Rules of Practice and Procedure
of the
Court of Common Pleas
Domestic Relations Division
Lake County, Ohio

Revised July 24, 2018

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Local Rules of Court
Lake County Court of Common Pleas
Domestic Relations Division
Revised January 1, 2015

Rule 1: Purpose of the Court Rules

These Rules are adopted to govern practice and procedure in the Domestic Relations Division of the Lake County Court of Common Pleas, the Honorable Colleen A. Falkowski, Judge, Presiding.

These Rules are issued 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.

These Rules supplement and are to be used with the Ohio Rules of Civil Procedure, the Ohio Supreme Court Rules of Superintendence for the Courts of Common Pleas, the Ohio Rules of Evidence, and the Ohio Revised Code.

These Rules shall be known as the Rules of Practice and Procedure of the Court of Common Pleas, Domestic Relations Division, Lake County, Ohio, and shall replace all prior rules of the Lake County Domestic Relations Court. These Rules may be cited as Loc. R. _____.

These Rules are adopted to provide for the efficient management of cases within the Court.

Rule 2: Administration of the Court

2.01 Business Hours

(A) The Lake County Domestic Relations Court is open for judicial business from 8:00 a.m. to 4:30 p.m., Monday through Friday. The Court shall be open at any other times the Judge determines, to meet special situations or circumstances. The Court is closed for all federal holidays and any other days determined by the Court.

(B) The Lake County Courthouse is closed the Friday after Thanksgiving. All filings which need to be filed by the Friday after Thanksgiving shall be preserved until the Monday following Thanksgiving.

2.02 Search

Everyone entering the Courthouse must pass through a metal detector or other screening device to maintain the security of the Courthouse. All persons entering the Courthouse are subject to search, along with all packages, briefcases, purses, wallets, or other containers.

2.03 Firearms and Other Weapons Prohibited

(A) According to Ohio Revised Code Section 2923.123, "no person shall knowingly convey or attempt to convey a deadly weapon or dangerous ordnance into a courthouse or into another building or structure in which a courtroom is located."

(B) As stated in the Order of the Judges of the Lake County Court of Common Pleas, filed in the Lake County Clerk of Courts on April 5, 2004, "all persons are hereby prohibited from conveying or attempting to convey a deadly weapon or dangerous ordnance in the Lake County Court House," subject to the exceptions as stated in the Journal Entry.

2.04 Conduct

The Court reserves the right to remove any person whose conduct disrupts the proceedings before the Court or poses a threat to security. The definition of "the Court" includes the Domestic Relations Judge, all appointed Magistrates, and support staff.

Food and beverages are prohibited in all courtrooms.

2.05 Cell Phones, Recording Devices, Cameras, and Electronic Devices of Any Kind (Revised Eff. 1/1/15)

These devices are to be **off** before entering the courtroom, and not be in operation at any time in the courtroom. The sanction for violating this rule is a fine not to exceed $500.00, and can result in the confiscation of the cell phone or other device. **"OFF" means "OFF."**

2.06 Communication with Judges and Magistrates

(A) ***Ex Parte* Communication**: No attorney or self-represented party shall discuss the merits of a case, either verbally or in writing, with the Judge or Magistrate presiding outside the presence of opposing counsel or the other party. This prohibition applies until the final disposition of the case.

(B) **Letters to Court from Self-Represented Litigants or Interested Persons**: Any letters from self-represented parties or interested persons are ***NOT* read by the Judge or Magistrate** to whom they are addressed. The Director of Court Services responds to these letters, notifying the letter-writer that the correspondence is an *ex parte* communication, which the Judge or Magistrate is prohibited from reading.

Rule 3: Pleadings and Motions

3.01 Form

(A) All pleadings, motions, and other filings shall comply in form and content with the Ohio Rules of Civil Procedure, unless otherwise provided in these Rules.

(B) The caption in every complaint, petition, or other pleading which is filed with the Court shall list the name and address of each party, or shall state that the address is unknown.

The caption of subsequent pleadings, motions, and briefs shall state the case number, the name of the Judge or Magistrate to whom the case is assigned, and the name of the first party Plaintiff and first party Defendant.

(C) Every pleading, motion, or brief shall be identified by title and shall include the name of each person on whose behalf the document is filed. All documents filed with the Clerk of Courts shall also include the name of the attorney, if there is one, who prepared the document, the attorney's registration number, the name of the attorney's firm, the office address, telephone number, email address, and facsimile number. Attorneys shall file a Notice of Appearance as Counsel of Record, with proof of service to all other attorneys and self-represented parties.

(D) Parties shall file a completed Case Designation Sheet along with the first pleading in a case.

(E) All motions shall be in writing and must be supported by either a memorandum or affidavit.

(F) Parties shall file any additional motions in a case no later than seven days prior to the scheduled hearing. Parties filing a motion requesting relief without a hearing shall file that motion along with a proposed Judgment Entry or order.

