible for receiving filings and managing and retaining the official record of the Court. Though the Clerk and the Court work closely together, the roles and responsibilities are distinct.
- (B) **Clerk Policies.** For information about the Clerk, including hours of operation, Clerk policies and procedures, or the record, please contact the Clerk at 330-643-2202 or visit <https://clerkweb.summitoh.net>.
- (C) **Online Docket/Public Access to Court Records.** At the discretion of the Clerk of Courts, certain court records ~~may be made available for electronic viewing via the internet~~ and case information including orders of the Court, pleadings, motions, notices, and hearing schedule is available on web-based public access docket located at <https://clerkweb.summitoh.net> or other means.
- (D) **Public Access to Court Records Prohibited.**

(B) The following information shall not be available for public viewing via the internet, ~~or~~ other electronic means, or otherwise:

- (1) social security numbers of any person;
- (2) bank account or credit card numbers;
- (3) separation agreements;
- (4) shared parenting plans;

- (5) Financial affidavits, Health Insurance Affidavits .
- (6) Family Court Services referrals;
- (7) income tax returns;
- (8) third-party pleadings that contain any of the above information;
- (9) exhibits attached to pleadings or submitted at hearings;
- (10) letters;
- (11) pretrial, post-trial, and post-decree briefs, statements, and memoranda;
- (12) transcripts;
- (13) Qualified Domestic Relations Orders;
- (14) Documents to which public access has been restricted pursuant to ~~division E~~ of Sup.R. 45(E) or by court order;
- (15) Items excluded from the definition of “Case Document” pursuant to Sup.R. 44 or other documents which any Superintendence Rule limits public access; ~~or~~
- (16) other documents and pleadings as ordered by the court not to be made available for electronic viewing;

(17) In Camera Interviews of minor children, or

(18) Civil Protection Order records which have been permanently sealed by Court Order pursuant to O.R.C. Section 3113.31(G)(2).

~~(C) There shall be no public access (electronic or otherwise) to items excluded from the definition of “Case Document” pursuant to Sup.R. 44 or other documents which any Superintendence Rule limits public access.~~

## Rule 1.05 - Minor Children

- (A) Minor children are not permitted in the Court waiting area unattended under any circumstances.

- (B) Minor children are not permitted in a hearing room except if testifying as a witness or upon order to appear for *in camera* interview.
- (C) Minor children shall not be permitted to testify as witnesses in any action, absent good cause shown and with leave of court.
- (D) The Children's Drop-In Center on the Third Floor is available for child-care from 9:00 a.m. to 4:00 p.m. and may be used while you have business at the Summit County Domestic Relations Court.
- (E) The Children's Drop-In Center is managed by the Victim's Assistance Program and has a caregiver on site. To ensure that the Center is open and fully staffed, please call ahead of time.

### Rule 1.06 – *Ex Parte* Communication with the Court

The following forms of communication are prohibited and are deemed *ex parte* communication:

- (A) **Communication about Merits of Case.** No attorney, party, witness nor any person affiliated thereto shall discuss the merits of any case orally or in writing with the judge or any magistrate of the Court without all litigants (or counsel if appearance is entered) participating in the discussion. This includes in person, telephonic or through any electronic means.
- (B) **E-Mail Communications.** No attorney, party, witness nor any person affiliated thereto shall communicate by email with the judge or any magistrate of the Court without all litigants (or counsel if appearance is entered) participating in the email communication. Email with judicial officers should be infrequent and reserved for courtesy copies as directed by the judicial officer, proposed orders, and scheduling matters as directed by the hearing officer. Email is not appropriate to convey information upon which action is being requested and will not be considered by the Court. Such information must be presented to the Court upon a properly filed pleading/motion or in a hearing.
- (C) **Written Communication.** If any attorney or party or any other persons on behalf of one of the parties submits written communication to any judicial officer or court employee without providing a copy to the opposing counsel or the other party, if not represented, the Court shall cause the written communication to be delivered to the judicial attorney for the assigned judge.
  - (1) (a) If the case is active and the written communication would be considered a substantive pleading (such as an answer, objections, motion to set aside, etc.), the Court shall label the pleading type, and file it with the Clerk of Courts ~~and mail a copy to the other party's attorney.~~
  - (b) If the case is not active and the written communication would be considered a substantive pleading, then an order shall issue from the assigned Court stating the written communication will not be filed with the Clerk of Courts, and said written communication shall be returned via regular US Mail.

- (2) Any miscellaneous written communication shall be copied and mailed to the opposing party with a letter from the Court that shall be filed with the Clerk stating that the *ex parte* communication is being returned as unread and shall not be considered by the Court.
- (3) ~~Procedural questions and miscellaneous correspondence.~~ Procedural questions and miscellaneous written communication will be handled by the judicial attorney for the judge assigned to the case.
- (D) **Unscheduled appearance.** Individuals appearing in person at Court without a scheduled hearing or meeting and seeking to communicate with the judge or any magistrate, will be directed to address any claim or request for relief through properly filed pleadings/motions.
- (E) **Case Information.** If a decision has not been issued within sixty (60) days from the date of hearing, counsel and/or the parties may contact the Court at 330-643-2365 to inquire as to the status.

## Rule 1.07 - Disabilities or Special Needs

- (A) **Disabilities or Special Needs.** Individuals with disabilities or special needs shall make requests for reasonable accommodation by contacting the Court Administrator's Office at 330-643-2365, via email at [admin@drcourt.org](mailto:admin@drcourt.org), or go to the ADA Requests tab at [www.drcourt.org](http://www.drcourt.org) and complete the online request form at least seven (7) days prior to any scheduled hearing.
- (B) **Service Animals.** In compliance with the provisions of the Americans with Disabilities Act (ADA), individuals with disabilities shall be permitted to be accompanied by their certified service animals in all unrestricted areas of the Domestic Relations Court, and may attend any hearing, meeting or other event.
- (C) **Emotional Support Animals (ESA),** that are not trained to provide direct assistance to an individual with a disability and whose sole purpose is emotional support are not permitted in the Court. If an individual appears with an ESA, they will need to make arrangements to find proper care for the animal or the hearing or meeting will be rescheduled.

## Rule 1.08 - Interpreter Services

- (A) **Request.** Individuals requiring an interpreter, except by oral motion at a hearing, shall contact the Court Administrator's Office at 330-643-2365 or via email at [admin@drcourt.org](mailto:admin@drcourt.org) at the time of their appearance in the case to request an interpreter.
- (B) **Cancellation.** It is the responsibility of the requesting party to notify the Court Administrator's Office if interpreter services are no longer necessary or if there is a change in the date or time or cancelation of the hearing. A motion to continue and a proposed order

must be filed at least three (3) business days in advance if an interpreter is scheduled for that hearing. Failure to timely file a motion to continue may result in the motion being denied.

## Rule 1.09 - Court Security Plan

- (A) **Court Security Plan.** For purposes of ensuring security in court facilities and pursuant to the provisions of the Ohio Court Security Standards adopted by the Supreme Court of Ohio in Rule 9 of the Rules of Superintendence for the Courts of Ohio and Ohio Revised Code Section 311.07, the Court adopts and abides by the security procedures of the Summit County Sheriff's Office by reference herein and incorporates the same in the Court's Local Rules. Any information contained in the plan and any information resulting from a court security review conducted by the Court or the Supreme Court from time to time shall not be a public record.
- (B) **Entrance.** All persons entering the Summit County Courthouse through the lobby doors of the Courthouse Building and will be subject to security screening.
- (C) **Screenings.** Screenings will occur for each visit to the Summit County Courthouse regardless of the purpose.
- (D) **Cellular Telephone and Recording Policy.**
- (1) Parties are permitted to use cellular telephones in court lobby areas.
  - (2) Telephones should be placed on vibrate to avoid disturbing others.
  - (3) Telephone conversations should be held in a low conversational tone.
  - (4) Any party having a loud conversation on the cell phone may be instructed by the bailiff to speak quietly, move to a meeting room, or discontinue the call.
  - (5) Cell phones should be turned off before going into a court hearing.
  - (6) Under no circumstances will parties be permitted to record (audio or video) or photograph any court proceeding or court-sponsored program.
  - (7) If any party attempts to make any recording or photograph during a hearing or program, the Security Bailiff shall confiscate the recording device, label it with the person's name, and retain the device until the person leaves the building.

## Rule 1.10 - Check in & Conference Rooms

- (A) **Second Floor:** persons having general questions regarding legal procedure or forms are directed to the first door labeled Domestic Relations Scheduling Department and those requesting services from Family Court Services or Mediation are directed to the second door.
- (B) **Third Floor:** The Victim Assistance Program Intake Office, Child Watch Room, the Quiet Space and the general magistrates' courtrooms are located on this floor.
- (C) **Fourth Floor:** The judges' and trial magistrates' courtrooms are located on this floor.

- (D) **Check in for hearings:** upon arrival, parties, counsel and persons appearing for a hearing are directed to check in at the Security Desk located on the 3<sup>rd</sup> and 4<sup>th</sup> Floors and comply with all instructions of reception staff and Court security.
- (E) **Conference rooms.** Conference rooms located on the third and fourth floors are generally not reserved and are available on a first-come first served basis.

## Rule 1.11 - Court Decorum

- (A) **Timeliness.** Hearings and conferences are expected to start on time. Attorneys and/or parties shall appear a minimum of 15 minutes prior to the scheduled hearing time to discuss any matters relevant to the hearing or conference. If a party and or counsel will be late, they are required to notify the Court immediately. Attorneys and/or parties failing to appear fifteen (15) minutes after the scheduled hearing time shall be deemed late and the Court may proceed with the hearing as previously scheduled in their absence.
- (B) **Mobile devices.** The use of mobile devices is prohibited in the courtrooms unless consent is given by the judge or magistrate.
- (C) **Attire.** ~~At court hearings~~ All persons must ~~shall~~ be properly attired ~~in the courtroom~~ when entering a courtroom. ~~If the parties are not properly attired, the court may order that the hearing will not go forward. Parties shall not bring children to any hearing. No attorney, party or witness shall be permitted to appear in a courtroom or offer testimony while in bare feet, flip-flops, cutoffs, tank tops, crop tops, halter tops, visible undergarments including boxer shorts and bras, hats, or any clothing containing drug/alcohol and tobacco slogans/political endorsements for persons or parties, profanity, racial/ethnic/religious slurs. Clothing that exposes excessive skin within the “privacy zone,” including cleavage, midriff, back and below the waist, shall not be permitted.~~
- (D) **Attorney Duty.** It shall be the duty of counsel to advise the parties and witnesses of this rule prior to their appearance at Court.

## Rule 1.12 – Conflicts of Interest

The Court, including all of its judges, magistrates and employees, shall not accept any gift, favor, or item from any attorney or party or any person on behalf of a party. Further, parties and/or attorneys shall bring to the Court’s attention any actual, implied or perceived conflict as soon as they become aware of such conflict.

## Rule 1.13 – Forms, Checklists and Instructions

The forms referenced in these Local Rules may be obtained at the Domestic Relations Scheduling Department or from Court’s website. There are Local Forms in addition to Supreme Court Forms with Checklists and Instructions to aid parties and attorneys with their filing. These instructions and checklists provide only information on legal procedure. No employee of this Court is permitted to provide legal advice.

