

Chapter 1 - General Provisions

Rule 1.01 - General

- (A) These rules are known as the Local Rules of Practice for the Domestic Relations Division of the Court of Common Pleas for Medina County, Ohio, and may be cited as “Loc.R. ___”.
- (B) These rules conform to the Ohio Rules of Civil Procedure and the Rules of Superintendence for the Courts of Ohio and provide for the efficient and expeditious management of business before the Domestic Relations Division of the Court of Common Pleas for Medina County, Ohio, (“Court”) with due regard to local practices and requirements.
- (C) These rules shall be effective January 1, 2025, and shall supersede all previous rules and amendments promulgated by the Court. These rules are not meant to supersede the Rules of Superintendence established by the Supreme Court of Ohio nor the Ohio Rules of Civil Procedure. Any previously ordered local rules of practice that conflicts with the following rules shall be rendered void and of no force or effect.

Rule 1.02 - Hours of Court Sessions

- (A) **Hours.** The hours of the Court are generally Monday through Friday from 8:00a.m. to 4:30 p.m. The Court shall be in session at such other times and hours as the administrative judge shall prescribe to meet special situations or conditions. The Court shall be closed at such times as the administrative judge prescribes.
- (B) **Holidays.** The Court is closed for the following annual holidays: New Year’s Day, Martin Luther King Jr. Day, Presidents’ Day, Memorial Day, Juneteenth, Independence Day, Labor Day, Columbus Day/Indigenous Peoples Day, Veterans Day, Thanksgiving Day, Day after Thanksgiving, and Christmas Day.
- (C) **Notifications.** The Court provides notice of closures not identified in these rules by posting on the website and physical notice at the Clerk’s office.

Rule 1.03 - Physical Address and Contact Information

Medina County Courthouse
225 East Washington Street
Medina, Ohio 44256
Telephone: 330-725-9740
Internet Address: www.medinadr.org

A Court directory is available at www.medinadr.org/directory.html

Rule 1.04 - Clerk of Courts

- (A) **General.** The Medina County Clerk of Courts, Domestic Relations Division (“Clerk”) is responsible for receiving filings and managing and retaining the official record of the Court. Though the Clerk and the Court work closely together, the roles and responsibilities are distinct.

- (B) **Digital docket.** Case information including orders of the Court and pleadings, motions, notices, and hearing schedule is available on web-based public access docket located at <https://portal-ohmedina.tylertech.cloud/portal/>
- (C) **Clerk Policies.** For information about the Clerk, including hours of operation, Clerk policies and procedures, or the record, please contact the Clerk at 330-725-9722 or visit www.medinacountyclerk.org/legal/domestic-relations/

Rule 1.05 - Family Court Resources Department

- (A) The Family Court Resources (FCR) department is responsible to provide investigation, dispute resolution, and collateral services for cases coming before the Court.
- (B) **Mission.** The FCR mission is to collect, assess, and report information to the Court for case evaluation and to provide effective child - centered services to individuals and families to assist in conflict resolution and skill development.
- (C) **Contact information.** Telephone 234-802-0939 | Email: mcdcr-fcr@medinadr.org

Rule 1.06 - Minor Children

- (A) Minor children shall not be permitted to testify as witnesses in any action, absent good cause shown and with leave of court.
- (B) Minor children are not permitted in a hearing room except if testifying as a witness or upon order to appear for *in camera* interview.
- (C) Minor children are not permitted in the Court waiting area unattended under any circumstances. Parties with minor children shall make arrangements to have child care present.

Rule 1.07 - Communication with the Court

- (A) **Communication about Merits of Case.** No attorney or party or witness nor any person affiliated thereto shall discuss the merits of any case orally or in writing with the judge or any magistrate of the Court without all litigants (or counsel if appearance is entered) participating in the discussion. This includes in person or through any electronic means.
- (B) **Electronic Mail Communications.** No attorney or party or witness nor any person affiliated thereto shall communicate by electronic mail (“email”) with the judge or any magistrate of the Court without all litigants (or counsel if appearance is entered) participating in the email communication. Email with hearing officers should be infrequent and reserved for courtesy copies as directed by the hearing officer, proposed orders, and scheduling matters as directed by the hearing officer. Email is not appropriate to convey information upon which action is being requested and will not be considered by the Court. Such information must be presented to the Court upon a properly filed pleading/motion or in a hearing.
- (C) **Unscheduled appearance.** Individuals appearing in person at Court without a scheduled hearing or meeting and seeking to communicate with the judge, any magistrate, or Court

staff will be directed to address any claim or request for relief in a properly filed pleading/motion.

- (D) **Case Information.** The Court speaks through the docket. Requests for status of a ruling upon a request/motion/claim, will be directed to the online digital docket.

Rule 1.08 - Disabilities or Special Needs

- (A) **Disabilities or Special Needs.** Individuals with disabilities or special needs shall make requests for reasonable accommodation to the court's Office Manager at least seven days prior to any scheduled hearing.
- (B) **Service Animals.** Service animals are permitted to be present in the public areas and courtrooms in the Court in compliance with the Americans with Disabilities Act (ADA). The ADA and Ohio law defines a service animal as "any animal or animal assistant that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability." This rule does not include emotional support animals who are not trained to perform specific tasks for their handlers. You may be asked by Court staff if your animal is a service animal and which tasks the animal is trained to perform. If any animal is disruptive, you may be required to remove the animal from the courthouse.
- (C) **Hearing Assisted Device System.** The Court has an assisted hearing device system available upon request for hearing impaired individuals. Individuals may request access to a courtroom with a hearing assisted device in advance with the court's Office Manager. Requests must be made not less than forty-eight hours in advance.

Rule 1.09 - Interpreter Services

- (A) **Request.** Individuals requiring an interpreter, except by oral motion at a hearing, shall file a request for interpreter with the Clerk.
- (B) **Cancellation.** It is the responsibility of the requesting party to notify the court's Office Manager if interpreter services are no longer necessary or if there is a change in the date or time or cancellation of the hearing. Failure to comply with this rule may result in a party being held responsible for payment of the interpreter fees.