(G) Any pleading, motion, or filing not in compliance with this Rule may be stricken from the files on the Court's own motion.

3.02 Personal and Private Information in Records

(A) The following information is deemed "personal and private" and is not to be included in a public record:

(1) Social Security number;

(2) Full financial account number (may be listed as, e.g. "------1234"); and,

(3) Any other information deemed personal and private by any federal or state statute, regulation, executive order, or court ruling.

(B) It is the responsibility of the filing party and counsel to remove personal and private information from a document filed with the Clerk of Court's office. The responsibility of the filing party and counsel to remove personal and private information extends to and includes exhibits or addenda attached to filings.

(C) The Clerk of Courts and deputy clerks shall have no responsibility for the removal of any personal and private information filed in a public document in the Lake County Clerk of Court's office.

(D) Personal and private information must be submitted in a separate filing which will be deemed by the Court as a non-public record. The information will be kept in a separate envelope within the case file marked as follows:

> "The enclosed personal and private information has been deemed by the Court as non-public. It is for the use of the Court, attorneys of record listed in the case, and the Clerk of Court's office only. Any other person must have a Court Order to view the contents of this envelope."

(E) Journal entries that necessarily include personal and private information must be submitted to the Clerk of Court's office as follows: a copy that includes the personal and private information for placement in the non-public envelope, and a copy with personal and private information redacted for placement in the public file. The copy not containing the personal and private information (for the public file) shall have the notation "personal and private information redacted" at all places in the document where such information was removed. The Court shall sign both journal entries.

(F) The Clerk of Courts shall not remove any personal and private information from a stamp-filed document, including records or transcripts transmitted to this Court from another Court, without a Court Order to do so. The Clerk of Courts may refuse to accept for filing any document that contains personal and private information that has not been redacted or submitted in accordance with this order.

(G) Any personal and private information in documents filed prior to the implementation of this Rule is considered public. Any personal and private information in records or transcripts transmitted to this Court from another Court is considered public. A party or attorney in a case, or other person whose personal and private information is contained in a public record of this Court, may petition the Court for the removal of personal and private information. If the request is granted, the personal and private information shall be removed from a stamp-filed document, placed in a separate envelope, and deemed a non-public record.

(H) All public documents filed with the Clerk of Court's office shall be imaged and may be placed on the Clerk of Court's website for viewing.

(I) *Guardian ad litem* reports and custody evaluations are not to be filed with the Clerk of Courts. The reports are filed at the Domestic Relations Court with the Director of Court Services. The reports are maintained as confidential files with the Court.

3.03 Initial Filings and Affidavits

(A) **Divorces and Legal Separations**: When a Plaintiff files a Complaint for Divorce or Legal Separation, the Plaintiff shall also file a completed Affidavit of Income, Expenses, and Property on the Court-approved form. If there are minor children, the Plaintiff shall complete and file the statutory Affidavit Regarding Parenting, as required by Ohio Revised Code Section 3127.23. Affidavits and Complaints shall be served on the Defendant in accordance with the Ohio Rules of Civil Procedure. All forms are available for download from the Domestic

Relations website at www.lcdrct.org, or the Supreme Court of Ohio website at http://www.supremecourt.ohio.gov.

(B) **Answers and Counterclaims**: A Defendant who files an Answer or an Answer and Counterclaim shall also complete, file, and serve on the Plaintiff an Affidavit of Income, Expenses, and Property on the Court-approved form. If there are minor children, the Defendant shall complete and file the statutory Affidavit Regarding Parenting, as required by Ohio Revised Code Section 3127.23. Affidavits, Answers, and Answers and Counterclaims shall be served on the Plaintiff in accordance with the Ohio Rules of Civil Procedure. All forms are available for download from the Domestic Relations website at www.lcdrct.org, or the Supreme Court of Ohio website at http://www.supremecourt.ohio.gov.

(C) **Dissolution**: After the Petitioners have filed a Petition for Dissolution and a Separation Agreement in a case where there are minor children, the Petitioners shall complete and file the statutory Affidavit Regarding Parenting, as required by Ohio Revised Code Section 3127.23. The Petitioners shall attach a Waiver of Service of Summons to the Petition. If one or both Petitioners are not represented by an Attorney they shall also attach a Waiver of Counsel to the Petition. All forms are available for download from the Domestic Relations website at www.lcdrct.org, or the Supreme Court of Ohio website at http://www.supremecourt.ohio.gov.

(D) **Amendments to Affidavits**: Parties have an affirmative duty to file amended affidavits whenever the information required by these Rules has changed.

(E) **Responsive Motions**: Parties shall have fourteen days from the date of filing to respond to any motions.

3.04 Post Decree Motions: Motions Filed after a Decree of Divorce or Dissolution is Finalized

(A) All post decree motions, except as required by Loc. R. 3.05, shall be made in writing and shall be supported by an affidavit or memorandum explaining the specific grounds for the motion.