## Rule 1.14 – Court Technology

(Reserved)

## Rule 1.15- Definitions

1. **File:** To deliver a legal document to the Clerk for entry into the official record.
2. **Filed:** the date or date-and-time stamping of a document.
3. **Calendar day:** including each of the seven (7) days of the week. The uses of “day” is presumed to be calendar unless otherwise specified.
4. **CSEA:** Child Support Enforcement Agency
5. **Initial Filing:** The filing of a document or documents which initiates a new case in the Court.
6. **Reactivating Filing:** A document or documents which invokes the continuing jurisdiction of the Court in a substantive matter after prior judgment was entered upon that subject matter.
7. **SETS:** Support Enforcement Transmittal System is the system utilized by CSEA to administer support orders.
8. **Submit:** To deliver a document to the custody of the Court for the Court’s consideration.
9. **Clerk Review:** A review of electronically filed documents by the Clerk of Courts in accordance with Court rules, policies, procedures and practices. Court Clerks may review the data and documents electronically submitted to ensure ~~compliance with rules, policies, procedures and practices~~ that submission will be properly uploaded into the electronic filing system and that the requisite forms are uploaded before acceptance and creating a docket entry or new case filing.
10. **CMS (Case Management System):** The Clerk of Courts case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.
11. **Court Electronic Record:** Any document that the Clerk receives in electronic form, record in its case management system and stores in its document management system. This includes notices and orders created by the Court and/or Clerk, as well as pleadings, other documents and attachments created by practitioners or parties. It does not include physical exhibits brought into the courtroom for the court’s or jury’s review, which are not susceptible of capture in electronic form.

12. **Document:** A filing made in either electronic format or paper form that will become the official record of the Court.
13. **Electronic Filing (E-Filing):** The electronic transmission, acceptance and processing of a filing. A single filing consists of data, one or more documents, and/or images.
14. **Electronic Service (E-Service):** The electronic transmission of an original document or notice to all other electronically-registered case participants via the electronic filing system.
15. **Original Document:** The electronic document received by the Clerk from the case participant/filer.

**Comment:**

Local Rule 1 is amended to provide basic information for all persons interacting with the Summit County Domestic Relations Court. The following Local Rules will be encompassed in the new Loc. R. 1 and have been moved and amended as follows:

Loc. R. 1

Loc. R. 22 Ex Parte – now 1.06

Loc. R. 36 Court Decorum – now 1.11

Loc. R. 37- Conflicts of Interest- now 1.12

Loc. R. 38 Special Needs- 1.07 AND 1.08 Interpreter Services

Loc. R. 39 Public Access to Court Records- now 1.04(C)

Loc. R. 43 Court Security now 1.09

# CHAPTER RULE 2 FILING PLEADINGS, MOTIONS, AND ORDERS

## 2.01 Form

### (A) Case Designation Form

Upon the filing of any new case, or with an Answer and Counterclaim, each party shall complete a Local Form 130 Case Designation Form which shall contain the names, ~~social security numbers~~, and dates of birth of all parties to the case, the name and registered agent of any entity listed as a party to the case as well as names and dates of birth of all minor children involved in the case. This form shall be stored in electronic format only by the Clerk of Courts.

### (B) Case Captions.

(1) The caption of all complaints, petitions, answers, counterclaims and any other initial filing, shall state the name and address of the plaintiff and defendant/respective individual parties, or shall contain a certification that this information is unknown. Social security numbers and dates of birth shall not be included on pleadings unless required by the nature of the document (i.e., QDRO's or capias orders, etc.). The caption of all initial post-decree filings shall include the current addresses and email addresses of the parties.

(2)

~~(C)~~ The caption of all subsequent pleadings, motions, and other ~~papers documents~~ shall state the case number and the name of the judge and the magistrate to whom the case is assigned. In cases commenced by complaint, the subsequent captions shall state the name of plaintiff, defendant and any other party who has a relevant interest in the matter raised by the pleading. In cases commenced by petition, ~~the subsequent captions shall retain the caption of the original petition~~ any subsequent pleadings shall retain the party designations of the original captions; parties shall be designated by their names in the body of the motion.

(3) The caption of all final orders including judgment entries, agreed entries, dismissals, and/or any other pleading or document which concludes the case shall contain the name and current address of all parties.

(4) Under certain circumstances where a party believes that the health, safety, or liberty of the party or that party's child(ren) could be jeopardized by the disclosure of their actual physical address or their identifying information, an alternate address that can accept service may be used. The party is to indicate that this is an alternate address. The Court may conduct a hearing regarding the basis for the request to place the actual address under seal.

~~(D)~~ (C) Format. All ~~papers documents~~, including orders, filed with the Clerk of Courts shall be typewritten or legibly printed on 8 1/2" x 11" inch paper, without backing. The face caption of all ~~papers documents~~ shall provide a blank space approximately 3" three inches in diameter in the upper right portion of the page, and sufficient to permit the Clerk of Courts to add the time-stamp imprint. The top one inch of the page shall also be left blank for the Clerk's e-filing time stamp. Child Support Enforcement Agency (CSEA) forms are exempt from this requirement.

~~(E)~~(D) **Signature lines.** All ~~papers~~ documents filed with the Clerk of Courts by an attorney shall bear the attorney's name, office address, Ohio Supreme Court registration number, telephone number, and e-mail address. All documents filed with the Clerk of Courts by an unrepresented party shall bear the party's name, complete address, telephone number and e-mail address.

~~(F)~~(E) **Motion case captions.** ~~All motions shall be made in writing and state with particularity the grounds and relief sought.~~

~~(G)~~ All motions shall state in the caption each issue to be addressed by the court (example: motion for modification of parenting time, motion for modification of child support, motion for contempt). All motions regarding child support shall specify the SETS number in the caption if a SETS account has been created by the CSEA.

~~(F)~~ **Amendments.** Pleadings, motions and other papers may be amended as provided in the Ohio Rules of Civil Procedure, but no amendment may be made by interlineation or obliteration, except with Court approval.

~~(H)~~—~~All child support orders shall include a child support worksheet and SETS number if a SETS account has been created by the CSEA.~~

## 2.02 **RULE 40** **ELECTRONIC FILING OF COURT DOCUMENTS**

In compliance with O.R.C. Section 2302.081 (A), pleadings or documents may be filed with the Clerk of Courts either in paper format or in electronic format.

### A. ~~DEFINITION OF TERMS:~~

~~Clerk Review: A review of electronically filed documents by the Clerk of Courts in accordance with Court rules, policies, procedures and practices. Court Clerks may review the data and documents electronically submitted to ensure compliance with rules, policies, procedures and practices before acceptance and creating a docket entry or new case filing.~~

~~CMS (Case Management System): The Clerk of Courts case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.~~

~~Court Electronic Record: Any document that the Clerk receives in electronic form, record in its case management system and stores in its document management system. This includes notices and orders created by the Court and/or Clerk, as well as pleadings, other documents and attachments created by practitioners or parties. It does not include physical exhibits brought into the courtroom for the court's or jury's review, which are not susceptible of capture in electronic form.~~

~~Document: A filing made in either electronic format or paper form that will become the official record of the Court.~~

~~Electronic Filing (E-Filing): The electronic transmission, acceptance and processing of a filing. A single filing consists of data, one or more documents, and/or images.~~

~~Electronic Service (E-Service): The electronic transmission of an original document or notice to all other electronically registered case participants via the electronic filing system.~~

~~Original Document: The electronic document received by the Clerk from the case participant/filer.~~

### Creating an E-File Account.

To electronically file (e-file) a document, register with the Summit County Clerk of Courts E-Filing System. Instructions are provided on the Summit County Clerk of Courts website.

#### ~~B. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS~~

~~All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders or other documents, submitted in designated eFile case types shall be filed electronically through the Clerk's authorized electronic filing system. Electronic filing shall be optional for all parties. ~~once the Clerk of Courts has systems in place to allow such filings. — Effective February 1, 2016, except for filings in Civil Protection Order cases and for specific documents listed in Rule 40 (B)(1), — electronic filing shall be mandatory for attorneys. After that date, the Clerk shall not accept or file any document in paper form except those listed below, in cases from parties represented by counsel.~~~~

##### ~~1. — Documents exempted from Electronic filing.~~

~~The following documents shall be exempted from electronic filing and shall continue to be filed on paper:~~

##### ~~a. — Motions and Judgment entries for court appointed counsel fees.~~

#### ~~C. ACTIONS EXEMPT FROM E-FILING PROCESS~~

~~All domestic relations cases are designated eFile cases, except for the Civil Protection Order Petitions, which are exempt from the E-Filing process. No electronic filings will be accepted on Civil Protection Order cases.~~

~~Petitions Filings for Civil Protection Orders can be filed in the Summit County Clerk of Courts' Office during normal business hours of Monday thru Friday 7:30am to 4:00pm. pursuant to Loc.R. 15 Civil Protection Orders.~~

#### ~~D. ELECTRONIC FILING AND SERVICE OF ORDERS AND NOTICES~~

~~For designated eFile case types, the Clerk shall serve notices, orders and other documents electronically subject to the provisions of Civ. R.4.~~

#### ~~E. OFFICIAL COURT RECORD~~

Documents that have been electronically filed or documents filed in paper form that have been scanned and uploaded to the Clerk's electronic filing system will constitute the official Court record. Electronically filed documents have the same force and effect as paper records filed by conventional means.

~~F.~~ FORMAT AND SIZE OF ELECTRONICALLY FILED E-FILED DOCUMENTS

~~All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as the Court may require.~~

~~Except for notarized documents or exhibits, a filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. A filed document shall not contain links to other documents or references in the Court's case management system, unless they are incorporated into the filed document. External links are prohibited.~~

All documents e-filed must conform to the Summit County Clerk of Court's specifications set forth in the E-Filing Attorney Manual. Visit <https://clerkweb.summitoh.net>.

~~G.~~ PROPOSED ORDERS

All electronically filed documents shall be filed with the Clerk in PDF format with the exception of proposed orders. A proposed order must be submitted in Word format (.doc\docx) with reference to the specific motion to which it applies. Proposed orders shall include an approval line on the bottom left side with the electronic signature (see rule 40(I)(1) below) of the attorney or party submitting the proposed order.

1. Proposed orders which include a hearing date must have the date pre-typed into the order. If a hearing date is required and not available when the motion is filed, the applicable motion should be filed, a hearing date obtained from the court, and that hearing date shall be inserted into the proposed order before submitting the order to the Court for signature.

2. Proposed orders which require the signature of BOTH the judge and magistrate shall be submitted through the e-filing system for signature to the magistrate. The magistrate will sign and forward the order to the judge.

3. Proposed Decrees of Dissolution or Uncontested Divorce must be submitted for at least two business days in advance of the upcoming dissolution or uncontested divorce hearing.

4. If a proposed order is not uploaded at the time the motion is filed or a copy of the motion is not sent to the assigned judge's bailiff or the magistrates' scheduler, the Court having no notice of said motion filing, shall take no action on that motion, which includes ruling on said motion.

~~H.~~ SIZE OF FILING

~~Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. If a document exceeds 30 MB in size, it may be filed in multiple transactions.~~

⌘ H. SIGNATURES FOR DOCUMENTS FILED ELECTRONICALLY

1. **Counsel of Record.** Documents filed electronically with the Clerk that require the attorney for represented party's an attorney's or filing party's signature shall be signed with a conformed signature of “/s/ (name)”. The conformed signature on an electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure and any other law.

