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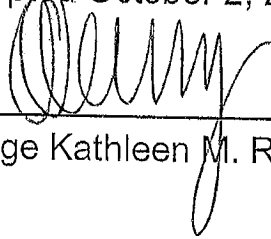
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CLERK OF COURT
CLERMONT COUNTY OH

RULES OF COURT
CLERMONT COUNTY COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS

JUDGE KATHLEEN M. RODENBERG

Adopted October 2, 2017



Judge Kathleen M. Rodenberg

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TITLE A: GENERAL PROVISIONS

DR 1. Adoption, Scope, and Construction of Rules

- (A) The following rules for the management of proceedings of the Court are adopted pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio.
- (B) These rules are effective October 2, 2017, as amended August 17, 2018, supersede all previous rules promulgated by this Court.
- (C) These rules supplement the Ohio Rules of Civil Procedure. Parties must comply with the Ohio Rules of Civil Procedure and these rules.
- (D) Cite these rules as DR ____.

DR 2. Pleadings and Motions

- (A) All pleadings, motions, and other filings must include the attorney's or self-represented party's mailing address, telephone number, and email address.
- (B) Nothing, including pleadings, motions, other papers, and any amendments, may be removed from any file without a court order. No person may remove a court file from the court premises without a court order.
- (C) The documents that are set forth in Appendix A must be filed with all initial pleadings, answers, counterclaims, motions, and foreign registrations. A self-represented party must submit all documents set forth in Appendix A along with a checklist to the Compliance Officer for review prior to filing.

DR 3. Costs

- (A) The Clerk of Courts will not accept any pleading for filing without a deposit for court costs unless otherwise not required pursuant to R.C. 2323.31 or 3113.31. Deposits will be charged in accordance with the schedule set forth in Appendix B.

- (B) The Court may require the parties to pay additional court cost deposits on an interim basis.
- (C) The Clerk of Courts will not accept post decree motions from a filing party who owes court costs in the case.

DR 4. Special Project Fund

Pursuant to R.C. 2303.201(E)(1), the Court has determined that additional funds are necessary to acquire and pay for special projects of the Court. The Clerk of Courts collects a special project fee upon the initial filing of a Divorce, Legal Separation, Annulment, Dissolution, and Post Decree motions. All fees collected under this rule are paid to the Clerk of Courts for deposit with the County Treasurer, and are disbursed upon order of this Court.

DR 5. Facsimile Filings

Pleadings and other papers may be filed by fax subject to the following conditions:

- (A) A document filed by fax with the Clerk of Courts is accepted as the original filing provided that the party who is sending the fax complies with all of the requirements set forth in this local rule. The party filing a fax must maintain in his/her records, and have available for production upon request of the Court, the original document filed by fax, with original signatures as required under the applicable rules. The party transmitting the document represents that the signed document is in his/her possession.
- (B) The following telephone number is to be used for filing with the Clerk of Courts by fax: (513) 732-7866. This is the only number that may be used for filing. This number is available to receive faxes 24 hours per day seven days per week.
- (C) Documents sent by fax and accepted by the Clerk of Courts are considered filed as of the date and time the Clerk of Courts received the fax. The sender bears the risk of transmission.
- (D) Exhibits may not be submitted by fax except by court order.

- (E) The party filing a document by fax must also include a cover page containing the following information:
 - (1) case caption;
 - (2) the case number;
 - (3) a description of the document being filed;
 - (4) the date and time of the transmission;
 - (5) the transmitting fax number; and
 - (6) the number of pages being transmitted.

- (F) The following documents may not be filed by fax:
 - (1) any filing which requires the Clerk of Courts to collect a filing fee deposit against costs;
 - (2) any filing which requires the Clerk of Courts to effectuate service and summons;
 - (3) any entry; and
 - (4) any pleading which is required to be submitted to the Compliance Officer as set forth in DR 2(C).

- (G) This local rule is adopted solely for the convenience of those filing documents with the Court. The Court does not assume any obligation or liability by virtue of this rule. The sender assumes all responsibility, obligation, and liability for filing by fax.

DR 6. Continuances

- (A) No case which has been set for a pretrial, report, or hearing will be continued without the Court's authorization.

- (B) A motion for continuance must state the following:
 - (1) the reason for a continuance;

- (2) how long the case has been set for hearing;
- (3) how long the case has been pending;
- (4) the number of previous continuances granted; and
- (5) at whose request any previous continuance was granted.

If a continuance is requested due to a scheduling conflict, verification of the scheduling conflict must be attached to the motion.

DR 7. Dismissal of Case

- (A) A stipulation of dismissal or notice of voluntary dismissal of an action must be filed with the Clerk of Courts and a copy delivered to the Court. An agreed entry of dismissal of an action must be delivered to the Court.
- (B) The stipulation, notice, or entry must be stamped costs paid or waived by the Clerk of Courts prior to its filing or submission to the Court.
- (C) Dismissals of Domestic Violence Civil Protection Orders must comply with R.C. 3113.31.

DR 8. Inactive Cases

A complaint for Divorce, Legal Separation, and Annulment, and a post decree motion will be set for dismissal if service is not made on the opposing party within six months. The complaint or motion will be dismissed without prejudice after six months unless the filing party can show good cause why service was not made within six months and that service can be made within a reasonable period.

DR 9. Communications with Judge and Magistrates

No attorney or party may discuss the merits, either orally or in writing, of any litigation with the Judge or a magistrate without the presence of the opposing attorney or self-represented party.

DR 10. Withdrawal and Substitution of Attorney

Except for good cause shown, a final hearing date will not be continued due to the withdrawal or substitution of an attorney. An attorney of record will be relieved of his/her responsibility under the following circumstances:

- (A) **Without the client's consent.** The attorney must file a motion stating the grounds for withdrawing and the date of the next hearing. The attorney must give the Court a file stamped copy of the motion and a completed Notification Form Self-Represented Party (Forms DR 116-A). The Court will schedule a hearing on the motion. The attorney must file proof of service of the motion and hearing notice on his/her client and the opposing party.
- (B) **With the client's consent.** The client and the attorney must sign an entry allowing the attorney to withdraw. The entry must state the date of the next hearing. The attorney must submit the entry and a completed Self-Represented Party's Notification Form (Form DR 116-A) to the Court.
- (C) **Substitution of attorney of record.** The new attorney must file a Notice of Substitution of Attorney and a completed Notification Form (Form DR 116). The new attorney must file proof of service of the Notice and Notification Form on the opposing party.

DR 11. Notice of Appearance

Any attorney entering a case must file a completed Notification Form (Form DR 116). Except for good cause shown, a final hearing date will not be continued due to the entry of appearance.

TITLE B: PRETRIAL AND HEARING RULES

DR 12. Mandatory Disclosure

- (A) Within 30 days of the filing of an answer or counterclaim, each party to a pending divorce or legal separation must disclose to the opposing party the following information and documents:
 - (1) all pension, retirement and/or profit-sharing plans including copies of the most recent plan summary and statement;

- (2) all available COBRA benefits;
 - (3) copies of all real estate deeds and vehicle titles and registrations;
 - (4) all appraisals of real estate or personal property in which the party holds an interest;
 - (5) copies of individual income tax returns for the last three years;
 - (6) documentary proof of current income from all sources;
 - (7) copies of the most recent statements for all bank accounts, IRAs, stock accounts, mortgages, credit accounts, and all other debt; and
 - (8) verification of the marginal cost of medical insurance for the minor children.
- (B) Notice of noncompliance must be raised prior to scheduling the final hearing date. The Court will not reschedule the final hearing for noncompliance with this Rule.
- (C) Failure to comply with this Rule may result in sanctions, including but not limited to a contempt citation, possible dismissal of claims, or restrictions on the submission of evidence.

DR 13. Exhibits

- (A) Plaintiff's exhibits must be marked with numbers. Defendant's exhibits must be marked with letters. Exhibits should be tabbed and indexed.
- (B) An attorney/self-represented party must serve a copy of the exhibits on the opposing party as ordered. Each party must bring to the final hearing a total of three sets of his/her exhibits, plus the exhibits he/she received from the other party.
- (C) The Court will not accept any exhibits prior to the hearing.

DR 14. Interpreter

- (A) If a party requires an Interpreter, the attorney/self-represented party must file a Request for Interpreter (Form DR 207) and submit a copy to the Court at least two weeks prior to the scheduled court appearance. The Court will appoint an Interpreter and pay the Interpreter's fee.
- (B) If an Interpreter is no longer needed or the hearing time is shortened, the attorney/self-represented party must advise the Court no later than 48 hours prior to the scheduled court appearance. Failure to do so may result in the Court assessing additional court costs for the Interpreter's fee for unneeded services.