(B) All post decree motions regarding parental rights and responsibilities shall be accompanied by the statutory Affidavit Regarding Parenting, as required by Ohio Revised Code Section 3127.23. The party filing the post decree motion shall serve the motion and affidavit on the opposing party, in accordance with the Ohio Rules of Civil Procedure.

(C) All post decree motions invoking the continuing jurisdiction of the Court shall contain the current addresses of both parties in the caption. Notice of the motion invoking continuing jurisdiction shall be served in the manner provided for service of process under Rule 4 of the Ohio Rules of Civil Procedure. If certified mail service is used, parties shall make a request for certified mail service through the Clerk of Court's office.

3.05 Motions to Show Cause

(A) **Content of Motion**: Parties shall file a Motion to Show Cause and Motion to Impose Sentence in writing, *separately* from any other pleadings. The motion shall include an affidavit, signed by the moving party. The affidavit shall describe the specific facts supporting the motion, which must include:

(1) Each provision of a prior court order with which the other party has failed to comply;

(2) The date of the prior court order; and,

(3) The facts explaining how the other party has not complied.

(B) **Order**: Parties shall file a Motion to Show Cause and Motion to Impose Sentence with the Clerk of Courts, and shall include an Order to Appear and Show Cause, as well as Instructions for Service of a Contempt Summons. The Order to Appear and Show Cause shall be on a Court-approved form, which includes the statutory language in Ohio Revised Code Section 2705.031(C)(1)-(4). This form is available for download from the Domestic Relations website at www.lcdrct.org, or the Supreme Court of Ohio website at http://www.supremecourt.ohio.gov. The Court shall insert the date of the hearing on the Order to Appear and Show Cause, to comply with Subsection (C) of this rule.

(C) **Date of Hearing**: When parties file a Motion to Show Cause and Motion to Impose Sentence, the Clerk of Courts shall forward the packet containing the motions and the Instructions for Service to the Court. Upon receipt of the packet, the Court enters a hearing date in the Order to Appear and Show Cause, signs the order, and returns the packet to the Clerk. Upon receipt, the Clerk of Courts shall file an Order to Appear and Show Cause and serve the motion and order according to the Instructions for Service.

(D) **Responsibility**: If the Order to Appear and Show Cause does not appear on the docket of the Clerk of Courts within 21 days after the filing of the Motion to Show Cause, the attorney for the moving party, or the self-represented movant, shall notify the Domestic Relations Court and provide to the Court the case name, case number, and date of the filing of the Motion to Show Cause. The Court shall then take the appropriate action to ensure that the order appears on the docket.

(E) **Motions for Nonsupport**: If the motion is for the nonpayment of child support or spousal support, the motion shall be accompanied by an affidavit of the movant. The affidavit must state:

(1) The date of the last order of support;

(2) The amount of support;

(3) The period of time for which nonpayment is alleged;

(4) The amount of support which should have been paid;

(5) The amount of support actually paid during said time period; and,

(6) The amount of existing arrearages.

(F) **Medical Bills or Other Support Obligations**: If the motion is for the nonpayment of medical or dental bills, or support other than periodic payments, the motion must be accompanied by an affidavit of the moving party which lists the expenses alleged to be unpaid. The affidavit must also specify how the payment was demanded from the obligor prior to filing.

3.06 Refiled Cases

Upon the refiling of a case previously dismissed under Rule 41 of the Ohio Rules of Civil Procedure, the Plaintiff shall indicate that the case is a refiling on the cover sheet of the new Complaint by including the word "REFILING" in capital letters directly beneath the word "Complaint." Directly underneath the word "REFILING," the new Complaint shall identify the case number of the dismissed action, clearly distinguishing it from the case number of the refiled version. The refiled case shall be assigned to the docket of the same Magistrate to whom the previously dismissed case was assigned.

3.07 Supreme Court Forms

Parties may file all pleadings and motions in this Rule on the Supreme Court's Uniform Ohio Domestic Relations Forms, available for download from the Domestic Relations website at www.lcdrct.org, or the Supreme Court of Ohio website at http://www.supremecourt.ohio.gov.

Rule 4: Application of Service Members' Civil Relief Act

(A) In any action filed in this Court against an unrepresented Defendant who is a member of the military service, the Court may appoint an attorney to advise that Defendant, according to the Service Members' Civil Relief Act, 50 App. U.S.C. 501, *et seq*., and may set a fee for the attorney's services.

(B) The Court has the discretion to stay (or temporarily stop) any proceeding either on its own motion, or if a party files a motion, for the duration of the Defendant's period of military service. The Court may choose to proceed if the Defendant's ability to conduct a defense is not materially affected by reason of the Defendant's period of military service.

(C) The Defendant shall be ordered to cooperate in all discovery procedures and to notify the Court upon the Defendant's discharge from active duty.

