

## 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. 2.06 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 to identify and enter 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. See Loc.R. 7.01 for more information.

**(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 sole 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 instante shall be accompanied by the subject pleading and all mandatory documents.
2. Affidavits which require information about the submitting party and children, if there are children subject to the case, will not be accepted if left blank. A party is expected to complete that party's own information and information regarding the children. Blank affidavits are non-compliant and will result in rejection of the filing.

#### **(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 will be 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 - Post-Decree/Judgment Action - Mandatory Documents**

**(A) Allocation/parenting time/companionship.** Every Reactivating Filing regarding allocation of parental rights and responsibilities, parenting time, non-parent companionship, or legal custody shall be accompanied by a Parenting Proceeding Affidavit.

**(B) Child Support.**

1. **Establish.** Every Reactivating Filing seeking to establish an order of child support shall be accompanied by the following documents:
  - a. Affidavit of Basic Information, Income, and Expenses
  - b. Application for Child Support Services, NonPublic Assistance (JFS 07076)
2. **Modify.** Every Reactivating Filing seeking to modify a prior order of child support shall be accompanied by the following documents:
  - a. Affidavit of Basic Information, Income, and Expenses.

- b. Statement identifying the caption and date of the entry which ordered an obligation of child support, the amount of the current monthly obligation, and the balance of any arrearage as of a date certain.
  - c. The non-moving party shall file an Affidavit of Basic Information, Income, and Expenses no later than 30 days from service of the motion to modify.
- (C) **Spousal Support.** Every Reactivating Filing seeking to modify/terminate a prior order of spousal support in which the Court retained jurisdiction, shall identify the caption and date of the entry which ordered spousal support, the amount of the current obligation, the balance of any arrearage as of a date certain, specific relief sought, and specific facts permitting the relief sought.
- (D) **Non-compliance.** Filings which are not compliant may result in dismissal of the action by the Court.

### **Rule 2.05 - Servicemembers Civil Relief Act.**

- (A) In any action or proceeding commenced in this court against an party who is an active member of the military service and for whom no attorney has entered appearance, 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 2.06 - 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.

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

Documents submitted by an attorney which require *more than one* signature:

The submitting/filing 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

- (C) **Self-represented Party Signature.** If the submitting/filing individual is a self-represented litigant, the signature must be a script signature.

The signature shall include the following Signature Block, unless a Court order permits the exclusion of address information:

Script signature  
Typed Name  
(role of party, i.e., Plaintiff/Defendant)  
Full address  
Telephone number  
Email address

Documents submitted by a self-represented litigant which require *more than one* signature [i.e. Joint Motion or Agreed Judgment Entry], shall be signed in script signatures by all parties with each signature **notarized**.