The correct format is as follows:

s/Attorney Name  
Typed Attorney Name  
Ohio Supreme Court Number  
Attorney for (plaintiff or defendant name)  
Law Firm Name  
Address (full address)  
Telephone  
Email  
~~Fax~~

2. **Multiple Signatures:** When a stipulation or other document requires two or more signatures:
  - a. The filing party or attorney representing the party shall confirm that the content of the document is acceptable to all persons required to sign the document. The filing party or attorney representing the party will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.
  - b. The filing party or attorney representing the party then shall file the document electronically, indicating the signatories, e.g., /s/Jane Doe.

3. **Judge or Magistrate Signature:**

Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature combined with a digital signature.

All orders, decrees, judgments and other documents signed in this manner shall have the same force and effect as if the Judge or Magistrate had affixed ~~his or her~~ their signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

4. Self-represented (Pro Se) Party Signature Requirements.

All agreements or final orders signed by a pro se party are to be physically signed and filed over the counter or the document is to be scanned and uploaded as an exhibit to the Court's electronic filing system. No language on the signature line such as “telephone approval”, “verbal approval”, or “email approval” is permitted. Only the actual signature of the pro se party is permitted.

⌘ I. E-FILE TIMESTAMP

Documents filed electronically shall be considered as filed with the Clerk of Courts when the document submission is complete. The Clerk's Electronic E-Filing System will

acknowledge date and time on all submissions.

An electronic filing may be submitted to the Clerk twenty-four (24) hours a day, seven (7) days a week. Any document filed after 11:59 p.m. Eastern Standard Time or Eastern Daylight Time shall be deemed to have been filed on the next court day.

The Clerk's electronic filing system is hereby appointed the agent of the Summit County Clerk of Courts for the purpose of electronic filing, receipt, service and retrieval of electronic documents.

Upon receipt of an e-filing, the Clerk's filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing. A temporary case number will be assigned for all new case filings. A filer will receive subsequent notification from the Clerk of Courts that the filing has been accepted or rejected by the Clerk's Office for docketing and filing into the CMS. Each document will receive an electronic stamp that includes the date, time, case number and assigned judge name. In the event the Clerk rejects a submitted document, the document shall not become part of the official court record and the filer may be required to re-file the document to meet necessary filing requirements.

If the electronic filing is not filed with the Clerk because of an error in transmission of document to the Clerk's electronic filing system, the Clerk may, upon satisfactory proof, enter a ~~none-pro-tune-order~~ correction entry to the date it was sent electronically.

Any changes to an electronically filed document that may be required by the Clerk's office will be considered amendments to the original filed document, such that the filing date of the original filed document will control for purposes of meeting any filing deadlines.

#### ~~K.~~ J. SERVICE OF ELECTRONICALLY FILED DOCUMENTS

Whenever a document is filed electronically and has been accepted into the Clerk's E-filing system, the system will generate a notification of electronic filing to the filing parties or their designated counsel, the Court and any other party who is a registered user of the electronic filing system. The notification of electronic filing via the Clerk's electronic filing system shall constitute service under Civ. R. 4 and 5.

Upon filing the original complaint, cross claim complaint, counterclaim complaint or third party complaint electronically, the filing party shall also file instructions for service electronically. The Clerk shall issue a summons and process the method of service in accordance with local rules and Civ. R. 4.1

Service of documents after the complaint shall be considered as valid and effective on all parties and shall have the same legal effect as an original paper document served under former rules. Pro Se parties or attorneys who have not registered in the Clerk's electronic filing system shall be served a paper copy by the filing party and/or the Clerk or Courts in accordance with the applicable ~~Ohio Court Rules~~ Civ. R. 5.

The copies of complaints used for service will be prepared by the Clerk of Courts Office and will be taxed as costs to the case.

A Certificate of Service on all parties entitled to service is required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled. Parties are not to rely on the Court's electronic filing system for service, and must, at a minimum, send via the party's and/or attorney's email that was provided to the Clerk of Courts.

Service of proposed entries and orders upon all parties that are not registered users of the system and must be served by regular U.S. Mail shall be the responsibility of the filing party, not the Clerk of Courts.

If there is a failure of electronic service on a party, the party to be served may be entitled to an order extending the date for any response or period within which any right, duty or act must be performed.

~~L.~~ K. PROVIDING NOTICE TO THE COURT (COURTESY COPIES)

~~When documents are filed electronically, courtesy copies will not be required to be given to the Court. However, when documents are not filed electronically, a courtesy copy is required to be provided to the Court.~~

While courtesy copies are no longer required to be provided to the Court, without notice of a filing, the Court is unable to rule or make orders based on that filing. The following are acceptable methods for notifying the Court:

1. Upload a proposed order to the Court's Electronic Filing System. (see Loc. R. 2.02 (B) above;
2. Contact the bailiff of the assigned judge at the contact listed on the Court's website;
3. Contact the Court Schedulers by calling 330-643-2365 or emailing schedulers@drccourt.org and attaching a copy of the filing to that email; or
4. Dropping off a physical copy of the filing to the Court Security Bailiff.

~~M.~~ L. PRO SE (SELF-REPRESENTED) PARTIES

Pro Se Parties will be required to follow all of the electronic filing rules. If a Pro Se Party does not have access to the Clerk's electronic filing system, the filer may submit paper documents to the Clerk of Courts Office during normal business hours of Monday thru Friday 7:30 AM to 4:00 PM. The Clerk will accept paper documents and scan them into the Clerk's Case Management System. If a Pro Se Party does not file electronically, the party will be responsible for service of all documents as stated under Civ. R. 5 and must attach the proper proof of service before filing with the Clerk.

~~N.~~ M. PAYMENT OF FILING FEES

In compliance with R.C. Section 2303.081(B)(2), the Clerk of Courts has provided for an electronic payment system for filing of pleadings and documents. See Rule 4 Filing Fees and Court Costs.

~~O.~~ N. SEALED DOCUMENTS

The Clerk of Courts shall not accept any document to be filed under seal unless there is a previously signed protective order or order authorizing that a document be filed under seal and the order designates a level of access. If a protective order or order authorizing that a document be filed under seal does not include a designated level of access, the filer will be required to file a proposed order designating a specific level of access for the protective order or the order to seal. The Clerk ~~will~~ shall accept the documents to be filed under seal once an order is approved and filed with the Clerk of Courts.

Parties who attempt to file a sealed document without an approved order may have their document rejected by the Clerk and be forced to re-submit the document pursuant to the procedures outlined in this rule.

**P. Q. TECHNICAL DIFFICULTIES WITH ELECTRONIC FILINGS**

If a party is unable to file electronically due to exceptional circumstances, such as power outages or system failures, and, as a result, misses a filing deadline, the party may submit the untimely filed document, accompanied by an affidavit, as a separate document, stating the reason for missing the deadline. The document and affidavit must be filed, either electronically or in person at the Clerk's office, no later than 4:00 P.M. (if filing in person) or 11:59 PM (if filing electronically) of the first day on which the Court is open for business following the original filing deadline.

**~~Initial filings and affidavits~~**

~~(A) — **Divorces, annulments, legal separations.** When a complaint is filed, a party shall also file an Affidavit of Income and Expenses, and Affidavit of Property. If there are minor children, the party shall file a Health Insurance Affidavit, Parenting Proceeding Affidavit, as well as an Application for Child Support Services Non Public Assistance Applicant (JFS 07076) provided by the CSEA the affidavits shall be served on the Defendant with the complaint.~~

~~(B) — **Parentage complaints.** When a parentage complaint is filed, a party shall also file an Affidavit of Income and Expenses, Health Insurance Affidavit, Parenting Proceeding Affidavit, and an Application for Child Support Services Non public Assistance Applicant (JFS 07076) provided by CSEA. The affidavits shall be served on the defendant with the complaint. See also Rule 16.~~

~~(C) — **Answers and counterclaims.**~~

~~—— (1) **Divorces, annulments, legal separations.** A party who files an answer and/or counterclaim shall also file an Affidavit of Income and Expenses and Affidavit of Property. If there are minor children, the party shall file a Parenting Proceeding Affidavit, Health Insurance Affidavit, as well as an Application for Child Support Services Non public Assistance Applicant (JFS 07076) provided by the CSEA. The affidavits shall be served on the plaintiff with the answer and/or counterclaim.~~

~~—— (2) **Parentage Complaints.** A party who files an answer and/or counterclaim shall also file an Affidavit of Income and Expenses, Health Insurance Affidavit, Parenting Proceeding Affidavit, and an Application for Child Support Services Non public Assistance Applicant (JFS 07076) provided by CSEA. The affidavits shall be served on plaintiff with the answer and/or counterclaim.~~

~~(D) — **Dissolution.** When a petition for a dissolution is filed, the parties shall file a Dissolution Affidavit of Property and Income. If there are minor children, the parties shall file a Parenting Proceeding Affidavit, Health Insurance Affidavit as well as an Application for Child Support Services~~

~~Non-public Assistance Applicant (JFS 07076) for services provided by the CSEA. A child support worksheet shall also be completed. See Rule 7.~~

~~(E) — **All cases with children.** In cases involving children the parties are required to attend an educational program.~~

~~—— (1) Upon the initial filing of a complaint for divorce, legal separation, or annulment, or a filing of a petition for dissolution of marriage, where minor children are involved the Clerk of Courts shall docket an order requiring both parties to attend the Remember the Children program within 60 days. A schedule of program dates is provided on the court’s website at [www.drcourt.org](http://www.drcourt.org). The Clerk of Courts shall serve this order on the defendant along with the complaint and provide the filing party with a copy of the order.~~

~~—— No dissolution hearing will be scheduled without leave of court until both parties attend the Remember the Children program. No final decree of divorce, legal separation or annulment shall be issued until both parties attend the Remember the Children program unless leave of court is obtained.~~

~~—— (2) An initial complaint to establish parentage and parenting rights shall include an order requiring both parties to attend the Working Together program on a specific date and time. Attendance at the program will occur prior to any hearing on the case. The court will dismiss the complaint if the filing party fails to attend the program without leave of court for good cause shown. See Rule 16 for further requirements.~~

## ~~2.023~~ **2.03 Court exhibit file.**

~~(A) — The Court will retain exhibits in a separate file from the case file kept by the Clerk of Courts.~~

~~(B) — This file will include, but will not be limited to the all exhibits which are submitted at temporary hearings, status, pretrial, and trial.~~

~~(C) — Upon the request of either party or an order of the court, the exhibits contained within this file shall be considered as part of “the original documents and exhibits filed in the trial Court” for purposes of the record. App. R. 9(A).~~

~~(D) — The Court will retain exhibits for at least one year following the conclusion of the proceeding for which the exhibits were submitted. Parties desiring the return of any exhibits submitted by them shall contact the Court Administrator after the time period for appeal has run. If no appeal has been filed, exhibits may be returned to the submitting party.~~

### **Initial filings and affidavits mandatory documents**

**(A) Divorces, annulments, and legal separations actions.** When a complaint is filed, a party shall also file an Affidavit of Income and Expenses, and Affidavit of Property. If there are minor children, the party shall file a Health Insurance Affidavit, Parenting Proceeding Affidavit, as well as an Application for Child Support Services Non Public Assistance Applicant (JFS 07076) provided by the CSEA the affidavits shall be served on the Defendant with the complaint.