Rule 1.10 - Court Security

- (A) **Entrance.** All persons entering the Medina County Courthouse must enter through the lobby doors of the Courthouse Building and will be subject to security screening.
- (B) **Screenings.** Screenings will occur for each visit to the Medina County Courthouse regardless of the purpose. Employees are directed to enter the building through the employee entrance during appointed hours.

Rule 1.11 - Check in & Conference Rooms

- (A) **Check in.** All persons entering the Domestic Relations Court area shall check-in at the reception desk upon arrival and comply with all instructions of reception staff and Court security.

- (B) **Conference rooms.** Conference rooms are assigned through the reception desk and are only available upon approval by the Court.

Rule 1.12 - Court Decorum

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

Rule 1.13 - Court Technology

- (A) Reserved

Rule 1.14 - Forms

The forms referenced in these Local Rules may be obtained from the Court’s website.

Rule 1.15 - Definitions

1. **File:** To deliver a legal document to the Clerk for entry into the official record.
2. **Filed:** the date or date-and-time stamping of a document.
3. **Calendar day:** including each of the seven (7) days of the week. The uses of “day” is presumed to be calendar unless otherwise specified.
4. **Court day:** A day on which the Court is in operation which shall not include weekends, holidays, or other closure days as posted by the Court.
5. **CSEA:** Child Support Enforcement Agency
6. **Initial Filing:** The filing of a document or documents which initiates a new case in the Court.
7. **Reactivating Filing:** A document or documents which invokes the continuing jurisdiction of the Court in a substantive matter after prior judgment was entered upon that subject matter. Note: A subsequent Reactivating Filing may occur while a case is open and proceeding on a prior Reactivating Filing which invoked the jurisdiction of the Court upon a different substantive matter.
8. **SETS:** Support Enforcement Transmittal System is the system utilized by CSEA to administer support orders.
9. **Submit:** To deliver a document to the custody of the Court for the Court’s consideration.

Chapter 2 - Pleadings and Motions

Rule 2.01 - Form

- (A) All pleading, motions, briefs, and other papers shall be legibly typewritten or printed on paper of letter size (“8 ½ x 11”). The caption of all complaints, petitions, answers, counterclaims, and any other initial filing shall state the name and address of the plaintiff/petitioner and all defendants/respondents or shall contain a certification that this information is unknown. Social security numbers and dates of birth shall not be included in pleadings unless required by the nature of the document (i.e., QDRO’s or capias orders, etc.).
- (B) The caption of a Reactivating Filing shall include the current addresses of the parties in the caption.
- (C) 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.
- (D) All papers filed with the Clerk 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 by a self-represented litigant shall bear the party’s name, complete address, telephone number, and e-mail address. See Loc.R. 2.08 for conformed signature guidelines for electronic filing.
- (E) **Leave to Plead.**
1. Leave to plead may be obtained only by written motion to the Court and order pursuant to Civ.R. 6
 2. Leave to extend court deadlines shall be by motion and shall set forth the number of extensions previously obtained, the total length of those extensions, and the reason that the deadline should be enlarged.
- (F) **Amendments.** Pleadings, motions and other papers may be amended as provided in the Ohio Rules of Civil Procedure, but no amendment may be made by interlineation or obliteration, except with Court approval.

Rule 2.02 - Filing

- (A) **Method.**
1. The Clerk may seek the Court’s direction related to identifying and entering a filing into the unified case management system to ensure Court-Clerk electronic workflow processing.
 2. Attorney record: Each attorney entering appearance in any case shall provide and update a single contact profile using the Attorney Profile Update Form. It is the obligation of the attorney to ensure the profile information is accurate and up-to-

date. The attorney information cannot be changed based upon an attorney's information contained on a filed pleading/motion. Profile information can only be changed upon a signed Attorney Profile Update Form provided to the Clerk.

- (B) Non-Conforming Filing.** The Clerk shall not accept any document(s) not in conformance with these rules. The Clerk shall not accept any document for filing unless accompanied by all other documents required in these rules. If the Clerk rejects a filing as not conforming to these rules, the document shall not become part of the official court record.
- (C) Submission.** Upon request of the filer, the Clerk shall direct any filing rejected as non-conforming to be submitted to the Court. In the Court's discretion, any such document may be determined to be a pleading, motion, correspondence or other submission to the Court. The Court may, in the Court's sole discretion, direct the Clerk to accept the non-conforming filing and enter the same into the official record.
- (D) Filing Fee and Court Costs Deposit**
1. Unless otherwise provided by law, no action or proceeding will be accepted for filing unless the party or parties filing the action have first prepaid or given security for costs.
 2. If a party has an outstanding balance owed from a prior action in the same case number, the balance shall be paid in full before the clerk accepts for filing any subsequent action, unless waived or deferred by Court order.
 3. Deposits for security of costs and fees not established by statute shall be in accordance with the Court's administrative order establishing such deposits and fees. A copy of the current order may be found on the Court's website.
 4. The clerk is authorized to collect convenience fees for electronic payments. The convenience fee rates are set by the financial transaction vendor.
 5. The Court may require additional deposits to secure the payment of fees for court-appointed resources including, but not limited to, Guardians *ad litem*, Court Investigators, Parenting Coordinators, Neutral Evaluators, Business Evaluators, and Custody Evaluators.
 6. Failure to make deposits as ordered by the Court shall be grounds for dismissal of an action pursuant to Civ.R. 41(B)(1) & Civ.R. 75.
- (E) Waiver of Filing Fee and Court Cost Deposit**
1. A party who is unable to prepay or give security for costs in domestic relations cases shall file a request with the Court to waive the filing fee and deposit, supported by an affidavit supporting the request. (*See Form: Petition for Waiver of Filing Fee and Court Cost Deposit and an Affidavit in Support of Petition for Waiver of Filing Fee*). The Affidavit must be notarized. The Court will rule on the request/petition after setting the matter for non-oral consideration. If the request/petition is denied, a deposit shall be made in accordance with Court order. Failure to pay the deposit as ordered may result in dismissal of the case.
 2. The deposit of court costs shall be satisfied by an indigent person upon the filing of the following:
 - a. An affidavit (*See Form: Poverty Affidavit*) which states that the party is without funds or assets to pay the deposit, and
 - b. Certification by an attorney of record that no attorney fees have been paid.

