

RULE 4: PRETRIAL ORDERS

4.01 TEMPORARY ORDERS

Requirements

1. Any party or counsel for a party may submit a motion for temporary orders either with the complaint, petition, answer, counterclaim, or in response to such pleadings. Motions for temporary orders shall be filed with the Clerk. Supporting affidavits and documents shall be submitted to the Court with a Notice of Submission filed with the Clerk.
2. If temporary orders are sought, the complaint, petition, answer, counterclaim, or motion shall be accompanied by a motion filed with the Clerk and the following submissions to the Court's confidential financial and case services files with a Notice of Submission filed with the Clerk
3. An Affidavit for Temporary Orders (Spousal Support, Child Support and/or Custody), attached hereto in Form 4.01D (as amended June 1, 2011) or the Ohio Supreme Court Uniform Domestic Relations Financial Affidavit. The party or counsel submitting the affidavit shall send it via U.S. Mail to opposing counsel, or where not represented by counsel, the opposing party.
4. A Child Support Enforcement Agency Rule IV-D application, attached hereto in Form 4.01B. Failure to file one may delay the Court's issuance of a temporary order.
5. A Child Custody Affidavit, if applicable, in the form prescribed in Form 4.01C, attached hereto; and
6. Verifications of income as described in O.R.C. §3113.215(B)(S)(a), including tax returns may be filed with the Domestic Relations Office instead of the Clerk of Courts.

SERVICE

When a Complaint is accompanied by a motion for temporary orders, the Clerk of Courts shall serve copies of all documents upon the opposing party along with a blank answer affidavit (Form 4.01E) including income and expense statements in the form required by the Court (form 4.01D).

When an answer or counterclaim is accompanied by a motion for temporary orders with supporting documents, the moving party shall serve copies of all documents upon the opposing party along with a blank answer affidavit (Form 4.01E), including income and expense statements in the form required by the Court (Form 4.01D).

REQUEST FOR ORAL HEARING

If a party disagrees with the order issued on affidavits or has additional information that may cause a change in the temporary orders, that party, within fourteen (14) days, shall request an oral hearing as provided in Civ. R. 75(N)(2). Requests filed after fourteen (14) days will be treated as a motion to modify the temporary order. Unless otherwise requested, one-half hour shall be allocated for the Rule 75 oral hearing.

4.02 MUTUAL RESTRAINING ORDER

Upon the filing of a divorce complaint, the Court will automatically issue a mutual restraining order that shall be served by the Clerk of Courts (Form 4.02).

4.03 EMERGENCY EX PARTE ORDERS

A. Emergency ex parte orders shall be requested by written motion with a supporting affidavit which states with specificity the grounds and the irreparable harm.

B. Emergency ex parte orders will only be granted where there are exigent circumstances that may result in irreparable harm for which there is no other adequate remedy. All ex parte motions not granted shall be set for oral hearing as soon as practicable after service on the opposing party.

4.04 MOTION TO SET ASIDE MAGISTRATE'S ORDER (ADOPTED FEBRUARY 5, 2010)

A. Motions to Set Aside a Magistrate's Order shall be filed and served upon the opposing party within 10 days after the Order is filed. A Motion to Set Aside a Magistrate's Order does not stay its effectiveness unless, for good cause shown, the Court grants a Motion to Stay the order.

B. All Motions to Set Aside a Magistrate's Order shall be specific and state the reasons for the motion with particularity. Any Motion to Set Aside based on factual findings shall be supported by a transcript of the evidence submitted to the Magistrate or an Affidavit of the Evidence if a transcript is not available.