Every initial filing, answer and/or counterclaim shall be accompanied by the following documents:

1. Affidavit of Basic Information, Income, and Expenses (Affidavit 1)
2. Affidavit of Property and Debt (Affidavit 2)

If there are minor children, in addition to those documents above:

3. Health Insurance Affidavit (Affidavit 4)
4. Parenting Proceeding Affidavit (Affidavit 3)

All documents shall be served with the initial filing or, in the case of an answer and/or counterclaim, at the time of that filing.

If there is a request for child support, whether by initial filing, counterclaim, or subsequent motion:

5. Application for Child Support Services, NonPublic Assistance (Local Form 11).

See Instruction 1- Divorce Online Checklist located on the Court’s website for further guidance.

~~**(B) Parentage complaints.**—When a parentage complaint is filed, a party shall also file an Affidavit of Income and Expenses, Health Insurance Affidavit, Parenting Proceeding Affidavit, and an Application for Child Support Services Non-public Assistance Applicant (JFS 07076) provided by CSEA. The affidavits shall be served on the defendant with the complaint. See also Rule 16.~~

**Dissolution.** Every petition for dissolution shall be accompanied by the following documents:

1. Separation Agreement
2. Waiver of Service
3. Dissolution Affidavit of Property and Income- Local Affidavit 6\* or Affidavit of Income and Expenses and Affidavit of Property and Debt  
\*Local Affidavit 6 is a joint document. If not used, then each party is to submit separate affidavits listed above.

If there are minor children, in addition to those documents above:

4. Parenting Plan/Shared Parenting Plan
5. Health Insurance Affidavit
6. Parenting Proceeding Affidavit

If there are **minor children**, in addition to those documents above:

7. Parenting Proceeding Affidavit
8. Health Insurance Affidavit
9. Application for Child Support Services Non-public Assistance Applicant (JFS 07076) for services provided by the CSEA. A child support worksheet shall also be completed.
10. Parenting Plan or Shared Parenting Plan
11. Parenting Time Schedule.

See Rule 7 Dissolutions and Instruction 2- Dissolution Online Checklist located on the Court’s website for further guidance.

~~**(B)**~~

~~**(C) Answers and counterclaims.**~~

~~—(1) **Divorces, annulments, legal separations.** A party who files an answer and/or counterclaim shall also file an Affidavit of Income and Expenses and Affidavit of Property. If there are minor~~

~~children, the party shall file a Parenting Proceeding Affidavit, Health Insurance Affidavit, as well as an Application for Child Support Services Non-public Assistance Applicant (JFS 07076) provided by the CSEA. The affidavits shall be served on the plaintiff with the answer and/or counterclaim.~~

~~(2) **Parentage Complaints.** A party who files an answer and/or counterclaim shall also file an Affidavit of Income and Expenses, Health Insurance Affidavit, Parenting Proceeding Affidavit, and an Application for Child Support Services Non-public Assistance Applicant (JFS 07076) provided by CSEA. The affidavits shall be served on plaintiff with the answer and/or counterclaim.~~

**Parentage Actions.** Every initial filing, answer and/or counterclaim shall be accompanied by the following documents:

1. Affidavit of Basic Information, Income, and Expenses
2. Health Insurance Affidavit
3. Parenting Proceeding Affidavit
4. Application for Child Support Services, NonPublic Assistance (JFS 07076).

All documents shall be served with the initial filing or, in the case of an answer and/or counterclaim, at the time of that filing. See also Rule 16.

(D)

~~**Dissolution.** When a petition for a dissolution is filed, the parties shall file a Dissolution Affidavit of Property and Income. If there are minor children, the parties shall file a Parenting Proceeding Affidavit, Health Insurance Affidavit as well as an Application for Child Support Services Non-public Assistance Applicant (JFS 07076) for services provided by the CSEA. A child support worksheet shall also be completed. See Rule 7.~~

**Grandparent, Third-Party Companionship or Legal Custody.** Every initial filing, answer and/or counterclaim shall be accompanied by the following documents:

1. Parenting Proceeding Affidavit
2. If the complaint or answer is accompanied by a request for child support, the filing party shall also file:
  - a. completed Affidavit of Basic Information, Income, and Expenses
  - b. Application for Child Support Services, NonPublic Assistance (JFS 07076).

The completed affidavits shall be served on all parties with the complaint or initial pleading. Should the filing party request immediate custody, Local Form 129, Motion for Temporary Custody should be filed with the Complaint.

See Instruction 4- Instructions for Filing for Legal Custody located on the Court's website for further guidance.

(E) **All cases with minor children.** In cases involving children the parties are required to attend an educational program.

- (1) Upon the initial filing of a complaint for divorce, legal separation, or annulment, or a filing

of a petition for dissolution of marriage, where minor children are involved, the Clerk of Courts shall docket an order requiring both parties to attend complete the Remember the Children program ~~within 60 days. A schedule of program dates is provided which is located~~ on the eCourt's website at [www.drcourt.org](http://www.drcourt.org) as set forth in Rule 32.03. The Clerk of Courts shall serve this order on the defendant along with the complaint and provide the filing party with a copy of the order.

No dissolution hearing will be scheduled without leave of court until both parties attend complete the Remember the Children program. ~~No final decree of divorce, legal separation or annulment shall be issued until both parties attend the Remember the Children program unless leave of court is obtained.~~

(2) ~~Upon the filing of A~~an initial complaint to establish parentage, ~~and~~ parenting rights, grandparent, third-party companionship or legal custody, and shall include the Clerk of Courts shall docket an order requiring both all parties to attend complete the Working Together ~~p~~Program ~~on a specific date and time as set forth in Rule 32.03. Attendance at the program will occur prior to any hearing on the case. The court will dismiss the complaint if the filing party fails to attend the program without leave of court for good cause shown. See Rule 16 for further requirements.~~

## 2.04 Mutual restraining order and Case Management Plan.

(A) Immediately upon the filing of the initial complaint ~~I~~n all cases ~~for, when the initial complaint~~ for divorce, annulment or legal separation ~~has been filed~~, both parties are restrained from:

- (1) Threatening, abusing, annoying, or interfering with the other party or the parties' child(ren);
- (2) Creating or incurring debt (such as a credit card) in the name of the other party or in the parties' joint names or causing a lien or loan to be placed against any of their real or personal property whether titled jointly or individually.
- (3) Selling, disposing of, or dissipating any asset, real or personal property (other than regular income), including without limitation: existing bank accounts, tax refunds, or bonuses of either party or a child and all retirement assets.
- (4) Removing, selling, and/or destroying personal items, household goods and/or furniture from the marital residence without approval of the eCourt or other party.
- (5) Changing or failing to renew the present health, life, home, automobile or other insurance coverage; removing the other party as beneficiary on any life or retirement benefits without further order of this eCourt.
- (6) Changing or establishing a new residence for the parties' minor children without the written consent of the other party or permission of the Court.
- (7) Expose the parties' minor children to their paramours without the written consent of the other party or permission of the Court.

(B) These restraints shall be imposed by the court's standard mutual restraining order which shall be accepted by plaintiff upon filing the complaint and shall be served upon defendant along with summons. Upon plaintiff's filing of a complaint, plaintiff is deemed to have notice of the mutual restraining order.

(C) In addition, both parties are ordered to continue to file taxes in the same manner previous

to this case filing until further order of this Court.

## 2.05 ~~Case management plan.~~

- ~~(A) If no answer to a complaint for divorce, annulment or legal separation is filed by the defendant, the case will be heard at an uncontested final hearing before the assigned judge or magistrate.~~
- ~~(B) If an answer has been filed, a status hearing date or initial pretrial conference date will be scheduled. The court will send notice of date and time of the status hearing or initial pretrial conference to counsel of record and any unrepresented party along with the mandatory exchange of discovery order required by Rule 16.01.~~

## Servicemembers Civil Relief Act.

- (A) In any action or proceeding commenced in this Court against an unrepresented party who is an active member of the military service, the Court may appoint an attorney to advise that party pursuant to the Servicemembers Civil Relief Act of 1940, 50 USC 501, et seq. as amended, and may set a fee for the attorney's services.
- (B) The Court may stay the proceedings pending the military member's availability for trial. During that stay, the military member will be ordered to cooperate in all discovery procedures and to notify the Court upon their return. (See, 50 U.S.C. 521). The military member will be advised of the right to obtain counsel and will be directed to file any motion or responsive pleading with respect to jurisdiction or any other issues.
- In any case in which child support payments are owed by a military member, the Court may require that individual to make an allotment from their pay and allowances for such support. See 42 U.S.C. 665(a)

## 2.06 ~~Leave to plead.~~

- ~~When a party desires a leave to plead, the party shall do the following:~~
- ~~(A) When no previous leave to plead has been taken, a party may obtain one automatic leave to plead by filing with the Clerk of Courts a certification that the party has not previously obtained any leaves to plead in that particular case. The leave to plead may not be for more than 21 days and a copy shall be mailed to the opposing party.~~
- ~~(B) One additional leave to plead may be obtained by a party for a period of 21 days by the filing of a stipulated leave to plead, noting the opposing party's consent and the length of the prior leave.~~
- ~~(C) Leave to plead instanter may be granted at the discretion of the court.~~
- ~~(D) Except as provided above, leaves to plead may be obtained only by written motion and order to the court. The motion shall set forth the number of leaves to plead previously~~

~~obtained and the total length of those leaves.~~

## Case management plan.

(A) If ~~the complaint and or initial filing has been properly served, and~~ no answer to a complaint for divorce, annulment or legal separation is filed by the defendant, the case will be heard at an uncontested final hearing before the assigned judge or magistrate. ~~The plaintiff is required to fully comply with the Order for Uncontested Divorce Hearing or the hearing may be continued.~~

(B) If an answer has been filed, ~~the uncontested hearing shall be converted to an a-status hearing date or~~ initial pretrial conference ~~on that same date will be scheduled.~~ The eCourt will send notice of date and time of the ~~status hearing or~~ initial pretrial conference to counsel of record and any unrepresented party along with the mandatory exchange of discovery order required by Rule ~~16.01~~ 20.03 and specifics of court appearance.