DR 15. Pretrial Conference and Reports

- (A) If the pretrial conference is on a motion for contempt, the alleged contemnor must appear in person. The alleged contemnor may not appear by telephone.
- (B) The attorney/self-represented party must be present at the pretrial conference and reports and must be prepared to discuss all issues in dispute. Failure of an attorney/self-represented party to either appear or cooperate in good faith may subject the attorney/self-represented party to sanctions.
- (C) The attorney/self-represented party may appear for pretrial conferences and reports by telephone. If the attorney/self-represented party wish to appear by telephone, the attorney/self-represented party must email the following information to domesticcourt@clermontcountyohio.gov at least two business days prior to the scheduled pretrial conference or report:
 - (1) the phone number where he/she can be reached;
 - (2) the case name and number;
 - (3) the name of the Judge/Magistrate; and
 - (4) the date and time of the pretrial or report.

DR 16. Failure to Appear

- (A) If a party seeking relief fails to appear for the scheduled hearing, the Court may dismiss the action for lack of prosecution. If the opposing party fails to appear for the scheduled hearing and the party seeking relief does appear, the hearing may proceed as scheduled.
- (B) If the attorney for a party fails to appear at the scheduled time for the hearing and the party whom he/she represents is present, the hearing may proceed as scheduled.

DR 17. Financial Plan Analysis Computer Printout

In absence of expert testimony as to the accuracy of the financial projections, the use of a financial plan analysis computer program printout may be submitted only as part of the final argument on financial feasibility of support and not as evidence.

TITLE C: TEMPORARY ORDERS

DR 18. 75(N) Procedure

- (A) Any requests for a temporary order pursuant to Civil Rule 75(N) must be filed when the complaint, answer, or counterclaim is filed.
- (B) The party requesting a temporary order pursuant to Civil Rule 75(N) must file a Notice of Perfection of Service (Form DR 201) advising the Court that the other party has been served.
- (C) The Court will set for hearing any requests for a temporary order not filed with the complaint, answer, or counterclaim.
- (D) The Court will set for hearing all requests for attorney fees.

DR 19. Parties in the Same Household

The Court will not grant temporary spousal support, child support, or allocation of parental rights and responsibilities when the parties reside in the same household. The Court may, however, allocate payment of household expenses.

DR 20. Exclusive Occupancy

- (A) If a party has been absent from the marital residence for 30 days or more, the Court may, upon motion and affidavit, issue an *ex parte* order awarding the other party exclusive occupancy of the marital residence.
- (B) If both parties are residing in the marital residence, a motion for exclusive occupancy may be granted after a hearing if the party requesting exclusive occupancy establishes that the other party:
 - (1) attempted to cause or recklessly caused bodily injury;
 - (2) placed the party requesting exclusive occupancy, by threat of force, in fear of imminent serious physical harm;
 - (3) committed any act with respect to a child that would result in the child being an abused child as defined in R.C. 2151.031; or
 - (4) engaged in conduct that creates an environment which causes or is likely to cause emotional and/or mental stress to the party requesting exclusive occupancy and/or to the minor child/ren of the parties.

DR 21. Temporary Restraining Orders

The Court will issue the Temporary Restraining Order set forth in Appendix C upon the filing of a Complaint for Divorce or Legal Separation unless a Separation Agreement is filed with the Complaint.

TITLE D: ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES

DR 22. Shared Parenting

If one party seeks shared parenting and the other party seeks to be sole residential parent and legal custodian, the party seeking shared parenting must file a motion for shared parenting and a proposed Shared Parenting Plan at least 30 days prior to the final hearing on allocation of parental rights and responsibilities.

DR 23. Parenting Time

The Court adopts the Clermont County Guideline Parenting Schedule set forth in Appendix D. This is a guideline only and is subject to deviation after consideration of the best interest factors set forth in R.C. 3109.051. Unless the parties specifically agree otherwise or the Court finds that the facts of a case warrant a modification, all parenting time orders must contain the following language:

RELOCATING THE CHILDREN: Neither parent/legal custodian may relocate the child/ren outside of a 75 mile radius of the residence address of the residential parent (sole custody) or the other residential parent (shared parenting) at the time of the last parenting time order without first obtaining a modified parenting time order. The parents may submit a motion and an agreed entry in compliance with DR 36, modifying parenting time, with a provision for allocation of transportation expenses, for adoption by the Court as an order. If the parents are unable to agree, the parent filing the Notice to Relocate must, prior to relocation, 1) file a motion asking the Court to modify the parenting time schedule, 2) set a hearing, and 3) obtain a modified parenting time order. The motion must include the new residence address unless not required under R.C. 3109.051(G)(2). Because relocating a child can be harmful to the parent/child relationship, the Court will not continue hearings to address a modification of the parenting schedule due to an imminent relocation except in extreme circumstances.

DR 24. Children at the Courthouse

- (A) A party may bring a minor child to the courthouse if:
 - (1) the child is testifying in the case;
 - (2) the Court is conducting an *in camera* interview; or
 - (3) the child is interviewing with a Parenting Investigator.
- (B) All child/ren must be supervised at all times. The Court does not provide babysitting services.
- (C) The recording and transcript of an *in camera* interview is sealed.
- (D) If a child is testifying or the Court is conducting an *in camera* interview, the Court will not use physical restraint of the child in the court proceeding unless the following occurs.

- (1) The Judge or Magistrate before whom the child is appearing makes a specific determination on the record that:
 - a. there is no less restrictive alternative to the use of physical restraint;
 - b. the physical restraint of the child is necessary because the child represents a current and significant threat to the safety of the child or other persons in the courtroom; and
 - c. there is a significant risk the child will flee the courtroom.
- (2) If the Court receives a written or verbal request to use a physical restraint on a child, the child, child's parents, custodian, guardian, guardian ad litem, the state, court security staff, detention personnel, probation officers, and any other person specifically designated by the Court will be heard on the issue of whether the use of physical restraint is necessary.
- (E) If the Judge or Magistrate determines that physical restraint is necessary, the restraint must be the least restrictive means necessary to meet the risk as determined by the Judge or Magistrate. The restraint should not unnecessarily restrict the movement of the child's hands. This rule does not prohibit the use of restraints during transportation to and from the Court or in the court buildings either before or after hearings.

DR 25. Parental Investigation by the Court

- (A) **Parental Investigation.** The Court may order an investigation of each party's character, family relations, and past conduct to assist the Court in allocating parental rights and responsibilities.
- (B) **Parenting Questionnaire.** Each party must return his/her completed parenting questionnaire to the Parenting Investigator as ordered. If a party fails to return the questionnaire or fails to cooperate in the investigation, he/she may be subject to a contempt action by the Court. The Parenting Investigator may prepare the report without the information of any party who fails to return the questionnaire, attend appointments, or return telephone calls.
- (C) **Costs.** The cost of the investigation, as set forth in Appendix B, will be allocated between the parties at the time the investigation is ordered, subject to reallocation at the final hearing.

- (D) **Parental Investigation as Evidence.** The Parenting Investigator's report is admitted as the Court's exhibit and may not be included in either party's exhibits. The report is direct evidence. The Parenting Investigator is subject to cross examination. If a party desires to cross examine the Parenting Investigator, it is that party's responsibility to issue a subpoena to the Parenting Investigator pursuant to Civil Rule 45. The subpoena should be issued as soon as possible, but it must be served no later than three weeks prior to the final hearing.

DR 26. Medical/Psychological/Psychiatric Evaluations

- (A) **Evaluations.** The Court may order a party, both parties, and/or the minor child/ren to submit to medical, psychological, and/or psychiatric examinations. The Court will send the Entry of Appointment to the physician or psychologist. It is a party's responsibility to contact the physician or psychologist.
- (B) **Costs.** The cost of the examination will be allocated between the parties at the time the examination is ordered, subject to reallocation at the final hearing.
- (C) **Medical, Psychological or Psychiatric Evaluations as Evidence.** A medical, psychological, or psychiatric evaluation may not be entered as direct evidence without testimony of the performing physician or psychologist or consent of the parties. It is a party's responsibility to issue a subpoena to the physician or psychologist pursuant to Civil Rule 45. The cost of the testimony of the physician or psychologist is subject to reallocation between the parties in the final hearing.

DR 27. Divorce Counseling

- (A) The Court requires each party to attend a parenting seminar when a Complaint for Divorce, Dissolution, or Legal Separation is filed and the parties have a child who is younger than 16 years old. This seminar is designed to educate each parent on ways to minimize the negative impact the divorce, dissolution, or separation may have on their child. Each party must register, pay, and attend the parenting seminar within 45 days after service of the order. Failure to attend may subject the party to a contempt action by the Court.

- (B) It is the attorney's responsibility to advise his/her client of the program and the requirements of this rule.