3. The party is not relieved of liability for court costs, only the initial deposit requirement. The Court may order the party to pay the deposit at a later date if the Court determines that the party is no longer indigent.

Rule 2.03 - Initial Filings and Mandatory Documents

(A) General

1. Motions to accept pleadings instanter shall be accompanied by the subject pleading and all mandatory documents.

(B) Case Designation Form

1. Every initial filing (complaint or petition), answer, counterclaim, any other initial filing, and every motion that reopens a case shall be accompanied by the Case Designation Form.
2. The Case Designation Form shall be stored in electronic format only by the Clerk and is not considered a case document pursuant to Sup.R. 44.
3. Actions initiated by the Child Support Enforcement Agency (CSEA) shall be exempt from this requirement.

(C) Divorce, Annulment, Legal Separation Actions. Every initial filing, answer and/or counterclaim shall be accompanied by the following documents:

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

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

3. Health Insurance Affidavit
4. Parenting Proceeding Affidavit

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

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

5. Application for Child Support Services, NonPublic Assistance (JFS 07076).

(D) Dissolution. Every petition for dissolution shall be accompanied by the following documents:

1. Separation Agreement
2. Waiver of Service
3. Affidavit of Income and Expenses *
4. Affidavit of Property and Debt *

* Joint documents are permitted provided the document clearly indicates it is an affidavit of both parties and both parties sign the document before a notary and the notary seal specifies that both parties were present before the notary.

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

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

8. Child support worksheet

If there is an exchange of child support:

9. Application for Child Support Services, NonPublic Assistance (JFS 07076)

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

1. Affidavit of Basic Information, Income, and Expenses
2. Health Insurance Affidavit
3. Parenting Proceeding Affidavit

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

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

4. Application for Child Support Services, NonPublic Assistance (JFS 07076).

(F) Domestic Violence. Petitions seeking a domestic violence civil protection order shall be accompanied by the following documents:

If there are minor children

1. Parenting Proceeding Affidavit

If there is a request for child and/or spousal support,

2. Affidavit of Basic Information, Income, and Expenses

If there is a request for child support,

3. Application for Child Support Services, NonPublic Assistance (JFS 07076).

Rule 2.04 - Servicemembers Civil Relief Act.

(A) In any action or proceeding commenced in this court against an unrepresented party who is an active member of the military service, the Court may appoint an attorney to advise that party pursuant to the Servicemembers Civil Relief Act of 1940, 50 USC 501, et seq. as amended, and may set a fee for the attorney's services.

(B) The court may stay the proceedings pending the military member's availability for trial. During that stay, the military member will be ordered to cooperate in all discovery procedures and to notify the court upon his/her return. (*See*, 50 U.S.C. 521). The military member will be advised of the right to obtain counsel and will be directed to file any motion or responsive pleading with respect to jurisdiction or any other issues.

In any case in which child support payments are owed by a military member, the court may require that individual to make an allotment from his/her pay and allowances for such support. *See* 42 U.S.C. 665(a)

Rule 2.05 - Signatures for Document Filed or Submitted Electronically

(A) Judge or Magistrate Signature: Electronic documents may be signed by a Judge or Magistrate via a digitized image of his or her signature. All orders, decrees, judgments and other

documents signed with a digitized image shall have the same force and effect as if the Judge or Magistrate had affixed his or her signature to a paper copy of the document.

(B) Attorney Signature: Documents submitted or filed electronically with the Clerk which require a signature shall be signed in hand-written script or with a conformed signature of “/s/ (name)”. The conformed signature on an electronically submitted/filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Ohio Rules of Superintendence, Rules of Civil Procedure and any other rule or law.

(C) All signatures shall include the following Signature Block:

Script signature or /s/and Attorney Name

Typed Attorney Name

Ohio Supreme Court Number

Attorney for (insert name of party)

Law Firm Name

Full address

Telephone number

Email address

(D) Documents which have more than one party/attorney signature required:

1. If the submitting/filing individual is an attorney in the case on which the document is submitted/filed, the attorney shall confirm that the contents of the document are acceptable to all persons required to sign the document by entering a statement of consent/agreement and the manner of obtaining consent/agreement on the signature line of the other party/attorney followed by the signature block. By way of example:

consent by email xx/xx/2024

Typed Attorney 2/Party 2 Name

Ohio Supreme Court Number (if an attorney)

Attorney for (insert name of party)

Law Firm Name

Full address

Telephone number

Email address

2. If the submitting/filing individual is a self-representing party, all signatures must be script signatures and notarized [i.e. Joint Motion or Agreed Judgment Entry].

Chapter 3 - Service

Rule 3.01 - General.

(A) Reserved.

(B) Certificate of Service: The Certificate of Service for all documents filed after the initial pleading must state the name, address, and email address of each counsel or party served and

specify the method of service. If the email address of a self-represented party is unknown, the Certificate of Service shall contain a certification that this information is unknown.

