

## **RULE 2 - PLEADINGS AND MOTIONS**

### **2.01 FORM:**

A. The caption of all complaints, petitions, answers, counterclaims and any other initial filing, shall state the name and address of the plaintiff/petitioner and defendant/respondent/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 of the parties.

B. The caption of all subsequent pleadings, motions, and other papers 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 and parties shall be designated by their names in the body of the motion.

C. All papers 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 papers filed with the Clerk of Courts by an unrepresented party shall bear the party's name, complete address, telephone number and e-mail address.

D. Motions: Motions shall state with particularity the relief sought by the moving party. All motions **must** be accompanied by a proposed order. The proposed order shall be signed by the preparing party and indicate a request for service upon all other parties specifically by name and, when appropriate, upon the Medina County Child Support Enforcement Agency. A motion which shall be set for hearing shall be accompanied by a proposed order setting the matter for hearing. A "check box" style proposed order is acceptable.

E. The Clerk of Court shall not accept any document(s) not in conformance with this rule. The Clerk shall direct any pleadings or documents not in conformance with this rule to be submitted to the custody of the Court for consideration by the Court and, in the Court's discretion, any such document shall be determined to be a pleading, correspondence or submission to the Court in conformance with Ohio Rule of Superintendence 44 or any other applicable federal, state or local rule.

### **2.02 INITIAL FILINGS AND MANDATORY DOCUMENTS**

A. **Case Designation Form:** Upon the filing of any new case, or with an Answer and Counterclaim, each party shall complete the Medina County Domestic Relations Court Case Designation Form (*see* Appendix A, Form 2.02a) which shall contain the names and dates of birth of all parties 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 and is not considered a case document pursuant to Sup.R. 44.

B. **Divorces, annulments, legal separations:** When a complaint is filed, a party shall also file an Affidavit of Basic Information, Income, and Expenses and Affidavit of Property and Debt. 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). Affidavits may be found on the Supreme Court of Ohio website under Domestic Relations Standardized Forms. JFS 07076 may be found

on the Ohio Department of Job and Family Services website (“ODJFS”). The affidavits shall be served on the Defendant with the complaint.

C. **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). The affidavits shall be served on the defendant with the complaint.

D. **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 and Debt. 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). 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). The affidavits shall be served on plaintiff with the answer and/or counterclaim.

E. **Dissolution.** When a petition for dissolution is filed, each party shall file an Affidavit of Income and Expenses and Affidavit of Property and Debt. If there are minor children, the parties shall also 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. A child support worksheet shall also be completed and attached to the parenting plan. A child support computation worksheet calculator may be found on the ODJFS website.

F. **Clerk Rejection:** The Clerk of Court shall not accept any document unless accompanied by the other documents required herein.

## 2.03 SERVICE

A. **Certificate of Service:** The Certificate of Service for all pleadings filed after the initial pleading must state the name, address, and email address of each counsel or party served.

B. **Service by Publication:**

1. In all cases when service of process is to be accomplished by publication in a newspaper of general circulation, it shall be the responsibility of the serving party to ensure that the publication is accomplished, including the selection of the means of publication and administration of the publication.

2. Upon completion of the last publication of service, the serving party shall file with the court an affidavit showing the fact of publication, together with a copy of the notice of publication. The affidavit and its exhibits shall constitute the proof of service.

3. Where service of process by publication is perfected in accordance with the Ohio Rules of Civil Procedure, the Clerk of Courts shall cause notices to be posted:

(a) in a conspicuous place adjacent to the Clerk of Courts for the Domestic Relations Court

(b) on the public notice board by the Medina County Recorder’s Office in the Medina County Administration Building.

(c) On the public notice board by the Clerk of Court of the Medina County Court of Common Pleas, General Division.

2.04 See Local Rule 2.03, et. seq.

2.05 See Local Rule 2.01(D)

2.06 See Local Rule 21, et. seq.

2.07 Voluntary Dismissal of Complaints, Counterclaims, Petitions, and Motions

A. Dismissal of all claims of the pleading party:

1. A party, without order of court, may dismiss all claims asserted by that party against another party by

(a) filing a notice of dismissal and any time prior to the commencement of trial, unless a counterclaim which cannot remain pending for independent adjudication by the court has been served by that defendant.

(b) filing a stipulation of dismissal signed by all parties who have appeared in the action.

2. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits of any claim that the plaintiff has once dismissed in any court.

B. Dismissal of some but not all claims of a pleading party:

1. Except as provided in division (A)(1) of this rule, a claim shall not be dismissed at the plaintiff's instance except upon order of the court and upon such terms and conditions as the court deems proper.

2.08 **CONTEMPT MOTIONS**

A. All motions for contempt must be served on the alleged contemnor in accordance with the Civil Rules of Procedure and must be accompanied by a Summons and Order to Appear in a form that complies with R.C. 2705.031 or its successor.

2.09 Removed

2.10 Removed

2.11 **CASE DOCUMENTS:** Medina County Domestic Relations Court and Medina County Clerk of Courts utilize an electronic document storage and case management system. The following are not case documents pursuant to Ohio Rules of Superintendence and Local Rules of Court and shall not be disclosed:

A. A document or information in a document exempt from disclosure under state, federal or the common law or the Rules for the Government of the Bar.

B. Personal identifiers, as defined in division (H) of Rule 44 as social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as a "CV" for "child victim."

C. A document or information in a document to which public access has been restricted pursuant to Rule of Superintendence 45(E), the Civil Rules, the Ohio Revised Code or the Local Rules of Court

D. Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;

E. Data feeds by and between courts when using the Ohio Courts Network.

- F. Notes, drafts, recommendations, advice, and research of judicial officers and court staff.
- G. Affidavits or other exhibits except as specifically authorized by these rules, the Civil Rules, the Rules of Superintendence of the Courts, or express permission of the Court.
- H. Affidavits or other correspondence signed by minor children.
- I. GAL reports, questionnaires or responses to the GAL.
- J. Psychological, psychiatric and medical reports, correspondence or documents.
- K. Financial exhibits including personal identifiers, business tax returns and related financial information, financial information relating personal and business assets and liabilities including appraisals, loan documents, credit and credit card information.
- L. CPO reports intended for law enforcement.

2.12 Removed

2.13 **CONFIDENTIAL FAMILY FILE**

The Court shall maintain a confidential family file that consists of reports from Guardians ad litem, psychological reports and evaluations, medical records, records obtained through the Ohio Courts Network, background checks, and other exhibits.

2.14 Removed

2.15 Removed