DR 28. Family Service Assessment by the Court

- (A) **Family Service Assessment.** When a Complaint for Divorce or Legal Separation is filed involving a minor child, the parties must submit to a Family Service Assessment with the Court's Parenting Investigator. The assessment is conducted as a phone conference between the parties and the Parenting Investigator only.
- (B) **Procedure.**
 - (1) The Parenting Investigator notifies each party of the date and time of the phone conference through email or regular mail. The phone conference will last about 30 minutes.
 - (2) Each party is allowed time to express his/her wishes and concerns, without interruption from the other party.
 - (3) Within seven days of the phone conference, the Parenting Investigator will make a written recommendation as to which Court services might benefit the parties. The recommendation is emailed or mailed to both parties and his/her attorney of record. A copy is placed in the family file for the Judge or assigned magistrate to review at the first pre-trial.
 - (4) The recommendations are informal and not binding.
- (C) **Participation.** The parties are required to participate. Failure to participate may subject the party to a contempt action by the Court and/or delay in entering the final divorce or legal separation decree.

DR 29. Appointment of Guardian Ad Litem (GAL)

- (A) The Court may appoint a guardian ad litem ("GAL") to protect the best interest of the child/ren pursuant to Sup.R. 48.
- (B) **Scope.**
 - (1) The GAL must gather and assess all information necessary to

allow the GAL to make an informed recommendation as to the best interest of the child/ren. Sup.R. 48 provides guidelines to the GAL.

- (2) Upon request the Court will provide the GAL with a copy of the Ohio Courts Network (OCN) report on each party.
- (3) The Court will notify the GAL of all hearings and proceedings. As provided in Sup.R. 48, the GAL must attend all hearings in the case that involve parenting issues and any *in camera* interviews. The attorneys/self-represented parties must serve the GAL with all pleadings, motions, notices, and other documents filed in the case related to parenting issues.
- (4) In representing the best interest of the child/ren and providing the Court with relevant information, the GAL may review all confidential records involving the child/ren by request, subpoena, and deposition, subpoena and examine independent witnesses, and cross examine all witnesses called by the parties to the case.
- (5) Unless otherwise ordered by the Court, at the conclusion of the parties' parenting evidence the GAL will testify on direct. The GAL will be subject to cross examination by both parties at the conclusion of the GAL's direct testimony.
- (6) The Court may appoint an attorney for the child/ren when there is a conflict between the GAL's recommendation and the child/ren's wishes.

(C) Procedure.

- (1) The Court will appoint the GAL from a roster of eligible candidates. The Court will conduct annual performance and compliance reviews of all GALs.
- (2) The Court will order the parties to pay the GAL's appropriate fees. The GAL's fees may exceed the deposit. All GAL fees, including fees paid through the deposit, are subject to reallocation between the parties in the final hearing.
- (3) The GAL will be paid \$125 per hour for his/her billable time. Unless waived by both parties, the GAL must provide a monthly statement of the fees to date to the attorney/self-represented parties, so that all parties are aware of the

amount of the bill. When requesting an order for payment of GAL services, the GAL must file a motion and an itemized statement of all services rendered and costs incurred.

- (4) The GAL must file a report with the Court as required under Sup.R.48.
 - (5) The GAL appointment is terminated automatically with the filing of the final decree or final entry.
- (D) **Qualifications.** In addition to the requirements set forth in Sup.R.48, the GAL must accept one pro bono assignment per year. Refusal of this assignment will result in removal from the list of eligible GALs.
- (E) **Complaint Process.** Any comments or complaints regarding a GAL's performance must be submitted in writing to the Court Administrator. The Court Administrator will forward any comments and complaints to the Judge for consideration and appropriate action. The Court Administrator will notify the person making the comment or complaint and the GAL of the disposition. A record of the complaint and disposition will be included in the GAL's file and annual Court performance review.

DR 30. Mediation of Parenting Responsibilities

- (A) **When Ordered.** The Court may order the parties to participate in mediation pursuant to Sup.R. 16.
- (B) **Scope.** The Court will not order mediation in any of the following situations:
 - (1) as an alternative to the prosecution or adjudication of domestic violence;
 - (2) in determining whether to grant, modify, or terminate a Domestic Violence Civil Protection Order;
 - (3) in determining the terms and conditions of a Domestic Violence Civil Protection Order; or
 - (4) in determining the penalty for violation of a Domestic Violence Civil Protection Order.

(C) **Procedure.**

- (1) Each party may have his/her attorney or another support person attend the mediation session. If a party is bringing an attorney or another support person, that party must notify the Mediator in advance, so that the Mediator can ensure adequate space for mediation. If a party fails to notify the Mediator in advance, it may be necessary to reschedule the mediation.
- (2) Any case referred for mediation is screened for domestic violence prior to beginning the mediation and throughout the mediation as necessary.
- (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, mediation will take place only under the following conditions:
 - a. the alleged victim is fully informed about the mediation process, his/her right to decline to participate in mediation, and his/ her right to have a support person present;
 - b. the Court and the Mediator determine that the parties have the capacity to mediate without fear of coercion or control; and
 - c. appropriate security measures are in place to provide for the safety of all parties involved in the mediation.
- (4) The Mediator will terminate mediation if he/she believes there is a threat of domestic violence or coercion between the parties.

(D) **Qualifications.** A mediator employed by the Court, or to whom the Court makes referrals for mediation, must have the following minimum qualifications:

- (1) A bachelor's degree, or equivalent education experience, satisfactory to the Court, and at least two years of professional experience with families. Professional

experience with families includes mediation, casework, legal representation in family law matters, or such other equivalent experience that is satisfactory to the Court;

- (2) Completion of at least 12 hours of basic mediation training or equivalent experience that is satisfactory to the Court, and at least 40 hours of specialized family or divorce mediation training conducted in a program approved by the Commission on Continuing Legal Education in accordance with the administrative guidelines established by the Committee on Dispute Resolution of the Ohio Supreme Court; and
 - (3) When domestic violence or fear of domestic violence is alleged, suspected, or present, the Mediator must have completed at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Advisory Committee on Dispute Resolution. If not, he/she must co-mediate with a mediator who has completed the specialized training.
- (E) **Confidentiality.** The statements made during the course of the mediation screening, mediation sessions, and the notes of either the Mediator or the individual conducting the screening are not discoverable or admissible as evidence. The foregoing confidentiality requirements do not exempt any person from the statutory duty to report the following:
- (1) child abuse pursuant to R.C. 2151.421;
 - (2) statements that a felony has been or is being committed;
 - (3) violent acts that occur during mediation; and
 - (4) threats of harm to other people.

DR 31. Early Neutral Evaluation

(A) **Definitions.**

- (1) Early Neutral Evaluation (“ENE”) is a court-ordered dispute resolution process in which evaluators provide an evaluation of the probable outcome of litigation. ENE is not mediation.
 - (2) An Early Neutral Evaluator (“Evaluator”) conducts the ENE session. The Evaluator may not serve as a magistrate in the pending action. The Evaluator may not serve as a magistrate in a subsequent proceeding for a period of one year.
 - (3) “ENE Communication” means a statement, whether verbal or written, that occurs during an ENE session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening an ENE session.
- (B) **Case Selection and Referral.** Both parties must be represented by an attorney. Either party may request ENE through a written or oral motion to the Court or the Court may order ENE by its own motion. Once ENE is ordered, the Court will assign two Evaluators and select a date, time, and location for the first ENE session. The Court may order the parties to pay an ENE fee.
- (C) **Participation.** ENE requires the participation of each party and his/her attorney. No other person is permitted to participate without the Court’s approval.
- (D) **Scheduling Procedure.** Each ENE session is scheduled for three hours. If additional sessions are necessary, they will be scheduled after the first ENE session.
- (E) **Pre-Session Procedure.** Three weeks prior to the ENE session, each party must submit his/her Parenting Perspective Brief (“Brief”) to the Court. The Brief may be submitted by ordinary mail, hand-delivery, facsimile, or email. Upon receipt of both Briefs, the Court will send a copy of each Brief to opposing counsel. The Evaluators will review the Briefs prior to the first ENE session. The Briefs will not be filed with the Clerk of Courts. If the Briefs are filed with the Clerk of Courts, the Court will order the Briefs removed and stricken from the record. All copies of the Briefs are shredded upon completion of the ENE process.

- (F) **Session Procedure.** At the ENE session, the Evaluators will oversee the discussion to allow each party and his/her attorney the opportunity to be heard in an atmosphere of cooperation and respect. The Evaluators may seek additional information from each party. Once the information is gathered, the Evaluators will caucus to discuss the strengths and weaknesses of each party's position and probable outcomes. The Evaluators will then present their feedback and the options to all parties. Each party will have an opportunity to consult privately with his/her attorney to review and discuss the Evaluators' feedback. The Evaluators, parties, and attorneys will reconvene and discuss results. If the parties come to a full or partial agreement, the parties will reduce the agreement to writing and submit it to the Judge or the assigned magistrate.
- (G) **Continuances.** It is the Court's goal to determine matters in a timely manner. No case scheduled for ENE will be continued without the Court's authorization. A motion for a continuance must state the reason(s) for the request. A scheduled ENE session will be continued only for good cause shown and only after a new date has been determined.
- (H) **Confidentiality.**
- (1) An ENE Communication is not subject to discovery and is not admissible as evidence. An Evaluator may not be deposed or subpoenaed to testify about any ENE Communication unless an exception applies. Exceptions to privilege include the following:
 - (a) The ENE Communication is otherwise discoverable;
 - (b) The ENE Communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;
 - (c) The ENE Communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity; or

- (d) The ENE Communication is required to be disclosed pursuant to R.C. 2921.22.
- (2) The confidentiality requirements do not exempt any person from the statutory duty to report following:
 - (a) child abuse pursuant to R.C. 2151.421;
 - (b) statements that a felony has been or is being committed;
 - (c) violent acts that occur during the ENE session; and
 - (d) threats of harm to other people.