Rule 3.02 - Process Services

- (A) **General.** An individual may apply to be appointed as Special Process Server, pursuant to R.C. 311.22, Civ. R. 4.1, and Civ. R. 45 for the Medina County Domestic Relations Court.
- (B) **Application for Appointment.** The Applicant shall file an Application for an Appointment as a Special Process Server which substantially complies with the Court's forms.
- (C) **Affidavit.** With each Application, the Applicant shall file an affidavit which shall affirm all of the following:
1. The Applicant is 18 years of age or older;
 2. The Applicant will not serve or attempt to serve any process in any case in which the applicant is a party, counsel for any party, a witness, a relative, or an employee of any party.
 3. The Applicant has not been convicted in the last ten years of any felony, offense of violence, or offense involving dishonesty or false statement, and not currently under community control sanctions, probation, post-release control, or parole.
 4. The Applicant is not currently a respondent under any civil protection order.
 5. The Applicant has not will follow all applicable Ohio statutes, Ohio Rules of Civil Procedure, and Local Court Rules; all special instructions for service as ordered by the Court in any particular case, and properly sign and file all returns of service as required by any rule, statute, or Court order with the Clerk of Courts.
 6. The Applicant is a United States citizens or a legal resident of the United States.
 7. The Applicant holds a valid government-issued identification card, passport, or driver's license.
 8. The Applicant is familiar with the required procedure for service of process.
 9. The Applicant will conduct himself/herself in a professional manner.
- (D) **Proposed Order.** With each Application and affidavit, the Applicants shall present an order which shall be reviewed and signed by the Administrative Judge. This order shall substantially comply with the Court's proposed order presented in the Forms of the Court.
- (E) **Filing.** The Clerk shall record the application and affidavit when submitted by an Applicant as a miscellaneous case filing. When the order is signed, it shall also be entered on the Clerk's docket and a copy then provided to the Applicant. No Applicant may serve process until a signed order has been filed with the Clerk and provided to the Applicant.
- (F) **Term for a Special Process Server.**
1. An Applicant may request to be appointed as a one-time Special Process Server for a particular matter. In this instance, the Applicant's term shall terminate when the case is terminated by a final entry or as otherwise ordered by the Administrative Judge.
 2. An Applicant may request to be appointed as a Standing Special Process Server. The term for a Standing Special Process Server is one year from the date the signed order granting the Application is journalized. A Standing Special Process Server may serve process in any action pending in this Court during this term.

- (G) No duly appointed Special Process Server may represent or advertise to the public, in any manner, that he or she is the official Process Server for the Court.
- (H) After the Applicant is duly appointed as a Special Process Server under this Rule, he or she shall present a time-stamped copy of the signed order to the Clerk to verify his or her appointment.
- (I) If any standing process server seeks to continue any term, he or she shall, not later than 30 days prior to the expiration of the current term, file an application, affidavit, and proposed order as herein required seeking to be reappointed for another term.
- (J) The Clerk shall maintain a list of the approved Standing Process Servers, including the name, contact information, and term of appointment.

Rule 3.03 - Service by Publication.

- (A) 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.
- (B) 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.
- (C) 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:
 1. In a conspicuous place adjacent to the Clerk of Courts for the Domestic Relations Court
 2. On the public notice board by the Medina County Recorder's Office in the Medina County Administration Building.
 3. On the public notice board by the Clerk of Court of the Medina County Court of Common Pleas, General Division.

Chapter 4 - Motion Practice

Rule 4.01 - General

- (A) **No Multi-part Motions.** A party seeking more than one type of relief shall file a *separate* motion for each type of relief sought except for collateral relief such as a request for attorney's fees and expenses associated with the specific motion.
- (B) **Contents of Motion.** Motions not made during a hearing shall be made in writing and filed with the Clerk. The motion shall include a concise written statement of the relief sought and the supporting grounds.
- (C) **Reactivating Filing.** Reactivating motions invoking the continuing jurisdiction of the court shall contain the current addresses of all parties in the caption and shall be served pursuant to Civ.R. 4 through 4.6.

(D) Substantive Motions. Substantive motions relate to the merits of a case or move to modify a prior court order which ruled upon the merits of a case.

1. Substantive motions will be set for initial hearing by the Court, except as provided herein.
2. It is the responsibility of the moving party to ensure a hearing is set. If no notice of hearing is issued within seven (7) days of the filing of a substantive motion, the moving party shall contact the scheduling department of the Court at 330-725-0132 or scheduling@medinadr.org
3. No response/brief in opposition is required unless ordered by the Court.

(E) Procedural Motions. Motions which are procedural in nature.

1. **Opposition.** A party opposing a motion may file and serve a concise written statement of the reasons, including citation to any authority relied upon, within 14 days from service of the motion. No reply or supplemental briefs unless filed with leave of court after showing the necessity thereof.
2. **Caption.** A response or brief in opposition to a motion shall be captioned as “Response in Opposition” or “Brief in Opposition” and shall **not** be captioned as an “objection” to the motion.
3. **Proposed Order.** Every procedural motion filed with the Court shall be accompanied by a proposed order suitable for use if the motion is granted. A party opposing a motion may provide the Court with a proposed order denying the motion. The proposed order shall be signed by the preparing party and indicate a request for service upon all other parties specifically by name.

(F) Other Miscellaneous Motions. A party opposing a miscellaneous motion which does not require a hearing may file and serve a response in opposition within 14 days from service of the motion. No reply or supplemental briefs unless filed with leave of court after showing the necessity thereof.

(G) Child Support Matters. Motions regarding child support shall specify the SETS number in the caption, if a SETS account has been created by CSEA.

(H) Service. Service of all motions shall include the CSEA when necessary and any Guardian ad litem appointed in the case.

Rule 4.02 - Motion to Show Cause / Motion for Contempt

(A) Form

1. A motion to show cause or motion for contempt must be filed as a separate document and shall not include any other motion or request for relief other than a request for attorney fees related to the alleged contempt or a request to reduce to judgment.
2. A motion to show cause or motion for contempt shall not be included in a multi-part motion.
3. A motion to show cause or motion for contempt must identify the specific court order(s) (including the date of the order and the specific provision within the entry) the non-moving party is alleged to have violated.

4. A motion to show cause or motion for contempt shall state with particularity the facts of the alleged contempt and the relief sought by the moving party.
5. Except for those filed by CSEA, the motion must be supported by an affidavit.

