

RULE 1: SCOPE AND AUTHORITY

1.01 AUTHORITY

The following rules were promulgated by the Medina County Court of Common Pleas, Domestic Relations Division, pursuant to Article IV, Section 5(B), of the Ohio Constitution and Rule 5 of the Ohio Supreme Court Rules of Superintendence for the Courts of Common Pleas. They were adopted to provide for the efficient and expeditious management of business before this Court.

1.02 APPLICATION

These rules apply only to the Domestic Relations Division of the Medina County Court of Common Pleas. Local rules of the General Division of the Medina County Court of Common Pleas do not apply to the Domestic Relations matters.

1.03 COMPLIANCE WITH RULES OF CIVIL PROCEDURE

Unless otherwise provided in these rules, all pleadings, motions and other filings in the Domestic Relations Division shall comply in form and content with the Ohio Rules of Civil Procedure. <https://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>.

1.04 EFFECTIVE DATE

These rules are effective on the date first identified on the cover page, as modified and amended.

1.05 CITATION

As used in these rules, “Civ. R.” is a reference to the Ohio Rules of Civil Procedure. These rules shall be known as the Local Rules of Practice and Procedure of the Court of Common Pleas of Medina County, Domestic Relations Division, and shall be cited as “Loc. R.”.

1.06 THE RECORD

In all matters requiring an evidentiary hearing, a court reporter shall be provided or an electronic or digital recording shall be created. The creation of such record shall be taxed as costs unless otherwise agreed by the parties or ordered by the Court. A party requesting a transcript shall be responsible for the cost of its preparation.

1.07 HEARING/COURTROOM PROCEDURE (adopted March 1, 2002)

1.07 PREPARATION OF TRANSCRIPT OF PROCEDURES BEFORE A MAGISTRATE (ADOPTED FEBRUARY 5, 2010)

A. If a transcript is required, a praecipe to the Court Reporter requesting a transcript of the proceedings must be delivered to and acknowledged by the Court Reporter at the time of the filing of the Objection or Motion to Set Aside. Failure to timely file the praecipe may result in the denial or dismissal of an Objection or Motion to Set Aside.

B. A deposit of costs to secure the transcript must be paid to the Court Reporter within fourteen (14) days of the filing of the Objection or Motion to Set Aside. If the deposit for the costs of a transcript is not made within 14 days of the filing of the Objection or Motion to Set Aside, the Objection or Motion may be denied or dismissed. Irrespective of whether a transcript is ordered

for the purpose of an Appeal, Objection, Motion to Set Aside or other reason, the Court Reporter shall not commence the preparation of the transcript until the deposit has been made.

1.08 HEARING / COURTROOM PROCEDURE

Counsel and the parties shall be present promptly on the date and time of the hearing/trial. Failure to promptly appear may result in a motion to show cause/order to appear or dismissal of pending matter.

1.09 RETENTION OF EXHIBITS BY THE COURT (Amended November 1, 2022)

- A. All court records shall be retained according to the record retention schedule set forth in Rule 26 of the Rules of Superintendence.
- B. Pursuant to Sup.R. 26(F), at the conclusion of litigation, including times for direct appeal, the Court will release exhibits, depositions and transcripts in its custody to the party that tendered such items upon the party's written request. If the party does not request release of the items, then the Court will follow the procedure and conditions of Sup. R. 26(F) to notify the party of the availability of the items and that said items will be destroyed if not retrieved within sixty (60) days of notification.
- C. Pursuant to Sup. R. 26(G), the any confidential file maintained by the Court (i.e., Court's Confidential Family File and former Confidential Financial File) will be closed at the time an agreement is put on the record; evaluator has given testimony; or the parties have stipulated to the report. All such files will be purged three (3) years from the conclusion of litigation, including times for direct appeal.

1.10 POVERTY AFFIDAVIT

- A. The initial deposit of court costs shall be satisfied by an indigent person upon the filing of both of the following:
 - 1. A poverty affidavit which states that the party is without funds or assets to pay the deposit.
 - 2. A certificate by the attorney, if any, that no attorney fees have been paid.
- B. The party is not relieved from liability for court costs, only the initial deposit requirement.
- C. The Court may order the party to pay a deposit at a later date if the Court determines that the party is no longer indigent.