TITLE E. DECISIONS AND ENTRIES

DR 32. Requests for Findings of Fact and Conclusions of Law

When a party requests findings of fact and conclusions of law, the party making the request must submit proposed findings of fact and conclusions of law within 14 days from filing his/her request. Failure to do so may result in the Court denying his/her request without further notice.

DR 33. Decrees, Entries and Orders Establishing or Modifying Child Support Orders

The child support provisions set forth below must be included in the Decree/Entry or in the Shared Parenting Plan/Separation Agreement. Sample language that complies with this rule is on the Court's website, www.domesticcourt.org.

- (A) **Shared Parenting – Final Decree (divorce or dissolution).** If the parties submit a Shared Parenting Plan, the provisions listed below must be included in the Shared Parenting Plan. It is not necessary to repeat this language in any Decree being submitted with the plan.
 - (1) **Child Support Worksheets.** Two child support worksheets must be attached, one for each party as the obligor, to any

decree/entry where child support is at issue, even if child support is not ordered.

- (2) **Deviations.** In shared parenting, at least one party's child support obligation will be deviated. A party's annual deviation is reflected on Line 27 of the worksheet. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets. The child support order must include a statement that the actual annual obligation is "unjust or inappropriate and not in the best interest of the child/ren" and the reasons for the deviation in accordance with R.C. 3119.23 and 3119.24.
- (3) **Amount of Support.** If private health insurance is provided, the child support order must include the amount of child support with insurance, the amount of child support without insurance, and the amount of cash medical support. If private health insurance coverage is not provided, the child support order need only show the amount of child support without insurance and the amount of cash medical support.
- (4) **Requirements for Acceptance.** The child support provisions must include the language required under R.C. Chapters 3119 and 3121. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets.
- (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and 3119.31. If there is no change from a prior order, it is sufficient to state that the health insurance order is not modified.
- (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. If there is no change from a prior order, it is sufficient to state that the order allocating the tax exemption is not modified.

- (B) **Shared Parenting – Post Decree.** If the parties submit a post decree entry modifying an existing Shared Parenting Plan, and a revised Shared Parenting Plan is not submitted with the Entry, then the provisions listed below must be included in the Entry to the extent that these provisions are being modified from the original Shared Parenting Plan.
- (1) **Child Support Worksheets.** Two child support worksheets must be attached, one for each party as the obligor, to any decree/entry where child support is at issue, even if child support is not ordered.
 - (2) **Deviations.** In shared parenting, at least one party’s child support obligation will be deviated. A party’s annual deviation is reflected on Line 27 of the worksheet. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets. The child support order must include a statement that the actual annual obligation is “unjust or inappropriate and not in the best interest of the child/ren” and the reasons for the deviation in accordance with R.C. 3119.23 and 3119.24.
 - (3) **Amount of Support.** If private health insurance is provided, the child support order must include the amount of child support with insurance, the amount of child support without insurance, and the amount of cash medical support. If private health insurance coverage is not provided, the child support order need only show the amount of child support without insurance and the amount of cash medical support.
 - (4) **Requirements for Acceptance.** The child support provisions must include the language required under R.C. Chapters 3119 and 3121. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets.
 - (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and 3119.31. If there is no change from a prior order, it is

sufficient to state that the health insurance order is not modified.

- (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. If there is no change from a prior order, it is sufficient to state that the order allocating the tax exemption is not modified.

- (C) **Sole Residential Parent and Legal Custodian – Final Decree (divorce or dissolution).** If one party is designated the sole residential parent and legal custodian in a Decree of Dissolution or a Decree of Divorce, the provisions listed below must be included in either the Separation Agreement or the Decree, but not both.

- (1) **Child Support Worksheet.** A child support worksheet must be attached to any decree/entry where child support is at issue, even if child support is not ordered.

- (2) **Deviations.** If there is a deviation from the child support schedule, the worksheet must indicate the amount of deviation on line 27. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheet. The child support order must include a statement that the actual annual obligation is “unjust or inappropriate and not in the best interest of the child/ren” and the reasons for the deviation in accordance with R.C. 3119.23.

- (3) **Amount of Support.** If private health insurance is provided, the child support order must include the amount of child support with insurance, the amount of child support without insurance, and the amount of cash medical support. If private health insurance is not provided, the child support order need only show the amount of child support without insurance and the cash medical support.

- (4) **Requirements for Acceptance.** The child support provisions must include the language required under R.C. Chapters 3119 and 3121. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets.

- (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and 3119.31. If there is no change from a prior order, it is sufficient to state in the entry that the health insurance order is not modified.
 - (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. If there is no change from a prior order, it is sufficient to state in the entry that the order allocating the tax exemption is not modified.
- (D) **Sole Residential Parent and Legal Custodian – Post Decree.** If the parties submit a post decree entry modifying the designation of the sole residential parent or modifying the child support, then the provisions listed below must be included in the Entry to the extent that these provisions are being modified from the existing parenting order.
- (1) **Child Support Worksheet.** A child support worksheet must be attached to any decree/entry where child support is at issue, even if child support is not ordered.
 - (2) **Deviations.** If there is a deviation from the child support schedule, the worksheet must indicate the amount of deviation on line 27. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheet. The child support order must include a statement that the actual annual obligation is “unjust or inappropriate and not in the best interest of the child/ren” and the reasons for the deviation in accordance with R.C. 3119.23.
 - (3) **Amount of Support.** If private health insurance is provided, the child support order must include the amount of child support with insurance, the amount of child support without insurance, and the amount of cash medical support. If private health insurance is not provided, the child support order need only show the amount of child support without insurance and the cash medical support.

- (4) **Requirements for Acceptance.** The child support provisions must include the language required under R.C. Chapters 3119 and 3121. The monthly child support and cash medical support in the child support order must match the child support and cash medical support on the worksheets.
- (5) **Health Care Orders.** The child support provisions must include health care language required under R.C. 3119.30 and 3119.31. If there is no change from a prior order, it is sufficient to state in the entry that the health insurance order is not modified.
- (6) **Tax Exemption Orders.** The child support provisions must include the designation of the party entitled to the tax exemption pursuant to R.C. 3119.82. If there is no change from a prior order, it is sufficient to state in the entry that the order allocating the tax exemption is not modified.

DR 34. Qualified Domestic Relations Orders, Division of Property Orders, and Court Order Acceptable for Processing

- (A) A Qualified Domestic Relations Orders (QDRO), Division of Property Order (DOPO), and Court Order Acceptable for Processing (COAP) must meet the following requirements:
 - (1) Unless otherwise required by the plan administrator, only the attorneys/self-represented parties must sign the original;
 - (2) The original with all personal identifiers and a redacted copy of the original must be submitted to the Court. The copy must redact all personal identifiers, such as Social Security numbers (except for the last four digits), financial account numbers, and employee identification numbers.
 - (3) If the opposing party or his/her attorney fails or refuses to sign the order, the attorney or party may still present the order provided the attorney or party submitting the order complies with DR 35(A).

- (4) The order must be stamped “costs paid” or “costs waived” by the Clerk of Courts prior to its submission to the Court.
 - (5) A preapproval letter from the plan administrator is not required. It is, however, the filer’s responsibility to draft an order acceptable to the plan administrator.
- (B) The Clerk of Courts will file the redacted copy in the public Court file. The Clerk of Courts will keep the original in the red folder unavailable for public viewing. The Clerk of Courts will send a certified copy of the original to the plan administrator.
- (C) The Decree of Divorce, Dissolution, or Legal Separation must reserve jurisdiction to approve, amend, and/or modify any properly accepted QDRO, DOPO, or COAP to comply with the requirements of the plan administrator.

DR 35. Preparation of Decrees, Entries, and Orders

- (A) When an attorney/self-represented party is ordered to prepare a decree, entry, or order, he/she must prepare the document and submit it to the opposing attorney/self-represented party with a cover letter, instructing him/her to review, sign, and return the document to the preparer within 14 days. If the opposing attorney/self-represented party does not respond within 14 days, the document may be submitted to the Court without the signature of the opposing attorney/self-represented party, but with a copy of the cover letter sent to the opposing attorney/self-represented party.
- (B) The decree, entry, or order must be stamped “costs paid” or “costs waived” by the Clerk of Courts prior to its submission to the Court.