## 2.07 ~~Post-decree motions.~~

~~(A) Each post-decree motion will be assigned a motion number. If there are multiple motions, each item/branch will have a separate designation letter or number. A hearing cannot be scheduled until the motion has been filed and assigned a number.~~

~~(B) Post-decree motions which involve parental rights and responsibilities shall be accompanied by Information for Parenting Proceeding Affidavit, which shall be filed and served on the opposing party with the motion.~~

~~(C) Post-decree motions to modify or to terminate child support or spousal support shall be accompanied by an Affidavit of Income and Expenses and Health Insurance Affidavit (for child support motions), which shall be filed and served on the opposing party with the motion. The responding party shall file and serve an Affidavit of Income and Expenses and Health Insurance Affidavit (for child support motions) on the moving party prior to the scheduled hearing.~~

~~(D) Cases on microfilm. For any case for which the content of the Court's file has been converted to microfilm, it shall be the responsibility of the moving party to attach to the motion copies of all pertinent documents including but not limited to, decrees, agreements, support calculations, and relevant court orders/decisions. The motion with attachments shall be served upon the opposing party.~~

~~(E) Unless the motion has not been served, failure of the moving party to appear at the hearing may result in dismissal of the motion. If service was not obtained, the attorney or party may request the court to continue the hearing to a new date. See Rule 23.~~

## Leave to plead.

When a party desires a leave to plead, the party shall do the following:

- (A) When no previous leave to plead has been taken, a party may obtain one automatic leave to plead by filing with the Clerk of Courts a certification that the party has not previously obtained any leaves to plead in that particular case. A proposed order must be uploaded at the time the leave to plead certification is filed. The leave to plead may not be for more than 21 days and a copy shall be ~~mailed-provided~~ to ~~the~~ opposing partyies.
- ~~(B) One additional leave to plead may be obtained by a party for a period of 21 days by the filing of a stipulated leave to plead, noting the opposing party's consent and the length of the prior leave.~~
- ~~(C)~~ Leave to plead instanter may be granted at the discretion of the eCourt.
- ~~(D)~~ (C) Except as provided above, leaves to plead may be obtained only by written motion and a proposed order to the eCourt. The motion shall set forth the number of leaves to plead previously obtained, ~~and~~ the total length of those leaves, and the reasons for such request.

## 2.08 ~~Post-decree m~~Motions and Orders.

- ~~(A) Each post-decree motion will be assigned a motion number. If there are multiple motions, each item/branch will have a separate designation letter or number. A hearing cannot be scheduled until the motion has been filed and assigned a number.~~
- (A) All motions filed shall contain a request for service or a certification of service of the motion upon opposing counsel or unrepresented party and, if appropriate, a copy shall be mailed sent to all interested parties including, but not limited to, Family Court Services, guardians *ad litem*, and the Child Support Enforcement Agency.
- (B) It is the responsibility of the attorney or party filing a motion to obtain a hearing date and time from the Domestic Relations Scheduling Office by calling 330-643-2368 or using the online scheduling features in the electronic filing system. If the filing party does not obtain a hearing date, the motion or action may be dismissed for failure to prosecute.
- ~~(C) (1) Post-decree motions which involve parental rights and responsibilities or a third party request for legal custody or companionship shall be accompanied by a Parenting Proceeding Affidavit, which shall be filed and served on the other parties contemporaneously with the motion.~~
- ~~(2) Post-decree motions to modify or to terminate child support or spousal support shall be accompanied by an Affidavit of Income and Expenses and Health Insurance Affidavit (for child support motions), which shall be filed and served on the opposing party contemporaneously with the motion. The responding party shall file and serve an Affidavit of Income and Expenses and Health Insurance Affidavit (for child~~

support motions) on the moving party prior to the scheduled hearing.

(D) Cases on microfilm. For any case for which the content of the Court's file has been converted to microfilm, it shall be the responsibility of the moving party to attach to the motion copies of all pertinent documents including but not limited to, decrees, agreements, support calculations, and relevant court orders/decisions. The motion with attachments shall be served upon the opposing party.

~~(E)~~ (E) A party filing a motion on a routine matter which does not require a hearing (including but not limited to: motion to withdraw as counsel, motion for continuance, motion for extension of time to supplement an objection), shall deliver a time-stamped copy of that motion, with a proposed order to the Court, or may file the motion electronically and upload a proposed order to the judicial officers electronic workbasket.

~~(F)~~ (F) Unless the motion has not been served, failure of the moving party to appear at the hearing may result in dismissal of the motion. If service was not obtained, the attorney or party may request the court to continue the hearing to a new date. See Rule 23.

## 2.09 Notice of Intent to Relocate.

(A) Except as provided in Revised Code section 3109.051, (G) (2),(3) and (4), if a parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, that parent shall file with the Summit County Clerk of Courts, Domestic Relations Division, the following documents:

- (1) A Notice of Intent to Relocate, and
- (2) Instructions for service by ordinary U.S. mail to other party at the last known address, and
- (3) A proposed Order Re: Notice of Intent to Relocate.

Except for good cause shown this notice shall be filed as follows:

In advance of a move, the relocating parent shall file with the court, and serve upon the other parent, a Notice of Intent to Relocate with a proposed order. If required, the relocating parent shall obtain a hearing date with the Court upon filing a Notice of Intent to Relocate. Notice, at the latest, must be provided pursuant to the following timeline: (If the relocating parent misses the deadline, that parent shall file the notice as soon as possible providing good cause for missing the deadline. The Court will consider whether the relocating parent has shown good cause for the late notice at the subsequent hearing.) The following is the minimum amount of notice required:

- (a) 30 days if the move shall be within the current county of residence;

- (b) 60 days if the move shall be outside the current county of residence but within the same state;
  - (c) 90 days if the move shall be outside the current state of residence.
- (B) The non-relocating parent may file a written responsive pleading to the notice of intent to relocate within fourteen (14) days of service to address reallocation of parenting time and/or to object to the relocation.
  - (C) If the parties are in agreement with the relocation, they must file an agreed judgment entry with notarized signatures of each party prior to the hearing date. If the parties file an agreed entry, no hearing shall be required.
  - (D) The parties may also utilize the Informal Proceedings Program pursuant to Local Rule 32.04 prior to the filing of a Notice of Intent to Relocate.
  - (E) An Instruction Sheet for the Notice of Intent to Relocate, Notice of Intent to Relocate Form and Order for Relocation Hearing/Entry are available on the Court's website at [drcourt.org](http://drcourt.org) under the Forms tab and on the second floor of the Court.

## 2.10 Emergency *ex parte* motions and orders.

While the Court has the authority to issue *ex parte* orders, it is done only in limited circumstances. An *ex parte* motion must include a supporting affidavit from the party filing the motion detailing the grounds and irreparable harm that will occur should that motion not be granted. The circumstances are set forth as follows:

- (A) Property Issues. The court may issue emergency *ex parte* orders when it appears to the court, by motion and affidavit, that a party or a third party is about to dispose of or encumber property so as to defeat another party in obtaining an equitable division of marital property, a distributive award, spousal or other support, and/or to effectuate or enforce a prior court order.
- (B) Children's Issues. The basis of the *ex parte* emergency motion must specifically state the reason that an immediate order is needed to protect the health, safety and/or well-being of the minor child(ren). Generally, an *ex parte* award of temporary custody based on exigent circumstances shall not be granted. If an expedited hearing date is required, the moving party must request such relief in their initial pleading.
  - (1) A party may submit to the court a motion, affidavit in support and proposed order requesting *ex parte* relief with respect to children where:
    - (a) A residential parent is about to move out of the jurisdiction and the request is that the parent be restrained from removing the children from the jurisdiction;
    - (b) An order is needed to enroll a child in school. The order shall be limited

to authorizing the party to enroll the child pending further hearing.

- (2) Where *ex parte* relief is granted a *de novo* hearing shall be scheduled before either the judge or magistrate of record within ten business days. The emergency *ex parte* order shall remain in full force and effect until that hearing.

(C) A party may file a motion for Emergency Hearing and set forth specifically what is the basis for an expedited hearing. A copy of the motion and proposed order must be delivered in the matter as set forth in section 2.02 (L) above. The moving party should expect to be contacted by the Court no later than two business days. The party is to provide their working phone number and email address and the same contact information for all parties to be notified. The Court will make its best efforts to schedule a hearing as soon as possible if the safety of a minor child is deemed to be at issue.

(D) Abuse of the Ex Parte and Emergency Motion filing procedure may subject an attorney or self-represented movant to appropriate sanctions, including, but not limited to:

- (1) An award of attorney fees and or
- (2) A contempt citation.

## 2.11 Third-party motions.

A third-party motion, pursuant to Civ. R. 75, including, but not limited to, property, child support, and allocation of parental rights and responsibilities, shall be handled as follows:

- (A) A third party seeking to join the case shall file a motion setting forth the reasons for the joinder along with a proposed copy of the motion for relief requested. The third party shall also deliver a proposed order granting the joinder to the court.
- (B) After the order granting the joinder has been signed by the assigned judge, the third party shall file the order granting the joinder along with the motion for relief requested.
- (C) All motions shall comply with Local Rules 2.08 and 3.

## ~~2.12—Motion to intervene on workers’ compensation claims.~~

~~Attorneys may intervene for fees due in workers’ compensation claims. Intervention for attorney’s fees due in workers’ compensation related issues shall be handled pursuant to *Rowan v. Rowan* (1995), 72 Ohio St.3d 486 as follows:~~

- ~~(A) The attorney seeking to intervene shall file a motion to intervene and a motion setting forth the relief requested. The attorney shall deliver a time stamped copy of those motions to the court along with proposed orders granting the intervention and the relief requested.~~

~~\_\_\_\_\_ (B) After the orders have been signed by the court, the attorney shall file the orders.~~

~~\_\_\_\_\_ (C) All motions shall comply with Local Rule 3, “Service.”~~

## ~~2.13 Blank Forms.~~

~~\_\_\_\_\_ There are several forms including required affidavits, Application for Child Support Services, and various motions on the court’s web site at [www.drcourt.org](http://www.drcourt.org). Parties may use these forms as needed.~~

### Comment

Loc. R. 40 Electronic Filing has been moved to Loc. R. 2.02 to incorporate all instructions for filing.

The definition portion of Loc. R. 40(A) has been consolidated with the definitions section located in Loc. R. 1.15.

Loc. R. 2.02(K) Notice to the Court now provides various means an attorney or self-represented party can notify the Court of a filing.

Loc. R. 2.03 Case Exhibit File has been moved to Loc. R. 12 Trials and Evidentiary Hearings

Loc. R. 2.05 now adds provision for the Servicemembers Civil Relief Act.

Loc. R. 2.10 Emergency Ex Parte Motions and Orders has been amended to provide requirements and procedures to obtain such an order.

Loc. R. 2.12 has been deleted as infrequently utilized.

Loc.R. 2.13 Blank Forms has been consolidated with Loc. R. 1.13 Forms, Checklists and Instructions

## RULE 4 FILING FEES AND COURT COSTS

### 4.01 Costs deposit.

The Clerk of Courts shall not accept any action or proceeding for filing without a deposit as security for costs in the amount set forth on the schedule of filing fees. CSEA ~~forms filings~~ and ~~domestic violence civil protection order~~ petitions are exempted from this requirement.

### 4.02 ~~Indigence.~~ Waiver of Initial Filing Fee and/or Court Cost Deposit (MOTION TO PROCEED IN FORMA PAUPERIS)

- (A) If the filing party is without funds, or indigent, the requirement to pay a deposit for costs may be ~~met~~ waived if the party files a completed and notarized ~~Financial Disclosure/Fee Waiver~~ Affidavit listing the income, expenses, and assets of the party and states that the party is without funds or assets to pay the deposit accompanied by a Local Form 124 Motion to Proceed *in Forma Pauperis* and Local Form 125 Proposed Order. See Instruction #12.
- (B) If the filing party is represented by counsel, the attorney must also file a statement that no attorney fees have been paid by the client and certify to the eCourt that the appropriate filing fees will be paid to the court before counsel is paid.
- (C) ~~In cases where counsel is appointed by the Volunteer Legal Services Project counsel may accept the reduced retainer from the VLSP client, Counsel for parties in a program that receives a reduced fee such as the Community Legal Aid Pro Bono Program or the Akron Bar Association Modest Means Referral Service~~ but shall indicate that receipt on the statement-Financial Disclosure/Fee Waiver Affidavit.
- (D) If a Motion to Proceed *in Forma Pauperis* is filed, the Clerk of Courts shall immediately forward that motion and the proposed order to the eCourt for review. If the motion is not granted the eCourt shall enter an order providing for the payment of costs by a date certain or the case shall be dismissed.
- (E) The filing of the ~~poverty~~ Financial Disclosure/Fee Waiver ~~affidavit~~ does not relieve a party from liability for court costs. In addition, the approval of the Motion to Proceed in Forma Pauperis only allows the party the ability to initiate a new case without the payment of a filing fee. It does not extinguish the party's obligation to pay the court costs due on the action.