Rule 5: Other Court Cases Regarding the Same Children

Any individual filing an action in this Court as to parenting or support of minor children must notify the Court of other cases in any other domestic relations or juvenile court involving the same children. This notification shall include the name of the other Court(s) and case number

for Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) purposes, and to allow for written communication between the Courts as to jurisdiction.

Rule 6: Notice and Scheduling of Hearings

(A) A notice of hearing to attorneys and self-represented litigants shall be made no later than seven days prior to the hearing. Court dates and hearing times may be found on the Lake County Clerk of Court's docket under the case number. The Lake County Clerk of Court's docket is available online at www.lakecountyohio.gov/coc. The docket excludes domestic violence cases, pursuant to the Federal Violence Against Women Act.

(B) Attorneys and self-represented litigants must be prepared to schedule all future hearing dates, including trial dates, at the time of the case management conference for pending divorces, or at the time of the pretrial for post decree motions. Attorneys and self-represented litigants shall bring their calendars to Court for scheduling.

Rule 7: Continuances

7.01 Requirements for Continuances

(A) Motions to continue must:

(1) Be in writing and state a reason;

(2) Contain a statement that the opposing attorney or self-represented litigant was contacted, and the opposing party either objects or does not object to the continuance;

(3) Contain the written consent, which can be email, or telephonic consent of the moving party. If the moving party does not consent, the motion must contain a written explanation, as to why consent was not given;

(4) Be filed at least seven days before the hearing date or mediation session; and,

(5) Be accompanied by a proposed Judgment Entry.

(B) Continuance requests due to a conflict with a case previously scheduled in another court must include a copy of the conflict case's hearing notice, with its issuance date clearly shown.

(C) The Court reserves the right to grant a Motion to Continue not filed within the Rules stated above, if good cause is shown.

7.02 Vacation Schedules

Attorneys shall submit their respective vacation schedules no later than 60 days in advance of their vacation, to preserve the right to seek a continuance for this reason.

Rule 8: Nonappearance of a Party at a Trial or Hearing; Failure to Be Prepared for Trial

8.01 Nonappearance

If a party seeking relief fails to appear on the scheduled trial or hearing date, either in person or by counsel, the Court may enter an order dismissing the action for want of prosecution. If a responding party fails to appear, the Court may allow the case to proceed, and hear and determine all matters.

8.02 Unprepared for Trial or Hearing

If a party or attorney appears on the scheduled trial or hearing date and shows no good cause for being unprepared, the Court shall make such orders as are proper. If a party or attorney seeking relief appears but is not ready for the trial or hearing, and fails to show good cause for not being ready, the Court may enter an order dismissing the action for want of prosecution. If the responding party or attorney fails to appear, the Court may allow the case to proceed, and hear and determine all matters.

Rule 9: Attorney of Record

9.01 Entry of Appearance

(A) An attorney shall file an Entry of Appearance immediately upon being retained by a party.

(B) An attorney shall only be entitled to appear at proceedings in an action after that attorney properly makes, signs, and files an Entry of Appearance, unless the Court finds good cause to allow the attorney to appear. An Entry of Appearance shall then be filed immediately after the hearing.

(C) Where more than one attorney representing a litigant has filed an Entry of Appearance on a case, the entry shall state which attorney is the primary counsel, for scheduling purposes. The primary counsel's schedule shall control.

9.02 Withdrawal

(A) After entering an appearance as attorney for a party, no attorney shall be relieved of his or her responsibilities, **including appearance at scheduled hearings**, unless:

> (1) The attorney files a written motion stating the grounds for withdrawal from the case, citing the applicable Rules of Professional Conduct, and certifying that the client has been notified of the motion's filing;
>
> **AND**,
>
> (2) The Court grants the Motion.

(B) The attorney shall submit to the Court a proposed Judgment Entry granting the Motion.

Rule 10: Recording of Proceedings

10.01 Official Record

(A) All official proceedings of the Lake County Court of Common Pleas, Domestic Relations Division, are digitally recorded as authorized by Rule 11 of the Ohio Supreme Court Rules of Superintendence.

(B) In all cases, the Court's own digital recording of the proceedings shall be the official record.

10.02 Digital Recording

To obtain a copy of the Court's digital recording of a proceeding, a party must fill out a Request for Digital Audio Recording, available on the Domestic Relations website at www.lcdrct.org. Take the form to the Domestic Relations Court in person or send it by mail. Include a $1.00 fee per CD copy, plus postage, if the CD will be mailed. The fee must be payable to the Lake County Treasurer. The Domestic Relations Court shall make the CD copy available for pickup, mail, or email, as the party requests.

10.03 Court Reporters

Any party may, at his or her expense, retain the services of a Court Reporter to record a proceeding.

10.04 Transcripts

(A) **All transcripts shall contain a word index.**

(B) The party requesting a transcript is responsible for payment to the Court Reporter.