DR 36. Agreed Entries

- (A) If a case has been closed, a motion must be filed prior to the submission of an agreed entry. If a case is open, agreed entries may be submitted without a motion.
- (B) If the parties reach an agreement but do not have sufficient time to submit a signed agreed entry prior to the hearing, then all parties

and attorneys must appear in court at the scheduled time and read the agreement into the record.

- (C) The Court may adopt agreed entries without a hearing provided that at least one party is represented, no further documentation is needed, and the Court determines that a hearing was not necessary.
- (D) The agreed entry must be stamped “costs paid” or “costs waived” by the Clerk of Courts prior to its submission to the Court.

DR 37. Electronic Signatures

The signature of the Judge or a magistrate on any document may be executed manually or by electronic signature.

TITLE F: MAGISTRATES

DR 38. Powers of Magistrates

All magistrates have the powers set forth in Civil Rule 53, and all other powers as set forth in the journal entries of this Court and state statutes. A written magistrate’s decision is not required if there is an agreed entry and all parties execute a Waiver of Magistrate’s Decision and 14 Day Objection Period (Form DR 104B).

DR 39. Magistrate’s Orders and Decisions

- (A) Any motion to set aside a magistrate’s order or objections to a magistrate’s decision based on a factual finding must be supported by a complete transcript.
- (B) If a transcript is required, the party filing the motion or objections must order the transcript from the Court Reporter by filing a Request for Transcript with the Clerk of Courts at the time of filing the motion or objections. The complete transcript must be filed within 30 days after filing the motion or objections. Failure to file the complete transcript timely may result in dismissal of the motion or objections unless the Court extends the time.

- (C) A party has 14 days following the filing of the complete transcript to file an amended motion to set aside, supplemental objections, or a brief in support.
- (D) An opposing party has 14 days to file a brief in opposition following the filing of each of the following:
 - (1) transcript
 - (2) motion to set aside
 - (3) objections
 - (4) amended motion to set aside
 - (5) supplemental objections
 - (6) brief in support

TITLE G: SPECIAL PROCEEDINGS

DR 40. Domestic Violence

An action seeking an *ex parte* Civil Protection Order is initiated by filing a Petition for a Domestic Violence Civil Protection Order in accordance with R.C. 3113.31. Petitions may be filed with the Clerk of Courts from 8:00 a.m. to 2:30 p.m., Monday through Friday when the Court is in session. The Clerk of Courts will not accept the filing of a Petition for a Domestic Violence Civil Protection Order after 2:30 p.m.

DR 41. Registration of a Foreign Parenting Order - UCCJEA

- (A) An order allocating legal custody, physical custody, parenting time, or visitation issued by another state or country may be registered with this Court for the purpose of enforcing or modifying any provisions in accordance with R.C. 3127.01 *et seq.* (UCCJEA). The registration of a decree under this rule does not vest this Court with jurisdiction to enforce or modify provisions for child support, spousal support, or property division. If a party is seeking modification of an order allocating legal custody, physical custody, parenting time, or visitation, this Court must be able to exercise jurisdiction in accordance with the provisions of R.C. 3127.15-22, 3127.34, and 3127.36.
- (B) **Procedure.**

- (1) The party seeking registration of the foreign decree under the UCCJEA must file and serve on the opposing party a Petition requesting such registration. The party seeking registration must attach a certified copy of the foreign decree(s) to the Petition, file a Parenting Proceeding Affidavit (Form DR 604), and an affidavit that to the best of the knowledge and belief of the party seeking registration of the order that the order has not been modified.
 - (2) The Petition must comply with R.C. Chapter 3127. This original pleading must state all facts known to the filing party relevant to R.C. 3127.15(A), 3127.17 and/or 3127.18, as applicable.
- (C) **Enforcement/Modification.** A motion seeking enforcement or modification of the current order may be filed with the Petition for Registration or may be filed at a later time. If a motion to enforce or modify is filed simultaneously with the Petition for Registration, the Court will set the motion to modify for hearing after the foreign order has been registered and confirmed. If this Court grants the motion to modify, this Court has exclusive, continuing jurisdiction until otherwise provided under R.C. 3127.16.

DR 42. Registration of a Foreign Support Order - UIFSA

- (A) A child support order issued by another state or country may be registered in this Court for the purpose of enforcement or modification in accordance with R.C. 3115.101 *et seq.*
- (B) **Procedure.** An action to register a foreign child support order for enforcement purposes only is governed by R.C. 3115.601 through 3115.608. An action to modify a foreign child support order is governed by R.C. 3115.609 through 3115.616.
- (C) **Enforcement/Modification.** A motion seeking enforcement or modification of child support may be filed with the Petition for Registration or may be filed at a later time. If a motion to enforce or modify is filed simultaneously with the Petition for Registration, the Court will set the motion for hearing after the foreign child support order has been registered and confirmed. If this Court grants the

motion to modify, this Court has exclusive, continuing jurisdiction pursuant to R.C. 3115.611(E).

DR 43. Change of Venue

- (A) Before the Court will consider a request to accept venue from another Ohio court where a final decree has not been filed, the moving party must provide the following:
 - (1) filing of a certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) transfer of the entire file from the Clerk of Courts in the original county to the Clermont County Clerk of Courts.
- (B) Before the Court will consider a request to accept venue from another Ohio court after a decree has been filed, the moving party must provide the following:
 - (1) a certified copy of the entry from the original court authorizing the transfer of venue; and
 - (2) a certified copy of the final decree and any subsequent entries modifying the final decree from the Clerk of Courts in the original county to the Clermont County Clerk of Courts.
- (C) If a party seeks to change venue from this Court to another Ohio court, he/she must file a motion with this Court requesting change of venue and setting forth the reasons for the request.

DR 44. Attorney Fees

- (A) **Procedure.** A motion for attorney fees may be included in the body of the motion or other pleading that gives rise to the request for fees. If the motion for attorney fees is by separate motion, it must be served on the opposing attorney/self-represented party at least seven days prior to the hearing.
- (B) **Reasonable Fee.** Unless otherwise determined by the Court and absent formal evidence, \$500 is a reasonable attorney fee. In determining the necessity for and the reasonableness of attorney fees, the Court may rely on the following:

- (1) the Court's knowledge and observations of time and effort expended;
 - (2) the tactics used and results obtained;
 - (3) whether the parties cooperated in discovery;
 - (4) settlement efforts made by each party;
 - (5) compliance with Court orders; and
 - (6) the amount of attorney fees the opposing party has incurred in the same matter.
- (C) **Formal Evidence in Support of Motion.** If a party is seeking an award for attorney fees in excess of \$500, the attorney must present the following evidence at the hearing:
- (1) an itemized statement describing the services rendered, the time for such services, the requested hourly rate, and necessary expenses and cost for litigation;
 - (2) testimony as to whether the case was complicated by any factor which necessitated extra time being spent on the case;
 - (3) testimony regarding the attorney's years in practice and experience in domestic relations cases; and
 - (4) evidence of the defending party's ability to pay, and of the moving party's need for an award of attorney fees, if not otherwise disclosed during the hearing.

DR 45. Existing Orders

- (A) If there is a child support order or child custody order in effect through another court at the time a Complaint for Divorce or Legal Separation or a Petition for Dissolution is filed, the filing party must attach a copy of the other court's most recent order, including the

child support worksheet, to the Parenting Proceeding Affidavit (Form DR 604).

- (B) This Court will request the termination of any Clermont County Juvenile Court order and the transfer of any child support balance.
- (C) The parties are responsible for seeking the termination of any child support or child custody order in effect from any other county.
- (D) If another court's child support order is terminated, this Court's decree or entry must include the case number and effective date of the termination of the other court's order and whether CSE will transfer the balance from the other court. The following is sample language that complies with this rule:

Obligor was ordered to pay child support under _____ County _____ Court Case Number _____. The _____ County _____ Court child support order was terminated effective _____. CSE will transfer the balance from the _____ County _____ Court order to the Clermont County Domestic Relations Court, Case Number _____. Effective _____, Obligor will pay child...

DR 46. Case Management

- (A) The first pretrial conference is the case management conference. It will be scheduled as soon as possible after either the filing of an answer or the expiration of time for the filing of an answer or upon the filing of the post decree motion. An attorney/self-represented party will be given written notice of the pretrial conference. The pretrial order includes a case management schedule.
- (B) The Court, either on its own motion or the motion of an attorney/self-represented party, may modify any date in the case management schedule. A modification may extend or reduce the time for any event.
- (C) When a case is stayed, the original case management schedule is stayed. When the stay is lifted, the Court will schedule another pretrial conference or a final hearing, as appropriate.

- (D) If a contested final hearing date is scheduled and an agreement has been reached on all matters, an uncontested final hearing date may be requested by calling the Court.
- (E) At the discretion of the Court, the parties may be ordered to attend dispute resolution programs, counseling programs, and settlement conferences.