(B) Summons and Order to Appear

1. Upon request and with sufficiency established in the motion, the Court will issue a Summons and Order to Appear directing the alleged contemnor to appear before the court to show cause why he or she shall not be held in contempt of court.
2. The summons shall contain the notices required by Revised Code 2705.031(C).
3. The summons and order to appear shall be served by the Clerk by certified mail.

(C) Case Management

1. A motion to show cause or motion for contempt is a separate cause of action and will have a separate case management process from any other matter filed or pending.
2. No initial hearing will be held.
3. The hearing date set shall be the evidentiary hearing and the parties shall be prepared to proceed with evidence.
4. A hearing shall be set for 60 minutes with the moving party allocated 30 minutes and alleged contemnor allocated 30 minutes. Cross examination and objections are included in the time allocated to the party conducting the cross examination or levying the objection. No additional time will be provided without leave of Court sought and approved at least seven (7) days prior to the hearing date.

- (D) Service.** The motion shall be served on the alleged contemnor pursuant to Civ.R. 4 through 4.6.

Rule 4.03 - Motion for Temporary Orders / Motion for Interim Orders

- (A) Initial Action.** A motion which seeks temporary orders or seeks to modify previously issued temporary orders during the pendency of an initial action will be set for hearing by the court. The hearing will be set for 60 minutes with the moving party allocated 30 minutes and the non-moving party allocated 30 minutes. The hearing will proceed as an evidentiary hearing and the parties shall be prepared to present evidence for all orders sought under the motion.

At the court's discretion, the matter may proceed upon oral counsel statements. A party intending to present exhibits other than a filed affidavit, shall provide the exhibits to all parties at least seven (7) days prior to the date of the hearing and shall file a notice of service of exhibits stating the date and manner in which the exhibits were provided. Except in extraordinary circumstances, exhibits will not be accepted by the court without compliance with the exchange and service requirements of this rule.

Cross examination and objections are included in the time allocated to the party conducting the cross examination or levying the objection. No additional time will be provided without leave of Court sought and approved at least seven (7) days prior to the hearing date.

- (B) Reactivating Action.** A motion which seeks interim support or allocation of parental rights and responsibilities/parenting time orders in a case in which there was a prior dispositive

order regarding that matter will be set for hearing upon the request for interim orders under the same conditions as interim orders in an initial action.

Rule 4.04 - Emergency and *ex parte* Motions (excluding Domestic Violence Civil Protection Orders)

- (A) Emergency means risk of irreparable injury necessitating an order issued with notice to the adverse party until the Court is able to issue a more enduring order.
- (B) Ex parte orders of custody or parenting time shall not be issued except in emergency circumstances and, if granted, under the least restrictive means. The party requesting such orders shall make every good effort to provide the adverse party with notice of the request for relief or provide explanation in an affidavit of the reasons for failure to provide notice.
- (C) The Court construes a pleading/motion captioned “Emergency” to be a request for *ex parte* relief (asking the Court to take action without notice and/or participation by the other party). Any pleading/motion captioned “emergency” shall be accompanied by an affidavit of the moving party. Failure to include an affidavit of the moving party will result in denial of the motion.
- (D) The Court may or may not hold a hearing or make a ruling on the same day as the filing. Waiting at the Court is at the discretion of the moving party. Court staff will NOT “check in” with the hearing officer to determine “status” of ruling on the motion and will not provide instruction to a moving party to wait or not wait.
- (E) Denial of an “emergency” pleading/motion will close a case unless a motion/pleading has been filed contemporaneously to reactivate a case or the case is already open and pending upon an underlying action. If there is an underlying action pending, the Court in its sole discretion may set the underlying action for a hearing on an expedited basis.
- (F) Granting of an *ex parte* order on an “emergency” pleading/motion, will result in a hearing within ten (10) court days. No continuance of the hearing will be granted upon request of the moving party except in extraordinary circumstances. Counsel with appearance in a matter set for hearing under this provision shall provide substitute counsel if noticed counsel is unavailable for hearing. Continuance will not be granted for unavailability of counsel for the moving party. Failure by the moving party to appear at the hearing may result in sanctions including but not limited to the *ex parte* order being vacated.

Rule 4.05 - Motions/Requests for Attorney Fees

- (A) **General.** A request for attorney fees and/or litigation expenses must state with specificity the citation to the Ohio Revised Code under which the request is made.
- (B) **How made.**
 1. **Prosecute an action.** Requests for attorney fees and litigation expenses to prosecute an action shall be included in the body of the motion or other pleading that gives rise to the request.

2. **Defend.** Requests for attorney fees and litigation expenses to defend an action shall be made by motion at least 14 days prior to the hearing on the motion being defended.
 3. No oral motion for fees will be entertained unless good cause is shown why the provisions of this rule could not be complied with and jurisdiction is reserved in an order resulting from the hearing.
- (C) Evidence in Support of Motion.** At the time of the final hearing on the motion or pleading that gives rise to the request for attorney fees, the attorney seeking such fees shall present:
1. An itemized statement describing the services rendered, the time for such services, and the requested hourly rate for in-court time and out-of-court time;
 2. Testimony as to whether the case was complicated by any or all of the following:
 - a. new or unique issues of law;
 - b. difficulty in ascertaining or valuing the parties' assets;
 - c. problems with completing discovery;
 - d. any other factor necessitating 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 parties' respective income and expenses, if not otherwise disclosed during the hearing.
- (D)** Expert Testimony is not required to prove reasonableness of attorney fees.
- (E)** Failure to comply with the provisions of this rule shall result in the denial of a request for attorney fees, unless jurisdiction to determine the issue of fees is expressly reserved in any order resulting from hearing.
- (F) Interim Fees and Expenses Exempted.**
1. Upon the court's own motion or motion of either party, interim attorney fees may be awarded without an oral hearing to allow an economically disadvantaged party to be adequately represented, or to adequately represent the interests of a minor child. The court may award such reasonable interim attorney fees as the court deems necessary and upon such terms as are equitable.
 2. Upon request and affidavit and without oral hearing, the Court may for good cause make a temporary order for payment of a party's expenses of suit, including but not limited to, appraisals, business or personal property valuations, DNA testing, psychological evaluations, GAL reports, mediation, or other extraordinary pre-decree expenses.
- (G) Sanctions.** Requests for recovery of attorney fees and costs as a sanction pursuant to R.C. 2323.51 and/or Civ. R. 11, shall be set for hearing.