### 4.03 Subsequent deposit.

If, during the course of a proceeding, the eCourt learns that a party who has filed a ~~poverty~~ Financial Disclosure/Fee Waiver ~~affidavit~~ is or has become able to pay the applicable deposit, the eCourt may order that party to pay the deposit within a reasonable period of time commensurate with the circumstances.

### 4.04 Responsibility for costs.

All judgment entries shall contain a provision for payment of costs as ordered by the court. ~~CSEA~~

~~cases and Domestic Violence petitions are exempt from this requirement.~~ In the absence of a eCourt order, after application of all deposits, the balance of costs shall be divided equally between the parties.

#### 4.05 Application of deposit.

The Clerk of Courts is authorized to apply the deposit when, after 90 days from the date of the final decree, all attempts to collect the costs from the designated party have failed.

#### 4.06 E-Filing Procedure of Payment of Filing Fees.

Any document and/or court action that requires payment of a Filing Fee will be made by credit card through the Clerk's E-Filing System. The Clerk will not store credit card information at any level of processing. A confirmation receipt will be provided to the filing party upon submission of the action.

The Clerk's Electronic Filing system will accept a new case for filing without the payment of a filing fee, only if the new case includes all required documentation as set forth in Rule 4.02.

The Clerk of Courts will continue to accept payment of Filing Fees from litigants that are not able to use the e-filing system during regular business hours of Monday thru Friday 7:30AM to 4:00 PM.

#### 4.07 Unpaid Fees and Costs.

The Clerk may refuse to accept a filing if the filing party owes unpaid costs or fees on the case.

#### Comment

4.02 has been amended to add the Local Forms required to file a Motion and Order to Proceed in Forma Pauperis and update the programs now available for indigent parties and included language from Rule 40N-Motion to Proceed in Forma Pauperis.

4.06 has been added which has been taken from Rule 40 (O) PAYMENT OF FILING FEES

4.07 Unpaid Fees and Costs has been added when parties have an unpaid balance on a case to allow the Clerk to refuse to accept a case filing.

## RULE 12 TRIALS AND EVIDENTIARY HEARINGS

### 12.01 Exhibits.

- (A) All exhibits shall be marked prior to trial or evidentiary hearing and indicate whether submitted by plaintiff or defendant. Plaintiff shall use numbers and defendant shall use letters. The exhibit marker shall indicate the date of trial or evidentiary hearing.
- (B) Unless otherwise specified per Court scheduling or case management order, ¶the parties shall submit to the eCourt and the opposing party all expert witness reports not less than 30 days prior to the trial or evidentiary hearing absent leave of eCourt.
- (C) Unless otherwise specified per Court scheduling or case management order, ¶not less than seven days prior to the trial or evidentiary hearing, the parties shall submit to the eCourt and the opposing party copies of all documents or other exhibits to be introduced at the trial or evidentiary hearing. At the trial or evidentiary hearing, the eCourt will not admit any exhibits not timely submitted, except for good cause shown.
- (D) Electronic Evidence. No electronic devices are permitted to be uploaded to the Court's computers or computer system. For audio and video evidence, self-represented parties and attorneys are to complete an Electronic Evidence Form (Local Form 105). The completed form with the electronic evidence may be dropped off on the second floor at the Scheduling Department. Any other evidence must be labeled as an exhibit and printed on paper.

### 12.02 Witnesses.

Unless otherwise specified per Court scheduling or case management order, ¶not less than seven days prior to the trial or evidentiary hearing, the parties shall file with the Clerk of Courts and submit to the eCourt and the opposing party a list of all witnesses who will testify at the trial or evidentiary hearing including each witnesses name and address. At the trial or evidentiary hearing, the eCourt will not admit the testimony of any witnesses not timely listed, except for good cause shown.

### 12.03 Failure to comply.

Failure to comply with the above may result in sanctions against the non-complying attorney or party.

### 12.04 Findings and conclusions.

The eCourt may require the parties to file a brief on proposed findings of fact and/or conclusions of law.

12.05 2-03 Court exhibit file.

- (A) The Court will retain exhibits in a separate file from the case file kept by the Clerk of Courts.
- (B) This file will include, but will not be limited to the all exhibits which are submitted at temporary hearings, status, pretrial, and trial.
- (C) Upon the request of either party or an order of the eCourt, the exhibits contained within this file shall be considered as part of “the original papers and exhibits filed in the trial court” for purposes of the record. App. R. 9(A).
- (D) The Court will retain exhibits for at least one year past the time for appeal following the conclusion of the proceeding for which the exhibits were submitted. Parties desiring the return of any exhibits submitted by them shall contact the Court Administrator after the ~~time period for appeal has run~~ required retention period and complete Local Form 135 Exhibit Return Receipt. If no appeal has been filed, exhibits may be returned to the submitting party.

Comment

Loc. R. 12.01 D Electronic Evidence has been added providing procedures for submitting electronic evidence to the Court.

Loc. R. 2.03 Court exhibit file has been moved to Loc. R. 12, which provides procedures for exhibits submitted to the Court and Local Form 135 for receipt of returned exhibits.

## **RULE 15     CIVIL PROTECTION ORDERS DOMESTIC VIOLENCE ACTIONS**

### **15.01    Filing for a Domestic Violence or a Dating Violence Civil Protection Order.**

(A)    **Name of parties.** A person who wants to file for a Domestic Violence Civil Protection Order or a Dating Violence Civil Protection Order (CPO) is referred to as the “petitioner”. The person against whom the CPO is filed is referred to as the “respondent”.

(B)    **Informational Video Series. Where to find assistance.** ~~The Court provides a 3-part informational video series which explains the procedures for obtaining either protection order. These can be found on this Court’s website at [www.drcourt.org](http://www.drcourt.org). Viewing the first video is required if filing a petition without counsel (*pro se*) at the Clerk’s office. The petitioner may file for a CPO *pro se* or may hire a private attorney. The petitioner may apply for assistance from Community Legal Aid Services (330) 535-4191, or may request the assistance of a victim advocate for help in filing the necessary paperwork for the CPO and for attending all hearings.~~

(C)    **Where to find assistance.** The petitioner may file for either protection order *pro se* or may hire a private attorney. The petitioner may apply for assistance from Community Legal Aid Services (330) 535-4191, or may request the assistance of a victim advocate for help in filing the necessary paperwork for either protection order and for attending all hearings.

(1)    Both the ~~Battered Women’s Shelter~~ Victim Assistance Program and the Hope and Healing Survivor Resource Center (“Hope and Healing”) provide victim advocates.

(2)    If the petitioner requests assistance from either of the victim advocate programs listed above, the victim advocate will conduct a short interview to see if the person qualifies for a CPO protection order. ~~If the person qualifies, a mandatory appointment is scheduled.~~ At the appointment, the advocate will help the person complete the necessary paperwork for filing for either a domestic violence CPO or a dating violence CPO, help the person file the necessary paperwork, and attend all hearings with the person.

(C)    **Where to obtain necessary paperwork.** The petitioner may obtain the necessary paperwork to file for ~~a~~ either a domestic violence CPO or a dating violence CPO from the following:

Domestic Relations Court website: [www.drcourt.org](http://www.drcourt.org) or by calling:

Domestic Relations Court (330) 643-2365

Clerk of Courts, Domestic Relations Division (330) 643-2201

**Municipal Clerk of Courts in**

~~(a) — Akron (330) 375-2920~~

~~(b) — Barberton (330) 753-2261~~

~~(c) — Cuyahoga Falls (330) 971-8110~~

~~Akron Prosecutor’s Office (330) 375-2730~~

~~Barberton Prosecutor’s Office (330) 848-6728~~

~~Cuyahoga Falls Prosecutor’s Office (330) 971-8110~~

Victim Assistance Program (330) 376-0040

Hope and Healing Battered Women’s Shelter Legal Advocate’s Office (330) 375-2247

**(D) What must be filed for a protection order.**

(1) The necessary paperwork for filing for a Domestic Violence CPO is as follows:

~~(1 a)~~ Petition for Domestic Violence CPO (Supreme Court standard domestic violence form 10.01). The petition shall include:

~~(a i)~~ An allegation that there has been domestic violence against a family or household member, including a description of the alleged violence.

~~(b ii)~~ The relationship of the respondent to the petitioner.

~~(e iii)~~ A request for relief.

~~(2 b)~~ Parenting Proceeding Affidavit (if the Petitioner and Respondent have children together).

~~(3 c)~~ Affidavit of Income and Expenses, Health Insurance Affidavit, and Application for Child Support Services (if the Petitioner is requesting support from the Respondent).

~~(4 c)~~ Domestic Violence or Dating Violence Civil Protection Order Request for Service Local Form 10.01-D (2).

(2) The necessary paperwork for filing for a Dating Violence CPO is as follows:

~~(1 a)~~ Petition for Dating Violence CPO (Supreme Court standard dating violence form 10.01-P). The petition shall include:

~~(a i)~~ An allegation that there has been violence against the petitioner who is/was in a dating relationship with the respondent within one year before violence took place, including a description of the alleged violence.

~~(b ii)~~ The relationship of the respondent to the petitioner.

~~(e iii)~~ A request for relief.

~~(4 b)~~ Domestic Violence or Dating Violence Civil Protection Order Request for service. Local Form 10.01-D (2).

**(E) Where to file.**

(1) The necessary paperwork listed above must be filed at the Summit County Clerk of Court's Office, Domestic Relations Division, 205 S. High Street, First Floor, Akron, Ohio 44308.

(2) The Clerk of Courts will assign a case number, a judge, and a magistrate.

~~(3)~~ If a complaint for divorce, annulment, legal separation, to establish a parent-child relationship, ~~or~~ petition for dissolution or for legal custody involving the same parties is being filed simultaneously with the CPO or was filed before the CPO was filed, ~~the petitioner shall inform the Clerk shall assign so that~~ the cases ~~can be assigned~~ to the same judge and magistrate.

~~(3)(4)~~ After the domestic violence CPO or dating violence CPO is filed, the Clerk will scan and email the petition paperwork to the Court's security bailiff. The Court's security bailiff will then forward that email to the magistrate to review before the ex parte hearing. prepare a folder containing a copy of the ~~paperwork filed, which the Petitioner shall then take to Domestic Relations Court, third floor so that a magistrate may hold an immediate ex parte hearing.~~

## 15.02 *Ex parte* hearing.

(A) ~~Once the petition is filed, the petitioner shall give the folder prepared by the Clerk of Courts to the security—bailiff at the reception desk immediately proceed to on~~ the third floor at the Domestic Relations Court ~~and check in with the~~ security bailiff at the reception desk.