APPENDIX A - CHECKLISTS

A. DIVORCE:

Complaint for Divorce - Minor Children

Complaint – your own or court form	101
Classification Form	115
Notification Form	116 or 116-A
Request for Service	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet	626
(Attorney must provide completed Child Support Worksheet)	
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce with Separation Agreement - Minor Children

Complaint – your own or court form	101
Separation Agreement – your own or court form	105
Classification Form	115
Notification Form (both parties if service waived by the other party)	116 or 116-A
Request for Service (unless other party signs an Appearance and Waiver of Service of Summons)	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Shared Parenting Plan (if applicable) – your own or court form	602

Guideline Parenting Schedule (if following)	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet (Attorney must provide completed Child Support Worksheet)	626
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce – No Minor Children

Complaint – your own or court form	102
Classification Form	115
Notification Form	116 or 116-A
Request for Service	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Self-represented Party Waiver of Counsel	702-A

Complaint for Divorce with Separation Agreement - No Minor Children

Complaint – your own or court form	102
Separation Agreement – your own or court form	105
Classification Form	115
Notification Form (both parties if service waived by the other party)	116 or 116-A
Request for Service (unless other party signs an Appearance and Waiver of Service of Summons)	110
Waiver of Affidavit of Income and Expenses	703
Waiver of Affidavit of Property	704
Self-represented Party Waiver of Counsel	702-A

Answer/Counterclaim - Minor Children

Answer – your own or court form	106
Counterclaim- your own or court form	108
Notification Form	116 or 116-A
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet	626

(Attorney must provide completed Child Support Worksheet)	
Health Insurance Affidavit	409
Title IV-D Application	7076
Self-represented Party Waiver of Counsel	702-A
<u>Answer/Counterclaim - No Minor Children</u>	
Answer - your own or court form	107
Counterclaim – your own or court form	108
Notification Form	116 or 116-A
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502
Self-represented Party Waiver of Counsel	702-A

B. DISSOLUTION:

Dissolution - Minor Children

Petition for Dissolution – your own or court form	103
Appearance and Waiver of Service of Summons (signed by each party)	701
Separation Agreement – your own or court form	105
Classification Form	115
Notification Form (one for each party)	116 & 116-A
Waiver of Affidavit of Income and Expenses	703
Waiver of Affidavit of Property	704
Shared Parenting Plan (if applicable) – your own or court form	602
Guideline Parenting Schedule (if following)	605
Parenting Proceeding Affidavit	604
Child Support Worksheet Information Sheet (one for each party)	626
(Attorney must provide completed Child Support Worksheet)	
Health Insurance Affidavit	409
Title IV-D Application	7076
CSE Account Information Sheet	509-4
Self-represented Party Waiver of Counsel	702-A
Decree of Dissolution/Decree of Shared Parenting (attorneys only)	
Waiver of Magistrate’s Decision and 14 Day Objection Period (attorneys only)	104-B

Dissolution - No Minor Children

Petition for Dissolution – your own or court form	104
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Appearance and Waiver of Service of Summons (signed by each party)	701
Separation Agreement - your own or court form	105
Classification Form	115
Notification Form (one for each party)	116 or 116-A
Waiver of Affidavit of Income and Expenses	703
Waiver of Affidavit of Property	704
Self-represented Party Waiver of Counsel	702-A
Decree of Dissolution (attorneys only)	
Waiver of Magistrate's Decision and 14 Day Objection Period (attorneys only)	104-B

C. MOTION TO CONVERT

Motion to Convert Dissolution to Divorce – Minor Children

Motion to Convert	118
Complaint for Divorce – your own or court form	101
Request for Service (unless other party signs an Appearance and Waiver of Service of Summons)	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502

Motion to Convert Dissolution to Divorce – No Minor Children

Motion to Convert	118
Complaint for Divorce – your own or court form	102
Request for Service - (unless other party signs an Appearance and Waiver of Service of Summons)	110
Affidavit of Income and Expenses	501
Three most recent paystubs or other proof of income	
Affidavit of Property	502

Motion to Convert Divorce to Dissolution – Minor Children

Motion to Convert	119
Petition for Dissolution – your own or court form	103
Appearance and Waiver of Service of Summons (signed by both parties)	701
Separation Agreement – your own or court form	105
Notification Form (one for each party)	116 & 116-A
Waiver of Affidavit of Income and Expenses	703

Waiver of Affidavit of Property	704
Shared Parenting Plan (if applicable) – your own or court form	602
Guideline Parenting Schedule (if following)	605
Child Support Worksheet Information Sheet (one for each party) (Attorney must provide completed Child Support Worksheet)	626
CSE Account Information Sheet	509-4
Self-represented Party Waiver of Counsel	702-A
Decree of Dissolution/Decree of Shared Parenting (attorneys only)	
Waiver of Magistrate’s Decision and 14 Day Objection Period (attorneys only)	104-B

Motion to Convert Divorce to Dissolution – No Minor Children

Motion to Convert	119
Petition for Dissolution – your own or court form	104
Appearance and Waiver of Service of summons (signed by each party)	701
Separation Agreement - your own or court form	105
Notification Form (one for each party)	116 or 116-A
Waiver of Affidavit of Income and Expenses	703
Waiver of Affidavit of Property	704
Self-represented Party Waiver of Counsel	702-A
Decree of Dissolution (attorneys only)	
Waiver of Magistrate’s Decision and 14 Day Objection Period (attorneys only)	104-B

D. POST DECREE

**Motion to Modify Child Support, Motion to Modify Medical Insurance/Expenses,
Motion to Modify Tax Exemption**

Motion and Supporting Memorandum	303
Notification Form	116 or 116-A
Health Insurance Affidavit	409
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Spousal Support

Motion and Supporting Memorandum	305
Notification Form	116 or 116-A
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Time - Residential and Legal Custodian

Motion and Supporting Memorandum	304
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Notification Form	116 or 116-A
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Time – Shared Parenting

Motion and Supporting Memorandum	304
Notification Form	116 or 116-A
Self-represented Party Waiver of Counsel	702-A

Motion to Modify Parenting Rights and Responsibilities, Motion for Shared Parenting, Motion to Terminate Shared Parenting

Motion and Supporting Memorandum	302
Proposed Shared Parenting Plan (if applicable) – your own or court form	602
Notification Form	116 or 116-A
Parenting Proceeding Affidavit	604
Health Insurance Affidavit	409
Self-represented Party Waiver of Counsel	702-A

Miscellaneous Motion

Motion and Supporting Memorandum	306
Notification Form	116 or 116-A
Self-represented Party Waiver of Counsel	702-A

Motion for Contempt

Motion and Supporting Affidavit	301
Notification Form	116 or 116-A
Self-represented Party Waiver of Counsel	702-A
Explanation of Medical Bills (if applicable)	301-M

E. FOREIGN DECREES

Registration of Foreign Decree - UCCJEA

Petition for Registration	Your Own
Certified Copy of Foreign Decree	
Classification Form	115
Notification Form	116 or 116-A
Notice of Registration	307
Parenting Proceeding Affidavit	604
Self-represented Party Waiver of Counsel	702-A

Registration of Foreign Decree - UIFSA

Petition for Registration	Your Own
Certified Copy of Foreign Decree	
Classification Form	115
Notification Form	116 or 116-A
Notice of Registration	308
Parenting Proceeding Affidavit	604
Self-represented Party Waiver of Counsel	702-A

APPENDIX B - DEPOSITS REQUIRED FOR COURT COSTS

Divorce, Legal Separation & Annulment (no minor children)	\$325.00
Divorce, Legal Separation & Annulment (with minor children)	\$400.00
Counterclaim	\$ 50.00
Petition for Dissolution of Marriage (no minor children)	\$300.00
Petition for Dissolution of Marriage (with minor children)	\$350.00
Post Decree Motion – will be assessed with each motion filed	\$165.00
Registration of Foreign Decree	\$ 50.00
Registration of Foreign Decree with Motion for Enforcement Or Modification	\$215.00
Parenting Investigation	\$250.00
Notice by Publication	\$550.00
Foreign County Service	\$ 60.00

Garnishment	\$ 50.00
Witness Fee (per day) plus mileage	\$12.00
Appeal to Court of Appeals	\$225.00

NOTE: The Clerk’s Office charges \$1 per page for all pleadings and \$3 per page for all orders and decisions.