Rule 11: Mutual Restraining Orders; *Ex Parte* Motions; Civil Rule 75 Motions

11.01 Mutual Restraining Orders

After a party files a Complaint for Divorce, the Court issues mutual restraining orders on the assets and financial accounts of both parties. The restraining orders will be served on the other party with the Complaint for Divorce.

11.02 *Ex Parte* Motions

(A) *Ex Parte* motions are urgent requests for a Court order by a party. An *Ex Parte* motion may be granted without a hearing.

(B) *Ex Parte* motions must:

(1) Be in writing;

(2) Include a Supporting Affidavit from the party filing the motion, detailing the grounds and irreparable harm to that party, should the motion not be granted; and,

(3) Include a proposed Judgment Entry.

(C) The Court encourages attorneys to drop off a time-stamped courtesy copy of *Ex Parte* motions with the Court at the time of filing.

(D) The Court may grant *Ex Parte* motions where the Court finds there are exigent or urgent circumstances which may result in irreparable harm to the party filing the motion. All *Ex Parte* motions that have been denied are to be set for hearing within 28 days of filing.

(E) Abuse of the *Ex Parte* motion filing procedure may subject an attorney or self-represented movant to appropriate sanctions, including, but not limited to:

(1) An award of attorney fees; and,

(2) A contempt citation.

11.03 Motion for Exclusive Possession of Premises

(A) **Contents of Motion**: A Motion for Exclusive Use of Premises is to be supported by an affidavit of the moving party which:

(1) States the specific reasons for the motion;

(2) Details the facts on which the motion is based; and,

(3) States that the other party has been absent from the premises for at least 30 continuous days immediately preceding the filing of the motion.

(B) **When Granted**: A Motion for Exclusive Use of Premises may be granted if the moving party establishes that the other party has been absent from the premises for more than 30 continuous days immediately prior to the filing of the motion.

11.04 Civil Rule 75 Motions

(A) The following motions are to comply with Rule 75(N) of the Ohio Rules of Civil Procedure and the Local Rules of Court:

(1) Temporary Child Support;

(2) Temporary Spousal Support; and,

(3) Allocation of Parental Rights and Responsibilities during the pendency of the divorce action.

Parties shall file all motions on Court-approved forms.

(B) Parties may use their original Affidavit of Income, Expenses, and Property as the affidavit in support of a Motion for Temporary Child Support or Spousal Support. Respondents may also use their original Affidavit of Income, Expenses, and Property, filed with a Motion for Temporary Support, as the Counter-Affidavit described in Rule 75(N)(2) of the Ohio Rules of Civil Procedure.

(C) Every Motion for Temporary Child Support must be filed with a Proposed Child Support Worksheet.

Rule 12: Case Management Conferences, Pretrials, Objections, and Motions to Set Aside a Magistrate's Order

12.01 Case Management Conferences

(A) The Court shall schedule a case management conference approximately 60 days after completion of service of the complaint. When both parties are represented by attorneys on or before the date of the case management conference, the attorneys must be present by telephone for the conference. During the case management conference, the parties are to discuss:

(1) The amount of time needed to prepare the case for trial; and,

(2) The amount of time needed for trial.

The Court shall schedule the pretrial and trial dates. The Court reserves the right to expand or reduce the amount of trial time or the amount of time requested to prepare the case for trial, based on the Court's analysis of the facts and legal issues in the case. The Court may also schedule a deadline for completing discovery and appointment of a *Guardian ad litem*.

(B) At the case management conference, separate dates shall be set for:

(1) The completion of discovery and the retention of expert witnesses;

(2) Exchange of expert witness reports and curriculum vitae; and,

(3) The filing of all motions, including but not limited to: motions for a *Guardian ad litem*, psychological evaluation, drug tests, and business evaluations.

Parties shall exchange expert witness reports and curriculum vitae no later than the scheduled pretrial date.

(C) Parties shall discuss all pending motions and contemplated motions at the case management conference.

(D) Attorneys shall advise the Court if mediation, counseling, or conciliation should be ordered.

(E) After the case management conference, the Court may file additional pretrial orders, if appropriate, to facilitate a resolution of the issues or to allow for an orderly trial. The Court shall determine if trial briefs are needed, and shall set guidelines and deadlines for trial briefs during the case management conference.

12.02 Pretrials

(A) **When Held**: A pretrial shall be scheduled after the case management conference in all contested divorces and cases involving the allocation of parental rights and responsibilities, or in any other matter that the Court determines is appropriate.

(B) **Purpose**: The purpose of a pretrial is to consider a resolution, if possible. If a resolution is not possible, the parties shall try to reduce factual and legal issues of the case. At the time of the pretrial, the attorney or self-represented litigant must be prepared to:

(1) Admit to undisputed facts;

(2) Discuss the disputed legal issues;

(3) Agree to the authentication of documents and other exhibits to be introduced at trial;

(4) Exchange reports of expert witnesses, if not already done; and,

(5) Exchange witness lists.