(B) ~~The *ex parte* hearing shall be held the same day the petition is filed. The Clerk's Office will not accept petitions for domestic violence CPOs or dating violence CPOs after 3:00PM, as If the~~ ~~petition is filed after 2:30 p.m. it may not be possible to file the *ex parte* order or~~ obtain service of the *ex parte* order ~~the same day and t~~The *ex parte* order may not be served until the following day

(C) At the *ex parte* hearing, a magistrate will hear the petitioner's statement of the facts under oath.

(D) If the magistrate finds that the facts meet the requirements of the law, the court will grant an *ex parte* domestic violence CPO or dating violence CPO and schedule a full hearing.

(1) The full hearing must be scheduled within seven court days if the respondent is ordered to vacate a residence shared with the petitioner, otherwise the full hearing will be scheduled within ten court days.

(2) If an *ex parte* order is not granted, the case will proceed as under the Rules of Civil Procedure.

(E) The Petitioner ~~may be required to will complete~~ a confidential domestic violence questionnaire provided by the Court prior to the hearing and submit it to the security bailiff.

(F) A signed copy of the *ex parte* CPO and Protection Order Notice to NCIC (Form 10A) shall be hand-delivered to the Clerk of Courts for filing.

(G) The clerk will provide the petitioner a certified copy of the *ex parte* domestic violence or dating violence CPO.

(H) ~~The clerk will process the *ex parte* CPO for personal service on the respondent by the sheriff and for police department notification. The clerk or sheriff will notify the petitioner once the respondent has been served. It is the Petitioner's responsibility to serve (notify) the Respondent with the Domestic Violence or Dating Violence CPO. See Part II of the CPO Video Series for instructions.~~

(I) The clerk will process the *ex parte* domestic violence or dating violence CPO for personal service on the respondent by the sheriff and for police department notification. The clerk or sheriff will notify the petitioner once the respondent has been served.

(J) Prior to the full or evidentiary hearing, the petitioner should view Part III of the CPO Video Series to prepare for that hearing.

## 15.03 Full hearing.

(A) At the full hearing, unless the parties reach an agreement, the magistrate will take sworn

testimony from each party and any witnesses presented by the parties and will address any exhibits provided.

- (B) If the magistrate finds that the facts meet the requirements of the law, the court will issue a full hearing domestic violence or dating violence CPO, which may include the following provisions depending on the type of CPO:
- (1) prevent respondent from abusing the petitioner;
  - (2) grant exclusive use of the home to petitioner;
  - (3) permit respondent to pick up personal items from the home;
  - (4) provide ~~child or spousal support~~ arrangements for companion animals;
  - (5) allocate parenting time;
  - (6) require respondent to complete counseling;
  - (7) grant exclusive of a vehicle to petitioner;
  - (8) require respondent to surrender house and/or car keys;
  - (9) prevent respondent from possessing or using a deadly weapon;
  - (10) prevent respondent from possessing or using drugs and/or alcohol;
  - (11) grant other relief as the court considers equitable and fair.
- (C) A completed Protection Order Notice to NCIC (Form 10A) shall be **filed with** the Full Hearing CPO.
- (D) The Full Hearing CPO will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.
- (E) If the petitioner fails to attend the full hearing and no continuance has been granted, the court ~~may~~ shall dismiss the case.
- ~~(F) — Objections or Appeals to a CPO are governed by Civil Rule 65.1. — A copy of the objections or response shall be hand-delivered to the assigned judge's bailiff. All objections shall comply with Civil Rule 65.1 and Local Rule 27.04.~~

#### 15.04 Consent Agreement.

- (A) At the time of the full hearing, the petitioner and respondent may enter into a Consent Agreement CPO.
- (B) All consent agreements shall be approved verbally by the magistrate and then prepared as an order by the court with no finding of domestic violence.
- (C) A completed Protection Order Notice to NCIC (Form 10A) shall be filed with the consent agreement.
- (D) The consent Agreement will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.

### 15.05 Duration of CPO.

A CPO shall be valid until a date certain, but not later than five years from the date it was issued.

### 15.06 Effect of other court cases on CPO.

(A) The CPO shall remain in effect even if either the petitioner or respondent subsequently becomes involved in another court case, such as a divorce, annulment, legal separation, parentage, dissolution ~~case or legal custody~~.

~~(B) An order allocating parental rights and responsibilities and/or support issued in a CPO case shall terminate on the date a court issues an order allocating parental rights and responsibilities and/or support in another court case involving the petitioner and respondent, such as a divorce, annulment, legal separation, parentage, or dissolution.~~

~~(B)~~ When this ~~C~~ourt issues an order allocating parental rights and responsibilities ~~and/or support~~ in an ~~active~~ or subsequently ~~filed~~ court case as described in paragraph (B) above, the parties ~~may~~ need to obtain a modified CPO to reflect those orders if they differ.

### 15.07 Modification, extension, or termination of CPO.

(A) ~~Prior to the expiration date of the CPO,~~ ~~T~~he petitioner or respondent may file a motion to modify, extend, or terminate the CPO. Victim advocates will not assist the petitioner or respondent with the filing of a motion to terminate the CPO.

(B) All such motions must be filed and scheduled for hearing as set forth in Local Rule 2.08. The ~~e~~ Court may require the petitioner ~~or respondent~~ to attend a domestic violence education program prior to termination of the CPO.

(C) Any modification, extension, or dismissal of a CPO shall be done as an order by the ~~e~~ Court. A completed Protection Order Notice to NCIC (Form 10A) shall be filed with the order granting the modification, extension, or termination. The order will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.

### 15.08 Enforcement of CPO.

A party may file a motion for contempt and/or orders “to show cause” ~~in order~~ to enforce the provisions of the CPO. All such motions must be filed and scheduled for hearing as set forth in Local Rule ~~20~~ 13 and 2.08.

### 15.09 Objections to CPO.

Objections or Appeals to a CPO are governed by Civil Rule 65.1. A party wishing to file an objection to a CPO must follow the objection procedure delineated in Local Rule ~~12.03~~ 27.04 “Objections to Magistrate’s Decision.” Any objections are to be filed and served upon the opposing party in compliance with Local Rule 27.04. A copy of the objections or response shall be hand-delivered OR emailed to the assigned judge’s bailiff.

However, pursuant to Civil Rule 65.1, there is no automatic stay of the CPO when the objection

is filed. ~~The Full Hearing CPO is a final appealable order. It is not required to file an objection before appealing the CPO to the Court of Appeals.~~

### **15.10 Civil Protection Order Reporting to Law Enforcement.**

(A) The Court has a duty to ensure complete, accurate, and timely submission of civil protection order information for entry into the State’s computerized criminal history repository at the Bureau of Criminal Investigation (BCI), the Ohio Law Enforcement Automated Data System (LEADS), and any other applicable law enforcement databases.

(B) Pursuant to Sup. R. 5(F), the Court, in collaboration with the Clerk of Court, law enforcement agencies, and any other relevant justice system partners, will maintain a Reporting to Law Enforcement & Compliance Plan which outlines the procedures for reporting information regarding civil protection orders as prescribed by the Revised Code and Supreme Court rules, including 3113.31 and Sup.R. 10(A).

(C) The Court will review the Reporting to Law Enforcement & Compliance Plan every three years.

### **Comment**

Rule 15 has been renamed from “Domestic Violence Actions to “Civil Protection Orders” as this Court now hears dating violence protection order cases. In addition, the change of name also makes clear that this is a civil not a criminal action.

Information on how to file a dating violence protection order has been added.

Rule 15 now includes instructions on viewing the Court’s 3-part informational video series which explains the procedures for obtaining either protection order.

The law has changed and a Full Hearing CPO is no longer a final appealable order. Objections or Appeals to a CPO are governed by Civil Rule 65.1.

Rule 15.10 has been added to comply with O.R.C. 3113.31 and Sup. R. 10(A) Court’s duty to notify law enforcement.

## **RULE 36**    ~~COURT DECORUM~~ Outside Evaluators

~~At court hearings, all persons shall be properly attired in the courtroom. If the parties are not properly attired, the court may order that the hearing will not go forward. Parties shall not bring children to any hearing.~~

### **36.10 Custody Evaluators**

Pertinent portions of Sup.R. 91.01 through 91.09 shall apply to all cases where the Court appoints a custody evaluator. These sections are set forth below:

#### **Sup.R. 91.01 Definitions**

As used in Sup.R. 91.01 through 91.09:

**(A) Best Interest.**

“Best interest” has the same meaning as in R.C. 3109.04 and 3109.051.

**(B) Custody Evaluation.**

“Custody evaluation” means an expert study and analysis, by an individual qualified to be a custody evaluator, of the needs and development of a child who is the subject of an action or proceeding in which child custody or parenting visitation is an issue, and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody evaluation shall include full and partial evaluation. Custody and parenting visitation shall include allocation of parental rights and responsibilities, companionship, and visitation.

**(C) Custody Evaluator.**

“Custody evaluator” means an individual meeting the requirements of Sup.R. 91.08. As used in this rule, a custody evaluator can be one of the following:

- (1) “Court-connected evaluator,” a person employed by the Court or with whom the Court contracts custody evaluation services.
- (2) “Private custody evaluator,” a person in private practice who provides custody evaluation services to the Court.

**(D) Evaluation.**

“Evaluation” includes an investigation and assessment.

**(E) Full Evaluation.**

“Full evaluation” means a comprehensive examination of the best interest of a child.

**(F) Partial Evaluation.**

“Partial evaluation” means an examination of the best interest of a child that is limited by Court order in either time or scope.

**Sup.R. 91.02. Application of Rules**

Sup.R. 91.01 through 91.09 shall apply in a case in which *\*\*\*the Court* appoints a person to perform a custody evaluation to assist the Court when child custody or parenting visitation is at issue.

**Sup.R. 91.03. Local Custody Evaluator Rule**

*\*\*\*The Court* that appoints custody evaluators shall adopt local rules governing appointment. Regarding the complaint process for custody evaluators, see Loc.R. 36.1 below.

**Sup.R. 91.04. Custody Evaluation**

**(A) Order.**

Upon motion of a party, guardian ad litem, counsel for a child, or on its own initiative, *\*\*\*the Court* may order a custody evaluation to aid the Court in evaluating the best interest of a child in a contested custody or parenting visitation case.

**(B) Description of Custody Evaluation.**

Unless contraindicated in the judgment of the custody evaluator or limited by the order of appointment, a custody evaluation shall include but is not limited to all of the following:

- (1) Information obtained through interviews, joint or individual, with each party seeking custody or parenting visitation;
- (2) Information obtained through interviews with each child;
- (3) Information obtained through interviews with stepparents, significant others, or any other adult residing in the home;
- (4) Information obtained through interviews with step or half siblings residing in the home;

- (5) Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies;
- (6) Information from home visits or observations of each child with the appropriate adults involved;
- (7) Results of clinical tests administered;
- (8) History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system;
- (9) Investigation into any other relevant information about the child's needs.

### **Sup.R. 91.05. Appointment of Custody Evaluator**

#### **(A) Custody Evaluator.**

\*\*\*The Court that has ordered a custody evaluation pursuant to Sup.R. 91.04 may appoint a Court-connected custody evaluator or a private custody evaluator to perform the evaluation. The custody evaluator shall meet the requirements of Sup.R. 91.08. The Court shall not appoint as a custody evaluator a guardian ad litem appointed to the case pursuant to Sup.R. 48. The Court shall consider only evaluations completed by a custody evaluator appointed by the Court.