APPENDIX C - TEMPORARY RESTRAINING ORDER

IT IS ORDERED, PURSUANT TO LOCAL RULE DR 21, EFFECTIVE ON THE DATE A COMPLAINT IS FILED THAT EACH SPOUSE IS PROHIBITED FROM DOING ANY OF THE FOLLOWING ACTS:

1. Changing, or causing to be changed, the current residence of the minor child/ren, so as to change the current residence of the child/ren;
2. Causing physical abuse, inflicting bodily injury, attempting to cause or recklessly causing bodily injury, threatening the use of force or immediate physical harm, molesting, following, stalking, bothering, harassing, annoying, forcing sexual relations on, interfering with, or imposing any restraint on the personal liberty of the other spouse, committing any act with respect to the parties’ minor child/ren that would result in the parties’ minor child/ren being an abused or neglected child under Ohio law;
3. Creating debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and transportation;
4. Selling, removing, transferring, encumbering, pledging, damaging, hiding, concealing, assigning, or disposing of any property, real or personal, owned by both or either spouse or their child/ren (including household goods, vehicles, financial accounts, and the personal property of each), without the prior written consent of the spouse or the Court, unless the financial account is now used for the payment of living costs;
5. Modifying insurance coverage for a spouse or the parties’ minor child/ren including health, automobile, life, homeowner/rental, liability, or disability. “Modifying” includes but is not limited to canceling or failing to renew the insurance coverage. It also includes changing the term or type of coverage, changing the beneficiary, or borrowing against or otherwise accessing the cash value of any policy;

6. Failing to include the spouse or the parties' minor child/ren on any insurance renewal form, including health, automobile, life, homeowner/rental, liability, or disability, if the spouse or the parties' minor children are included in the coverage prior to the renewal date;
7. Voluntarily liquidating, cashing in, changing the beneficiary, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or the parties' minor child/ren; and
8. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court. This order, by itself, does not create an obligation for either spouse to pay the utility service.

Nothing in the above restraining orders precludes a spouse from using his/her property to pay necessary and reasonable attorney fees, litigation costs, and court costs in this action.

APPENDIX D - CLERMONT COUNTY GUIDELINE PARENTING SCHEDULE CLERMONT COUNTY DOMESTIC RELATIONS COURT GUIDELINE PARENTING SCHEDULE

This Guideline Schedule is effective March 15, 2017. This Schedule does not apply to any orders journalized prior to March 15, 2017.

1. GENERAL PARENTING PRINCIPLES

During and after a divorce, there is often a crisis period (from several months to years) during which families are under great stress because of loss, conflict, and change. Most studies show, and psychologists uniformly agree, that the children who do best following divorce are from those families that maintain a low level of conflict. The absence of conflict is more critical than the amount of time either parent spends with the child. Although spouses may terminate their marital relationship, parents should never terminate their relationship with their child/ren.

Shared parenting is the preferred method of parenting child/ren following the termination of a marriage. Shared parenting does not necessarily mean that the child/ren will spend equal time with each parent. Shared parenting means that both parents will continue to be legal custodians and residential parents of their child/ren and will continue to make decisions for their child/ren. Shared parenting requires both parents to respect and trust one another and to act in their child/ren's best interest. If there is evidence that the parents are unable or unwilling to operate under a Shared Parenting Plan, then shared parenting may not be in the child/ren's best interest.

If shared parenting is not in the child/ren's best interest, one parent will be designated the sole residential parent and legal custodian. The other parent has the right to see the child/ren under the parenting schedule, but is not a legal custodian or residential parent.

No specific parenting schedule will satisfy the needs of all children and all parents over the years. Critical to the success of any schedule is that each parent remain flexible, based upon the changing needs of child/ren, as the child/ren grow older. This Guideline Parenting Schedule takes into account the changing developmental needs of children. This Court recognizes that each situation is different and that each child is different. It is preferred that parents tailor the parenting schedule to meet the specific needs of their child/ren.

Consistency in the scheduled time is also helpful for both parents and for children of all ages.

Parents are the best judge of what meets the needs of their child/ren. Although a child's wishes and concerns may be considered in determining parenting schedules, they are not the controlling factor. If a child indicates a strong opposition to being with the other parent, it is the responsibility of both parents to support and encourage parenting time. Both parents must deal appropriately with the situation by calmly discussing with the child his/her reasons. The parents must work together to alleviate these misgivings without confrontation or argument. If they cannot resolve the problem, the parents should seek the assistance of a counselor or other professional. Either parent may file a motion requesting court ordered counseling. It is the absolute duty of each parent to foster an environment which avoids such problems and to make certain that the child/ren have a healthy on-going relationship with both parents.

If parents are unable to agree on a parenting schedule, then this Court will decide what is best for the child/ren. A court imposed parenting schedule is not a judgment by this Court that one parent is better than the other parent. A court imposed parenting schedule is based solely on what is best for the child/ren in the current circumstances.

To maintain frequent contact with child/ren following a divorce, parents should strongly consider living in the same school district or within close proximity to one another. The farther the distance between the parents' homes, the more difficult it is for both parents to maintain their involvement with their child/ren. Moving out of the child/ren's area is something that should only be considered if there are no other alternatives.

Parents should create a schedule that works best for their family. In creating a schedule, parents should consider all of the following:

- A. The developmental needs and ages of their child/ren;
- B. The activities in which their child/ren are involved;
- C. Whether their child/ren have any special needs;
- D. The preservation or development of a close relationship with each parent;
- E. Each child's temperament and ability to handle change; and
- F. The parents' career demands and work schedules

_____ (“Parent 1”) will have parenting time with the child/ren under the following schedule.
Insert Parent's Name

_____ (“Parent 2”) will have parenting time with the child/ren at all other times.
Insert Parent's Name

2. WEEKLY SCHEDULE

A. Birth to Three Years

Very young children benefit from having a “home base” with one parent, and frequent, but short (i.e. two or three hour periods), contact with the other parent. Although Parent 1 may feel that the schedule is imbalanced in favor of Parent 2, the purpose of this schedule is to ensure that the very young child has the home base, which is vital to his/her developmental needs.

Parent 1 will have alternating weekly parenting time as follows:

Week A: Tuesday and Thursday evening from 6 pm to 9 pm and from Saturday at noon to Sunday at noon.

Week B: Tuesday and Thursday evening from 6 pm to 9 pm and Saturday from 9 am to noon.

BIRTH TO THREE YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week A		6 pm to 9 pm		6 pm to 9 pm		Overnight beginning at	End at noon

BIRTH TO THREE YEARS PARENTING SCHEDULE							
						noon	
Week B		6 pm to 9 pm		6 pm to 9 pm		9 am to noon	

B. Age Three Years through Twelve Years

Children in this age group often have extracurricular activities several nights each week. Both parents should continue to support their child/ren in these activities to the same extent if they had not terminated their marriage. Each parent must put aside any animosity he/she feels toward the other parent when the parents are attending their child/ren’s activities, for the child/ren’s benefit and to avoid embarrassing the child/ren. Neither parent, however, may use his/her authority to schedule extracurricular activities in a manner that defeats or seriously infringes on the other parent’s ability to spend time with the child/ren.

Parent 1 will have parenting time alternating weekly as follows:

Week A: Thursday afternoon, at 6 pm until Monday morning. Parent 1 is responsible for transporting school age child/ren to and from school on Friday and on Monday morning. If the child/ren does not have school on Friday morning, Parent 1 is responsible for making child care arrangements for the child/ren. If the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

Week B: Thursday afternoon at 6 pm until Friday morning. If school is in session, Parent 1 is responsible for taking school age children to school on Friday morning. If school is not in session on Friday, Parent 1 must return the child/ren to Parent 2 or the child care provider by Friday at 10 am.

AGE THREE YEARS THROUGH AGE TWELVE YEARS PARENTING SCHEDULE							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Week A				Beginning at 6 pm	O	O	O deliver to school, Parent 2 or child care by Monday at 10 am
Week B				Beginning at 6 pm	deliver to school, Parent 2 or child care by 10 am		

O means overnight

C. Age Thirteen Years and above

Children in this age group tend to view their peer group as more important than their family ties. This does not mean that parents are insignificant or have no role to play with children of this age. Each parent must continue to support their child/ren’s relationship with both parents. Both parents should continue to support their child/ren in their activities to the same extent as if they had not terminated their marriage. Each parent must put aside any animosity he/she feels toward the other parent when the parents are attending their child/ren’s activities, to avoid embarrassing the child/ren.

Many children are driving by age 16; many children are also working part time jobs in addition to attending high school and participating in extracurricular activities. Both parents have to be reasonable with their demands for their child/ren to spend time with the parents, especially during weekends and summer holidays. Quality of time is more important than a rigid schedule. Flexibility in scheduling is necessary. When possible, the parents should consider the older teenager’s wishes.

Parent 1 will have parenting time every other weekend from Friday at 6 pm until Monday morning. If school is in session, Parent 1 is responsible for taking school age child/ren to school on Monday morning. If

school is not in session, Parent 1 must return the child/ren to Parent 2 by Monday at 10 am. Parents should respect a teenager’s need to spend time with peers and in organized activities, and less time with each parent.