(C) **Exhibits and Witness Lists**: Parties must file final exhibits and witness lists by the pretrial date. Parties must identify and provide opposing parties copies of all exhibits and witness information, including expert witness information. Exhibits or witnesses not identified at the pretrial will not be allowed at trial without the agreement of the parties or by Court order.

(D) **Audio Recordings**: Any party intending to offer an audio recording as evidence shall provide a verbatim transcript of all statements made by any persons contained within the recording. If a party intends to offer an audio recording of only a part of a conversation or statement, the party shall provide a verbatim transcript of the entire statement or conversation to the Court and opposing counsel.

The verbatim transcript shall contain a certification by the person transcribing the statement or conversation that the verbatim transcript is a true record of the statement or conversation contained within. The transcriber shall further state his or her place of employment, address, and telephone number.

Any party intending to offer an audio recording as evidence shall deliver a CD or DVD of the recording and copies of the transcript to the Court and opposing counsel no later than four hours prior to offering the recording at trial.

12.03 Docket and Case Status Responsibility

It is the responsibility of attorneys and self-represented parties to be aware of and knowledgeable about the docket, deadlines, filing entries, hearing dates, and case status. Case files are maintained at the Clerk of Court's office. The files are available by computer for electronic public access for recordkeeping purposes, at www.lakecountyohio.gov/coc.

12.04 Objections

(A) Parties shall file Objections to a Magistrate's Decision within 14 days from the date the decision is filed with the Clerk of Courts, according to Rule 53(D)(3)(b)(i) of the Ohio Rules of Civil Procedure. The Clerk of Court's docket is available online at www.lakecountyohio.gov/coc.

Objections must be specific and state with particularity the grounds for the objection.

The objecting party shall file the transcript or affidavit with the Court within 30 days after filing objections, unless the Court extends the time in writing for preparation of the transcript, for good cause shown. If a party files timely objections prior to the date on which a transcript is prepared, the party may seek leave of Court to supplement the objections.

The Court may set objections for hearing.

(B) Transcripts are to be filed with the Clerk of Courts before the objection hearing, unless good cause is shown. The party requesting the transcript is responsible for paying the transcription fee.

(C) The Court in its discretion may make determinations on objections without a hearing.

12.05 Motions to Set Aside a Magistrate's Order

Parties shall file Motions to Set Aside a Magistrate's Order within 10 days from the date the order is filed with the Clerk of Courts, according to Rule 53(D)(2)(b) of the Ohio Rules of Civil Procedure. The Clerk of Court's docket is available online at www.lakecountyohio.gov/coc. The Court will rule on Motions to Set Aside a Magistrate's Order without a hearing.

Rule 13: Discovery Procedures

13.01 General

Rules 26 through 37 of the Ohio Rules of Civil Procedure apply in any action before this Court, including post decree motions filed according to Rule 75(N) of the Ohio Rules of Civil Procedure.

13.02 Policy

It is the policy of this Rule to encourage open, prompt, and complete discovery, and to minimize the Court's involvement in the discovery process.

13.03 Mandatory Disclosure

Each party in an action for divorce, annulment, or legal separation must disclose to the other party all financial information and documents, including:

(A) All pension and profit-sharing plans, including the most recent plan summary of the participant's account;

(B) All COBRA benefits to which the other party may be entitled;

(C) Copies of all real estate deeds, vehicle titles, and registration, unless already in the possession of the other party;

(D) All appraisals of real estate or personal property, or any property in which the party holds an interest;

(E) Copies of the last three years of individual tax returns, unless already in the possession of the other party;

(F) Documentary proof of current income from all sources;

(G) Copies of the most recent statements on all bank accounts, IRAs, stock accounts, mortgages, credit card accounts, and any other debts; and,

(H) Any other financial information that the Court considers appropriate.

13.04 Disclosure Deadline

Each party shall make full disclosure within the discovery deadlines set during the case management conference, or at the pretrial for post decree motions, unless the Court orders otherwise. Failure to do so may subject that party to sanctions, including a Motion to Compel and an award of attorney fees, as set forth in Rule 37 of the Ohio Rules of Civil Procedure.

13.05 Filings Related to Discovery

(A) **Required Filings**: Discovery filed with the Court must include a Proof of Service, either included in the documents or filed separately. The Proof of Service must:

(1) State the date and manner of service; and,

(2) Be signed, as required by Rule 11 of the Ohio Rules of Civil Procedure.

The Clerk of Courts shall not accept any documents for filing which do not conform to the requirements of this Rule.

(B) **Filings Not Required**: The following documents shall not be part of the case record, unless the Court orders them or a party will use them as evidence in the case:

(1) Depositions upon verbal examination;

(2) Interrogatories;

(3) Requests for documents;

(4) Requests for admissions; and,

(5) Answers and responses to depositions or interrogatories.