Rule 5.05 - Continuance of Hearing

- (A) The granting or denying of any continuance of any hearing shall be at the sole discretion of the Court. Hearings scheduled with counsel will not be continued absent extraordinary circumstances.
- (B) No event will be continued without contemporaneously reassigning a definite date for the event being continued.
- (C) **Motion.** Motions to continue a hearing not made at a hearing must be in writing and state the following
 1. The reason for the request.
 2. The number of previous continuances requested, at whose request, and whether granted.
 3. Whether opposing counsel/litigant was contacted and whether he/she objects or consents to the continuance.
 4. Whether the client is aware of the request (when motion is made by an attorney) and whether the client consents, or if this cannot be obtained, an explanation of why consent cannot be obtained.
- (D) **Conflicting Hearing.** If the reason for continuance is a conflict of hearing assignment date, a copy of the time-stamped order/notice for the conflicting assignment shall be attached and the attorney shall affirmatively state that the conflicting assignment will be proceeding to the best of the attorney's knowledge.
- (E) **Time.**
 1. Conflicting assignment: motion must be filed no later than (7) seven days after the filing of the Notice of Hearing.
 2. For all other reasons, the motion shall be filed within (7) seven days of the identification of the circumstances.
 3. Absent extraordinary circumstances, the motion shall be filed no less than (7) seven days prior to the scheduled hearing date.
- (F) **Proposed Order.** The motion must be accompanied by a proposed order containing a notice of the new hearing date and signature line entering of the new date. If the motion is granted, the Court will serve the entry on the moving party and all other parties listed in the certificate of service.
- (G) **Persistent Continuance or Extensions.** Attorneys who persistently request continuances and extensions may be ordered to submit detailed calendar information for the purpose of scheduling or may be limited in the number of matters for which the attorney may enter appearance, or may be required to provide substitute counsel.
- (H) **Notification.** If the motion is granted, it is the obligation of the moving party to notify all case connected individuals including the opposing counsel/self-represented litigant, Guardian ad litem, CSEA, and any witnesses of the moving party. The non-moving party shall be responsible to notify his/her witnesses.

Chapter 7 - Attorney of Record

Rule 7.01 - Entry of Appearance

- (A) **New or Case Reopening Action.** An attorney representing a party in an action shall file an entry of appearance with the Clerk. The entry of appearance shall set forth the party being represented, the attorney's address, telephone number, Supreme Court Registration Number, and e-mail address. The entry of appearance shall be served on all self-represented litigants and all counsel of record.
- (B) **Pending Case.** Prospective new counsel shall ensure he/she is available for all pending hearings prior to accepting representation. The Court will not grant a continuance of hearings due to counsel's schedule without good cause shown beyond counsel's schedule.

Rule 7.02 - Multi-Attorney Representation

- (A) When more than one attorney enters appearance on behalf of a party or non-party, each attorney who has entered appearance shall be considered counsel for that party or non-party.
- (B) Any request for continuance due to unavailability of counsel shall include a specific statement of unavailability of all counsel and be accompanied by notices of hearings or orders evidencing unavailability of each counsel.
- (C) When appearing before the Court (in person, video hearing, or telephone), each attorney in multi-attorney representation shall have authority and ability to schedule future hearings.
- (D) This rule shall apply to each counsel in a signature block containing multiple attorneys on behalf of any party or non-party.

Rule 7.03 - Limited Appearance by Attorney

- (A) By agreement with the client, an attorney's new or existing representation may be limited consistent with Prof.Cond.R. 1.2(c) and Civ.R. 3(B). The attorney must file and serve a "Notice of Limited Appearance" that clearly describes the scope of the limited appearance and states that the limitation has been authorized by the client.
- (B) When an attorney has entered a limited appearance, any pleading, order, notice, brief or other paper that Civ.R. 5 requires to be served must be served on both the attorney and the attorney's client.
- (C) As provided by Civ.R. 3(B), an attorney's limited appearance may be terminated by filing and service of a "Notice of Completion of Limited Appearance." By signing the Notice of Completion of Limited Appearance, an attorney certifies under Civ.R. 11 that all services for which the attorney was retained have been completed. If no objection to the Notice of Completion of Limited Appearance is filed and served within 10 days, the attorney's withdrawal is complete without need for leave of court.

Rule 7.04 - Withdrawal

- (A) An attorney shall not be relieved of responsibility except with permission of the Court. The Court may deny an attorney's request to withdraw for failure to comply with this rule or if an evidentiary hearing or final hearing has been scheduled prior to the motion being filed.
- (B) **Motion.** An attorney seeking to withdraw as counsel shall file a motion seeking permission of the Court and serve a copy of the motion upon all parties and the party from whom the attorney seeks to withdraw. The motion shall include all the following:
1. Certify that the client has been notified of the request for withdrawal.
 2. Reason for withdrawal;
 3. Date and time of any scheduled hearings and all deadlines previously established by the Court;
 4. Statement that the client has been advised to promptly obtain new counsel;
 5. Statement that a continuance of any pending hearings must be specifically and/or separately requested and will not automatically be granted solely for the reason of change of counsel;
- (C) **Proposed Entry.** If the proposed entry has the signature of the client indicating consent to the attorney's withdrawal, the Court will grant the motion without a hearing. If the proposed entry does not have the signature of the client indicating consent to the attorney's withdrawal, the Court may, in the Court's sole discretion, grant the motion without a hearing. The Court will promptly notify counsel if a hearing is to be scheduled.
- (D) **Oral Motion.** The Court may entertain an oral motion to withdraw if counsel who is requesting to withdraw and the client are present. Absent an extraordinary circumstance the Court will not entertain such an oral motion.
- (E) These rules in no way shall be construed to limit an attorney's mandatory withdrawal pursuant to Rule 1.16(a) of the Ohio Rules of Professional Conduct. An extraordinary circumstance includes, but is not limited to, a client discharging counsel.
- (F) **Time.** Absent extraordinary circumstances, the Court will not grant an attorney permission to withdraw less than 30 days prior to a final hearing nor prior to completion and submission to the Court of any pending entries directed by the Court to be prepared by the attorney. An extraordinary circumstance includes, but is not limited to, a client discharging counsel. A client discharging counsel within 30 days of final hearing is cautioned that the discharge is not an automatic guarantee of continuance of the final hearing. The Court presumes the final hearing will proceed as scheduled unless good cause is demonstrated in a timely manner.