D. Siblings in different age groups

If a family has children in Brackets 2A and 2B above, then Parent 1 will have parenting time with the children in accordance with the Bracket 2A schedule, with one exception. The Week A weekend parenting time for the child younger than three years old will remain as set forth on Schedule 2A. The Week A weekend parenting time for the older child will be from Friday evening at 6 pm until Monday morning. Parent 1 is responsible for transporting school age child/ren to school on Monday morning. If the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

If a family has children in Brackets 2A, 2B, and 2C, above, then Parent 1 will have parenting time with the child/ren age birth to 12 years old in accordance with the Bracket 2A schedule, with one exception. The Week A weekend parenting time for the child younger than three years will remain as set forth on Schedule 2A. The Week A weekend parenting time for the child/ren age three to 12 years old will be from Friday evening at 6 pm until Monday morning. Parent 1 will have parenting time with the children age 13 through 18 in accordance with Bracket 2C. Parent 1 is responsible for transporting school age child/ren to school on Monday morning. If the child/ren does not have school on Monday morning, Parent 1 must return the child/ren to Parent 2 or the child care provider by Monday at 10 am. Parent 2 is responsible for making child care arrangements for the child/ren.

If a family has children in Brackets 2A and 2C, above, then Parent 1 will have parenting time with the child/ren according to each child’s bracket. If a family has children in Brackets 2B and 2C, above, then Parent 1 will have parenting time with the child/ren according to each child’s bracket.

3. ADDITIONAL PARENTING TIME

A. <u>Holidays</u>	Even	Odd	<u>Schedule</u>
	Numbered	Numbered	
<u>Holiday</u>	<u>Years</u>	<u>Years</u>	
New Year’s Day*	Parent 1	Parent 2	12/31 6:00p.m. to 1/1 6:00p.m.
Martin Luther King Day	Parent 2	Parent 1	Sunday 6:00p.m. to Monday 6:00p.m.
President’s Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Easter	Parent 2	Parent 1	Saturday noon to Sunday 6:00p.m.
Memorial Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Fourth of July	Parent 2	Parent 1	9:00a.m. to 9:00p.m.
Labor Day	Parent 1	Parent 2	Sunday 6:00p.m. to Monday 6:00p.m.
Halloween (Beggar’s Night)**	Parent 2	Parent 1	5:00p.m. to 9:00p.m.
Thanksgiving	Parent 1	Parent 2	Wednesday 6:00p.m. to Friday 6:00p.m.
Christmas Eve	Parent 1	Parent 2	12/23 noon to 12/24 9:00p.m.
Christmas Day	Parent 2	Parent 1	12/24 9:00p.m to 12/26 6:00p.m.
Mother’s Day***	Mother	Mother	10:00a.m. to 9:00p.m.
Father’s Day***	Father	Father	10:00a.m. to 9:00p.m.
Child’s Birthday (school)****	Parent 1	Parent 2	5:00p.m. to 9:00p.m.
Child’s Birthday (no school)****	Parent 1	Parent 2	9:00a.m. to 9:00p.m.

*The year in which New Year’s Day falls determines whether the holiday is in an even or odd-numbered year.

**If Beggar’s Night occurs on different nights in each parent’s neighborhood, then the child/ren may participate in Beggar’s Night in each parent’s neighborhood.

***If Parent 1 and Parent 2 are the same sex, Parent 1 will have parenting time from 10:00a.m. to 9:00p.m. on Mother’s Day in even years and Father’s Day in odd years, and Parent 2 will have parenting time from 10:00a.m. to 9:00p.m. on Mother’s Day in odd years and Father’s Day in even years.

****The parenting time for birthdays will include all children of the marriage, not just the child/ren celebrating

his/her birthday.

Either or both parents may celebrate additional days of special meaning in which the child/ren should be permitted to participate. These days of special meaning include, but are not limited to, a parent's wedding, extended family members' birthday celebrations, anniversaries, religious holidays, and cultural holidays. Holidays of religious or cultural significance should be allocated between the parties in the final parenting orders. If a specific day of special meaning is not incorporated into the above chart, then the parent wishing to exercise such day of special meaning may use extended parenting time, as set forth below, so that the child/ren may participate in the celebration.

B. Extended Time

Each parent is entitled to three weeks of additional parenting time each year, two of which may be consecutive. A week is a period not exceeding seven consecutive days. If a parent does not use the full seven days of extended time, those unused days are forfeited. This time may be exercised during the child/ren's spring break from school (every other year) or at any other appropriate time during the year. This time may also be exercised during the child/ren's Christmas school break (every other year), but unless otherwise agreed to by the parties, the extended time may not begin before December 26 nor continue past December 31.

Extended parenting time may not be tacked on to the parent's regular parenting schedule. If a parent is exercising seven or more consecutive days of parenting time, the other parent must have at least one overnight parenting time immediately prior to and one overnight parenting time immediately after the consecutive days of parenting time. If a parent is exercising extended parenting time but the total time is less than seven consecutive days, there is no requirement that the other parent have overnight parenting time immediately prior to or immediately after the extended parenting time.

Each parent will provide the other parent with his or her vacation destination, method of travel, times of arrival and departure, and the telephone number where the child/ren can be reached if extended time is going to occur out of town. The vacationing parent must provide this information to the non-vacationing parent at least 14 calendar days prior to the commencement of the vacation. A parent is not required to travel out of town or use vacation time from work in order to exercise extended parenting time.

Each parent must notify the other parent in writing of the times desired for these extended periods, at least 30 days prior to the requested extended parenting time. Where there is a conflict between the parents, the parent who first gave written notice to the other parent prevails.

4. ORDER OF PREFERENCE

In the event of a conflict, the following is the order of preference: (1) holidays; (2) extended periods; (3) weekends and midweek days.

5. MISCELLANEOUS

A. Parent 1 must provide transportation at the beginning of his/her parenting time and Parent 2 must provide transportation at the end of Parent 1's parenting time. If the parent providing transportation is unavailable, another person may provide transportation if he/she is over the age of 18, has a valid driver's license, has car insurance and is one of the following: a person related to the child/ren or who is part of the extended family of either parent; a friend of the parent known to both the parents and the child/ren; and any other person agreed upon in advance by the parents. Any person transporting a child/ren must use the proper child/ren restraint seat(s) and/or seat belts as required by law. No person may consume alcohol or use illegal drugs immediately prior to or during the transportation of a child/ren.

B. Each parent may have reasonable telephone and email contact with the child/ren.

C. Parents are expected to be prompt for all parenting time exchanges. If a parent is going to be late, he/she must contact the other parent and give a reasonable estimated arrival time. Chronic lateness may be a

reason to modify the schedule. The child/ren should be ready to leave with the parent at the scheduled time.

D. Each parent must give notice of his/her intent not to have parenting time, at least 24 hours in advance, unless a last minute emergency occurs. A parent who does not exercise a specific parenting time forfeits that specific time.

E. A parenting time exchange is not the time for parents to air their grievances with the other parent. It is important for the child/ren that the exchanges take place without any conflict between their parents.

F. Either parent may request a modification of parenting time by filing a motion to modify with this Court. This Court will modify a parenting schedule based upon the best interest of the child/ren. Whether a parent is exercising his/her parenting time, whether there are conflicts in the parenting time exchanges, and whether a parent is prompt in the pickup and return of the children are examples of factors to be considered in determining what is in the child/ren's best interest.

6. STATUTORY NOTICES

RELOCATION NOTICE: Pursuant to R.C. 3109.051(G), the parents are notified as follows: If either parent intends to move to a residence other than the last residence of court record, he/she must file a notice of intent to relocate with the Clerk of Courts. Except as provided in R.C. 3109.051(G)(2), (3) and (4), the Clerk of Courts will mail a copy of the notice to the other parent. On receipt of the notice, this Court, on its own motion or on the motion of the other parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child/ren to revise the parenting schedule.

Pursuant to DR 23 neither parent/legal custodian may relocate the child/ren outside of a 75 mile radius of the residence address of the residential parent (sole custody) or the other residential parent (shared parenting) at the time of the last parenting time order without first obtaining a modified parenting time order. The parents may submit a motion and an agreed entry modifying parenting time, with a provision for allocation of transportation expenses, which complies with DR 36, to the Court for adoption by the Court as an order.

If the parents are unable to agree, the parent filing the Notice to Relocate must, prior to relocation, 1) file a motion asking the Court to modify the parenting time schedule, 2) set a hearing, and 3) obtain a modified parenting time order. The motion must include the notice of relocation new residence address unless not required under R.C.3109.051(G)(2). Because relocating a child can be harmful to the parent/child relationship, the Court will not continue hearings to address a modification of the parenting schedule due to an imminent relocation except in extreme circumstances.

RECORDS ACCESS NOTICE: Pursuant to R.C. 3109.051(H) and 3319.321(B)(5)(a), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any record related to the child/ren, including school and medical records. Any keeper of a record, public or private who knowingly fails to comply with this order is in contempt of court.

DAY CARE CENTER ACCESS NOTICE: Pursuant to R.C. 3109.051(I), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any day care center that is or will be attended by the child/ren.

SCHOOL ACTIVITIES NOTICE: Pursuant to R.C. 3109.051(J), the parents are notified as follows: Except as specifically modified or otherwise limited by court order or by law, both parents are entitled to equal access to any student activity related to the child/ren. Any school official or employee who knowingly fails to comply with this order is in contempt of court.