13.06 Motions for Protective Order

Parties shall file a Motion for a Protective Order no later than 14 days before the date on which response to a discovery request is due or the date of a scheduled deposition. A party may request additional time to file a Motion for a Protective Order only if the party can show that it was not possible to file the motion within the required time period. The motion must clearly state:

(1) The basis of the protective order; and,

(2) The date on which the response to the discovery request is due, or the date of a scheduled deposition.

13.07 Authentication

Parties are not permitted to object to the authentication of any document in any Court hearing if:

(A) The requirement of authentication or identification is satisfied by providing a copy of the document to the opposing party 14 days prior to the hearing; and,

(B) The party opposing authentication of the document fails to file a written objection to the authentication of the document at least seven days before the hearing, explaining the specific legal objection raised.

The Ohio Rules of Evidence apply to the admissibility of an authenticated document.

Rule 14: Mediation

14.01 When Ordered

At any time after a party files a complaint in an action for divorce, legal separation, or annulment, or at any time after a party files a post decree motion involving the allocation of parental rights and responsibilities, the Court may, upon its own motion, order the parties into mediation.

The Court's Mediation Department also accepts voluntary requests from parties who wish to mediate post decree issues involving parental rights and responsibilities without having to file a motion.

The Court incorporates by reference R.C. 2710, The Uniform Mediation Act (UMA); R.C. 3109.052, Mediation of Differences as to the Allocation of Parental Rights and Responsibilities; and Rule 16 of the Ohio Supreme Court Rules of Superintendence. All definitions found in the UMA are adopted by this Court through this Rule.

14.02 Procedure

(A) The Court shall order cases to the Court's in-house Mediation Department. Parties may also use an outside Mediator with prior approval from the Court. To use an outside Mediator, parties must file a motion with affidavits attached, stating that the parties agree on both the Mediator and how the Mediator is to be paid.

(B) If the Mediation Department determines that the case is appropriate for mediation, the Court may permit both parties to participate in mediation for a period of time, as determined by the Court.

(C) An Order referring the parties to mediation stays (or temporarily stops) the proceedings in Court. Proceedings not stopped by a Mediation Order are:

(1) Temporary support hearings;

(2) Issuance of temporary support orders; and,

(3) Scheduling and discovery matters.

Mediation sessions are held until all possible issues are resolved in a manner that is mutually agreeable to the parties, or until the Mediator determines that continued efforts would not be productive. The Court may order the parties to return to mediation at any time.

If the parties fail to reach a full agreement during mediation, the Court will not permit any attempt to bring in discussions from the mediation. Matters discussed in mediation are confidential and are not permitted in Court proceedings.

(D) The Mediator shall do the following:

(1) Keep all verbal and written communications confidential;

(2) Provide the parties and their attorneys with a summary of any agreement reached, or a statement that the mediation has terminated without agreement;

(3) Inform the Court of who attended the mediation, and whether the case has settled. If the case has not settled, the Mediator shall inform the Court of whether the case is scheduled for further mediation or if it will be returned to the Court for further proceedings. The Mediator shall not provide any other information to the Court unless all parties who hold a mediation privilege, including the Mediator, have consented to such disclosure; and,

(4) Notify the Court, for purposes of scheduling, that mediation has been terminated.

(E) Any Mediator providing services for the Court shall use procedures that will:

(1) Ensure that the parties are allowed to participate in mediation. If they wish, the parties' attorneys and other individuals may be allowed to accompany them and participate in the mediation, as provided in the Uniform Mediation Act (UMA);

(2) Screen for domestic violence, both before and during mediation, by using a three-tiered screening method along with the use of appropriate screening tools;

(3) Encourage appropriate referrals to attorneys and other support services for all parties, including victims and suspected victims of domestic violence; and,

(4) Prohibit the use of mediation in the following circumstances:

(a) Prosecuting or adjudicating domestic violence;

(b) Determining whether to grant, modify, or terminate a protection order;

(c) Determining the terms and conditions of a protection order; and,

(d) Determining the penalty for violation of a protection order.

(F) Parties may use mediation in a subsequent divorce or custody case even if the case may result in the termination of provisions of a protection order.

(G) Mediation may proceed when violence or fear of violence is alleged, suspected, or present, only if the Mediator has specialized training, as set forth in Loc. R. 14.04, and ensures that the following conditions are satisfied:

> (1) The person who is or may be the victim of domestic violence is fully informed, both verbally and in writing, about the mediation process, his or her right to decline participation in the mediation process, and his or her option to have a support person present at the mediation sessions;
>
> (2) The Mediator concludes that the parties have the capacity to mediate without fear of coercion or control;
>
> (3) The Mediator uses the procedures defined by the Court's Mediation Department to provide for the safety of the parties, the non-party participants, and the Mediator. Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence or coercion between the parties;
>
> (4) The Mediator uses the procedures identified by the Court's Mediation Department to terminate mediation if the Mediator believes there is a continued threat of domestic violence or coercion between the parties; and,
>
> (5) The Mediator uses procedures defined by the Court's Mediation Department to ensure that the Court has issued written findings of fact, as required by Ohio law, to refer certain cases involving domestic violence to mediation.