#### **(B) Private Custody Evaluator List.**

\*\*\*The Court that appoints custody evaluators shall establish and maintain a list of private custody evaluators eligible to receive appointments from the Court. The Court shall do all of the following with respect the list:

- (1) Establish criteria, which include all requirements of Sup.R. 91.01 through 91.09, for appointment and removal of private custody evaluators from the list and procedures to ensure an equitable distribution of the work load among the private custody evaluators on the list. "Equitable distribution" means a system through which appointments are made in an objectively rational, fair, neutral, and nondiscriminatory manner and are widely distributed among all private custody evaluators on the list. The Court may consider the complexity of the issues, parties, counsel, and the children involved, as well as the experience, expertise, and demeanor of available private custody evaluators.
- (2) Maintain a record of all private custody evaluators eligible for appointment by the Court, including the name, business address, telephone number, and electronic mail address of the evaluator. The Court shall require each private custody evaluator to

immediately notify the Court of any changes to this information or changes in licensure status, including disciplinary actions.

- (3) Require each private custody evaluator to submit to the Court a resume documenting compliance with the custody evaluator qualifications and completion of the initial training program under Sup.R. 91.08(B).
- (4) Require each private custody evaluator to submit to the Court on or before January 1st of each year any updates to the resume and a list of continuing education training completed by the evaluator during the previous calendar year pursuant to Sup.R. 91.09, including the provider, title, date, and location of each training.
- (5) Develop a procedure to verify that, at a minimum on an annual basis, custody evaluators on the appointment list have met the training requirements.

**(C) Order of Appointment.**

- (1) *\*\*The Court* that appoints a custody evaluator pursuant to division (A) of this rule shall enter an order of appointment that includes all of the following information:
  - (a) The name, business address, licensure, and telephone number of the evaluator;
  - (b) The purpose and scope of the appointment;
  - (c) The term of the appointment;
  - (d) A provision that a written report is required and oral testimony may be required;
  - (e) Any deadlines pertaining to the submission of reports to the Court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;
  - (f) A provision for payment of fees, expenses, and any hourly rate or fee that will be charged;
  - (g) Any provision the Court deems necessary to address the safety and protection of all parties, the children of the parties, any other children residing in the home of a party, and the person being appointed;
  - (h) Any other provisions the Court deems necessary.
- (2) An order of appointment shall do both of the following:

- (a) Grant the custody evaluator the right to access information as authorized by the appointment;
- (b) Require the parties to cooperate with the custody evaluator and provide information promptly when requested to do so.

**(D) Removal.**

The Court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

**(E) Resignation.**

A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, notice to the parties, an opportunity to be heard, and with the approval of the Court.

**(F) Fees and Expenses.**

- (1) Prior to the appointment of a custody evaluator, the parties to the case shall have a right to be heard on the issue of the allocation of reasonable fees and expenses.
- (2) The Court shall inquire as to the rate and terms of compensation required by the custody evaluator and shall make a determination of the ability of any party to the case to pay for the reasonable fees and expenses of the evaluator. In making this determination, the Court shall consider all of the following:
  - (a) The income, assets, liabilities, and financial circumstances of the parties, as demonstrated by an affidavit or statement of income and expenses, testimony to the Court, or evidence of qualification for any means-tested public assistance;
  - (b) The complexity of the issues;
  - (c) The anticipated fees and expenses of the custody evaluator, including any fees or expenses related to potential testimony.
- (3) Upon determination that the appointment of a custody evaluation should proceed, the Court shall issue an order regarding allocation of payment of the evaluator's reasonable fees and expenses which shall consist of both of the following:
  - (a) Any requirement for a party to pay fees and expenses, including an initial deposit;

- (b) Any requirement for any other entity or individual to contribute toward fees and expenses.
- (4) For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the Court may approve additional reasonable fees or expenses, reallocate fees or expenses, or require a party to reimburse another party in part or in whole for fees or expenses paid.

### **Sup.R. 91.06. Responsibilities and Authority of Custody Evaluator**

#### **(A) Responsibilities.**

A custody evaluator appointed by *\*\*\*the Court* pursuant to Sup.R. 91.04 shall do all of the following when performing the custody evaluation:

- (1) Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;
- (2) Strive to minimize the potential psychological trauma to children during the evaluation and report writing by performing responsibilities in a prompt and timely manner;
- (3) Protect the confidentiality of the parties and children with collateral contacts and not release information about the case to any individual except as authorized by the Court or statute;
- (4) Immediately identify himself or herself as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of Court proceedings;
- (5) Refrain from any ex parte communications with the Court regarding the merits of the case;
- (6) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;
- (7) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;
- (8) Not pressure children to state a custodial preference;

(9) Inform the parties of the evaluator’s reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one’s self or another person;

(10) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;

(11) Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;

(12) Upon discovery, notify the Court in writing of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

**(B) Assistance.**

When one party resides in another jurisdiction, a custody evaluator, upon order of the Court, may rely upon another qualified neutral professional for assistance in gathering information.

**(C) Communication with Court.**

A custody evaluator may communicate with the Court when necessary to amend the scope or time frame of the order of appointment.

**Sup.R. 91.07. Custody Evaluator Report**

**(A) In General.**

(1) A custody evaluator shall prepare and file with the Court a written report at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D).

(2) In lieu of Sup.R. 91.07’s requirement for a written statement, the first page of all custody evaluator written reports shall include the following statement in bold:

**“NOTICE: The custody evaluator’s report shall be provided to the Court for distribution to unrepresented parties and legal counsel. Under NO circumstances are**

the contents of the report to be shared with the minor child(ren) in any format. Additionally, any other disclosure of the report must be approved *in advance* by the Court. Unauthorized disclosure of the report in any fashion through any means including, but not limited to, copying the report, posting the report or any portion of the report on social media or other mediums, or disclosing all or portions of the report to another person, without prior approval, may be subject to Court action including, but not limited to, a finding of contempt, for which penalties include incarceration and/or fines.”

**(B) Court Access to Report.**

The Court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

**(C) Record Keeping.**

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of their records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

**(D) Discovery and Public Access.**

- (1) The written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.
- (2) The written report shall not be available for public access pursuant to Sup.R. 44 through 47.

**(E) Copying and Dissemination.**

A party may copy a written report of a custody evaluation but, except as permitted by the Court, shall not disseminate the report by any means, including by social media. In particular, reports or the recommendations shall not be shared with minor children who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to Court action, including the penalties for contempt which include fines and/or incarceration.

**(F) Testimony and Report at Hearing or Trial.**

- (1) The evaluator’s report shall be admitted into evidence at a hearing or trial on the Court’s motion. The report shall be admitted as the Court’s exhibit in the form of the evaluator’s expert direct testimony. A party challenging the report shall subpoena the evaluator to appear not less than fourteen days before a hearing or trial.

- (2) The Court shall notify the evaluator as soon as a hearing or trial date is set. The evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen days prior to trial.

**Sup.R. 91.08. Custody Evaluator Licensure and  
Pre-Appointment Education Requirements**

**(A) Licensure Requirement.**

\*\*\*The Court shall appoint an individual as a custody evaluator only if the individual is one of the following:

- (1) An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;
- (2) An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with an equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;
- (3) A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council;
- (4) A Court-connected evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

**(B) Pre-appointment Training.**

- (1) Except as provided in division (B)(2) of this rule, \*\*\*the Court shall appoint an individual as a custody evaluator only if, at the time of appointment, the individual has completed an initial training program of forty hours to qualify for appointment. The initial training course shall be provided by the Supreme Court or other provider that has received prior approval of the Supreme Court. Approved topics for the initial training are detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

**Sup.R. 91.09. Custody Evaluator Continuing Education**

**(A) Requirement.**

In each succeeding year following completion of the pre-appointment educational requirements of Sup.R. 91.08(B), a custody evaluator appointed by \*\*\*the Court shall complete a minimum of six hours of continuing education that meets all of the following requirements:

- (1) Is provided by the Supreme Court or other provider that has received prior approval of the Supreme Court;
- (2) Is comprised of approved continuing education topics detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

**(B) Failure to Comply.**

The following shall apply to a custody evaluator who fails to comply with the continuing education requirement of division (A) of this rule:

- (1) The custody evaluator shall not be eligible for new appointments to serve as a custody evaluator until the requirement is satisfied. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the initial training program pursuant to Sup.R. 91.08(B) to qualify again for appointment.
- (2) If the custody evaluator is currently conducting an evaluation at the time of noncompliance, the appointing Court may allow the custody evaluator to complete the evaluation and fulfill the requirements within the order of appointment

**36.11 Custody Evaluator Removal; Complaint Process.**

Pursuant to Sup.R. 91.03(A), should a party or attorney of record have a complaint regarding the performance of a custody evaluator, the following process shall be utilized:

- (1) The Family Court Services ("FCS") Director shall be designated as the person for accepting and considering written comments and complaints;
- (2) The FCS Director shall provide a copy of the comment or complaint to the opposing counsel or pro se party and the custody evaluator who is the subject of the complaint or comment;
- (3) The FCS Director or shall forward any comment or complaint to the administrative judge of the Court for consideration and appropriate action;
- (4) The matter shall be set for hearing in a timely manner before the judge assigned to the case in order to effectuate the timely disposition by the Court; All parties are to be present at the hearing;

- (5) For any motion requesting removal of a custody evaluator, the Court shall issue an Order;
- (6) For any comment or complaint, the parties shall be notified in writing of the disposition of the matter;
- (7) The FCS Supervisor shall maintain a written record in the file of the custody evaluator regarding the nature and disposition of any comment or complaint.

**Comment:**

The term “a Court of common pleas” has been replaced throughout with “\*\*\**The Court*”

Sup. R. 91.08(B)(2), “An individual serving as a custody evaluator on September 1, 2022, shall have until February 1, 2024, to complete the training required under division (B)(1) of this rule.” has been removed as being inapplicable as Loc.R. 36.10 was created after February 1, 2024.

In lieu of Sup.R. 91.07(A)(2)’s requirement for a written statement, the first page of all custody evaluator written reports have included all the provisions that are set forth in Sup.R. 91.07 as a clear warning to all those reading the report of the Court’s contempt powers for any violations of the restrictions listed.

Added that opposing counsel or pro se party is also notified. This rule has been added to comply with amended Sup.R. 91.03(A).

## RULE 41      RECORDS RETENTION

~~(A)~~ All ~~e~~Court records shall be retained according to the ~~Court's~~ ~~Record~~ ~~Retention~~ ~~Schedule~~ ~~set forth~~ which comports with in Rule 26.04 of the Supreme Court Rules of Superintendence. For information regarding the Court's Record Retention Schedule, contact Court Administration at [admin@drcourt.org](mailto:admin@drcourt.org).

~~(B) Family Court Services files will be closed at the time an agreement is put on the record; evaluator has given testimony; or the parties have stipulated to the report. All files will be purged within three years of closing date unless a motion and order are filed to retain the file for a longer period.~~

### Comment

This rule has been amended to comply with the Rules of Superintendence and the any future amendments without the necessity of updating this rule.