Rule 7.05 - New Counsel

- (A) Prospective new counsel shall be aware of his/her availability for all pending hearings prior to accepting representation and shall not assume a continuance will be granted.
- (B) Entering appearance without first ensuring availability is not good cause for a motion seeking to continue a hearing.

Rule 7.06 - Substitution of Counsel of Record

- (A) Where subsequent counsel is substituting for an attorney of record, a Notice of Substitution, signed by the withdrawing counsel and the substituting counsel shall be filed with the Clerk.
- (B) The Clerk shall remove the substituted counsel upon docketing of the Notice of Substitution.
- (C) Substitute counsel shall be prepared to proceed without interruption to existing case management orders and hearings.

Rule 7.07 - Appearance Docket

- (A) The Clerk shall add counsel to the appearance docket upon Notice of Appearance.
- (B) The Clerk shall remove counsel from the appearance docket upon order granting the attorney's withdrawal.
- (C) The Clerk shall remove counsel from the appearance docket upon Notice of Withdrawal filed by counsel.

Rule 7.08 - Mandatory Withdrawal.

- (A) These rules in no way shall be construed to limit an attorney's mandatory withdrawal pursuant to Rule 1.16(a) of the Ohio Rules of Professional Conduct. An extraordinary circumstance includes, but is not limited to, a client discharging counsel. In such case, an attorney shall file a Notice of Withdrawal of Counsel of Record.

Chapter 8 - Use of Artificial Intelligence

- (A) This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the court. It aims to ensure the ethical use of AI and maintain the integrity of evidence.
- (B) Definitions:
 - 1. AI Technology is defined as any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research.
 - 2. AI Assisted Material is any document or evidence prepared with the assistance of AI Technology.
- (C) Disclosure of AI Assistance: Attorneys and/or parties must disclose the use of AI Technology in the creation or editing of any document or evidence submitted to the court or filed with the clerk. Such disclosure shall include a description of the AI Technology used and its role in the preparation of the materials. The disclosure shall be made at the time of submission through a certification attached to any document or evidence, stating the type of AI used and affirming the attorney/party's final review and approval of the AI Assisted Material and knowledge of this local rule. The disclosure shall be notarized.
- (D) Citations: Any AI Assisted Material which contains citation to legal or other authority shall attach a copy of the cited authority.

- (E) Responsibility and Review: Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI Assisted Materials submitted to the court. Attorneys and/or parties shall thoroughly review all AI Assisted Materials to ensure they meet all legal and ethical standards. Use of AI does not absolve attorneys from their duty of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct.
- (F) Sanctions: Violations of this rule may subject an attorney and/or party to sanctions, including but not limited to Rule 11 and/or Rule 37 of the Ohio Rules of Civil Procedure.

Chapter 9 - Electronic Evidence

Rule 9.01 - Definition

- (A) Electronic Evidence is defined as any evidence that is stored or transmitted in binary form that is intended to be used as evidence in a court action. This includes, but is not limited to, evidence found on a computer hard drive, or mobile device hard drive or maintained in cloud-based storage.
- (B) All evidence, regardless of form, must comply with all applicable rules of Ohio Rules of Evidence and these local rules.
- (C) Except with leave of Court, physical copies of documents, photographs, text messages, electronic mail messages, and third-party app communications (i.e. OFW) shall be used and this evidence shall not be presented in a digitized format.

Rule 9.02 - Presentation

- (A) Digitized evidence shall be entirely contained on a flash drive (aka thumb drive or USB drive) and appropriately labeled with the case number and caption and Exhibit letter/number. An exact copy shall be provided to opposing party pursuant to order of exchange of exhibits.
- (B) Bring your own device policy: a party wishing to offer electronic evidence shall bring a device to Court to display the digitized evidence (i.e. laptop). The presentation device shall have an HDMI port (as well as a USB port if audio is included).
- (C) Digitized evidence must be presented from the flash drive and not from a file upon the presentation device or from cloud storage.
- (D) The Court will take possession of the flash drive upon completion of presentation of the evidence.

Chapter 10 - Electronic Filing

Rule 10.01 - Definitions

- (A) **Source document.** The document to be filed. This document shall be transmitted to the Clerk by e-mail in PDF format. Pursuant to these rules, all pleadings/motions after the pleading/motion which opens/reopens a case, must be accompanied by a proposed Order which shall be submitted in WORD (.doc/.docx) format.

- (B) **Original document.** A document received by e-mail shall be accepted as the original filing if the sender complies with all of the requirements set forth. The sender need not file a paper copy of the document.
- (C) **E-Mail Filing Cover Page.** All filings by e-mail shall be accompanied by the E-Filing Cover Page as set forth in the Court's Forms, which sets forth:
 1. Date of transmission;
 2. Name, address, e-mail address, telephone number, and fax number of the sender
 3. Case number and caption of the case in which the document is to be filed
 4. Title of the document(s) to be filed; and
 5. Number of pages being transmitted.

Rule 10.02 - Procedure

- (A) **Email Address.** The e-mail address available for receiving filings by the Clerk is mccc-drefiling@ohmedinaco.org
- (B) E-mails sent to any other address are not considered a submission to the Clerk and will not be considered filed. All e-mail filings shall state the Case Number and Case Caption in the subject line of the e-mail.

Rule 10.03 - Date and Time Restrictions

- (A) For purposes of this rule and for entering such filings into the Case Docket, electronically transmitted documents will ONLY be received during the regular business hours of the Clerk from 8:00 a.m. – 4:30 p.m.
- (B) ANY DOCUMENTS RECEIVED AFTER **3 PM** ON A REGULAR BUSINESS DAY MAY BE FILED AND DOCKETED THE FOLLOWING BUSINESS DAY. Any documents received on weekends or other legal holidays may be filed and docketed the next business day.
- (C) For the purposes of all calculation of time under the Ohio Revised Code, Ohio Rules of Civil Procedure, and these Local Rules, the date and time of the docketed item is the date and time as shown on the time stamp on the face of the document.
- (D) Filers electing to utilize the e-filing system bear the risk of any e-mail filing sent after 3:00 p.m. not being docketed until the next business day.
- (E) It is the responsibility of the attorney or party filing the document to ensure it is accepted by the clerk and time-stamped.

Rule 10.04 - Document Parameters

- (A) An e-mail transmission may contain more than one document but may not apply to more than one case number per transmission.
 1. Motions and other filings making reference to or incorporating other documents attached to the motion or other filing as an exhibit thereof shall be considered as part of a single filing for purposes of this rule.

2. Each document attached shall be listed on the Electronic Filing Cover Page by file name.
3. Each document shall be attached as a separate file with a descriptive file name.

Rule 10.05 - Fees

- (A) For any original filing, or filing which requires a deposit, the Clerk will notify the filer of the amount due for deposit, along with a time-stamped copy of the document(s). The person filing said document shall promptly remit the deposit to the Clerk.
- (B) There are no specific costs related to Electronic Filing except to the extent that the filings are taxed as costs to any case. Filings in excess of ten pages may be assessed a copying charge, if necessary, at the rate of ten cents per page.
- (C) It is the sender's responsibility to ensure that there are sufficient funds deposited with the Clerk with which to satisfy the cost relating to the filing.

Rule 10.06 - Filing Acceptance or Rejection

- (A) The Court is authorized to reject any electronic filing if it fails to comply with any of the requirements of these Local Rules. The Court shall notify the sender of said rejection.

Chapter 12 - Court-Appointed Counsel

Rule 12.01 - General

- (A) The Court shall determine the amount of compensation an appointed attorney will receive based upon the rates of compensation as determined from time to time by the Medina County Board of Commissioners.
- (B) By accepting court appointments, attorneys agree to be bound by the rules set forth below.

Rule 12.02 - Request for Appointment

- (A) A request/motion for appointment shall attach the Affidavit of Indigency Form.
- (B) When it appears to the Court that a party to a contempt case is indigent and seeks to have the Court assign counsel, the party must execute an Affidavit of Indigency upon the form provided by the Ohio Public Defender (see OPD-206R).
- (C) Within seven days of submitting the affidavit to the Court, the party shall pay a \$25 non-refundable application fee to the Clerk of Court.
- (D) The Court shall appoint an attorney at bond hearing or initial hearing, or as soon as possible thereafter, to represent an indigent party.

Rule 12.03 - Selection

- (A) The Court will maintain a list of qualified attorneys who have been approved upon application to serve as appointed counsel in domestic cases. The Court, in its discretion, may also solicit applications to serve as appointed counsel, from qualified attorneys.
- (B) Attorneys accepting assignments for indigent representation are responsible for ensuring that they meet the qualifications set forth in Ohio Administrative Code 120-1-10. Failure to maintain qualifications or acceptance of cases without sufficient qualification may result in non-payment of fees and removal from assigned counsel list.
- (C) In selecting counsel, the Court may consider the experience and expertise of counsel and counsel's management of his/her current caseload.
- (D) The Court will keep a record of all counsel appointments made in a given calendar year and shall review the record periodically to ensure that appointments are equitably distributed among counsel on the appointment list.

Rule 12.04 - Compensation

- (A) **Commissioner Maximum Fees.** The maximum fees is set by the Medina County Commissioners Resolution Number 20-0596 (or subsequently adopted county resolution).
- (B) **Requests at or under Maximum.** For fees at or under the maximum fees allowable, counsel shall file Motion-Entry-Certification form ODP-1026R (rev 04/24) attesting to the number of hours expended, the work performed, and the actual expenses incurred. The Court, after due consideration, shall determine the amount of compensation within the scheduled limits.

- (C) **Extraordinary Fees.** Requests for attorney fees and expenses which exceed the scheduled limits shall only be granted upon written motion by the assigned counsel which shall include all the following:
1. a written description supporting the reason for the request;
 2. a separate, itemized log clearly reflecting the dates of service, nature of services rendered, and hours worked; and,
 3. any prior requests for extraordinary fees on the same case or cases, to include date of request, amount granted, and filing date of the Motion, Entry and Certification for Appointed Counsel Fees form (OPD-1026R)

Counsel shall provide a proposed order granting the motion for extraordinary fees.

- (D) The Court, after due consideration, shall determine the amount of compensation and may either approve, modify, or deny the requested compensation.
- (E) **Concurrent *pro bono publico* Representation.** Any motion or pleading filed by counsel in a case in which counsel is appointed and which is outside the scope of the appointment, shall include an affirmative statement that the work is not included in the time represented in the motion for appointed counsel fee.

Rule 12.05 - Payment

- (A) To receive compensation, appointed counsel shall submit to the County Auditor's office the time stamped Motion, Entry and Certification for Appointed Counsel Fees form approved by the Court, a time stamped copy of the order appointing counsel, and a time stamped copy of the indigent party's Financial Disclosure Form.
- (B) In the event the Court awards extraordinary fees, counsel shall attach a copy of the Motion for Extraordinary Fees and the order granting same to the Motion, Entry and Certification for Appointed Counsel Fees form and submit it to the County Auditor's Office.