The use of mediation in the above situations is addressed on a case-by-case basis.

(H) According to the UMA, all parties may have their attorney, as well as other support persons attend the mediation session. The Mediator has the right not to conduct the mediation session if a party insists on bringing a person to the session that the Mediator believes is inappropriate or would harm the process. The Court has the right to require the attendance of attorneys if the Court determines that it is appropriate and necessary for the process, and is consistent with Ohio law. Unless required by the Court, attorneys are not required to attend the mediation session. The *Guardian ad litem* shall attend the mediation session if requested by the Court or by either party. Parties shall not bring children to mediation sessions.

(I) The parties and their attorneys have a duty to disclose information to the Mediation Department, and have a duty to participate in any screening required by Rule 16 of the Ohio Supreme Court Rules of Superintendence, where the opposing parties:

(1) Are related by blood, adoption, or marriage;

(2) Have resided in a common residence; and,

(3) Have known or alleged domestic abuse at any time prior to the mediation.

14.03 Agreements

(A) The Mediator shall reduce to writing, and parties shall sign, any agreement reached in mediation. Any agreement reached during mediation shall not be binding upon the parties until approved by the Court, which shall consider the best interests of the children.

(B) If the agreement is approved by the parties and attorneys, the Court shall either:

(1) Hold a confirmation hearing to approve the terms of the agreement; or,

(2) Adopt a Judgment Entry submitted by the parties for the Court's review and approval.

If the Court does not adopt the agreement, the Court shall not consider the mediation agreement for any other purpose.

(C) If the parties do not reach an agreement, the Mediator shall issue a report stating only that the parties did not reach an agreement, and the case shall be returned to the Court's trial docket.

14.04 Qualifications

Any Mediator employed by the Court, or whom the parties retain as an outside Mediator, shall comply with the following minimum qualifications:

(A) General qualifications and training:

(1) Comply with the qualifications set forth in Rule 16 of the Ohio Supreme Court Rules of Superintendence;

(2) Possess a Bachelor's Degree or equivalent education or experience satisfactory to the Court, and at least two years of professional experience with families. Professional experience with families includes mediation, counseling, casework, legal representation in family law matters, or such equivalent experience as is satisfactory to the Court;

(3) Complete at least 12 hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court; and,

(4) After completing the above training, complete at least 40 hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court of Ohio.

(B) Specific qualifications and training for domestic abuse:

A Mediator employed by the Court, or whom the parties retain as an outside Mediator, shall complete at least 14 hours of specialized training in domestic abuse and mediation through a training program approved by the Dispute Resolution Section of the Supreme Court of Ohio. A Mediator who has not completed this specialized training may mediate these cases only if he or she co-mediates with a Mediator who has completed the specialized training.

14.05 Confidentiality

(A) Statements the parties make during mediation shall be considered compromise negotiations and shall not be admissible as evidence, according to Rule 408 of the Ohio Rules of Evidence. Everyone attending a mediation session, including attorneys and *Guardians ad litem*, shall sign a Memorandum of Understanding for Mediation, which confirms the confidentiality requirement. The Mediator:

(1) Shall not be required to disclose any statements or discussions which occurred during the mediation, except as required by Ohio law;

(2) Shall not be called as a witness for any purpose; and,

(3) Shall not be subject to subpoena to testify at any proceeding, except as required by Ohio law.

This Rule does not prevent the Mediator from testifying as to a crime committed in his or her presence, or from complying with any law requiring the reporting of child abuse.

(B) All communications relating to the mediation or made during the mediation process shall be governed by the privileges described in the Uniform Mediation Act, Ohio law, and the Ohio Rules of Evidence.

14.06 Fees Related to Mediation Services

The Lake County Domestic Relations Court Mediation Department does not charge the parties for its professional mediation services. At the conclusion of the mediation, the Clerk of Courts assesses court costs for the parties' filings. The Clerk does this in every case.

If the case is referred to a Mediator other than one provided by the Lake County Domestic Relations Court Mediation Department, the parties shall agree upon the Mediator and shall share the cost of mediation in such a proportion as they may agree. Cases using an outside Mediator must comply with the time frames and procedures discussed in this Rule.

Rule 15: *Guardian ad litem*

15.01 When Appointed

All appointments of a *Guardian ad litem* shall comply with Rule 48 of the Ohio Supreme Court Rules of Superintendence. The Court shall appoint a *Guardian ad litem*:

(1) If the Court determines that it is necessary to appoint a *Guardian ad litem* to make a recommendation as to the child's best interest;

(2) Upon a party filing a motion for a *Guardian ad litem* with an affidavit which specifies the actual need for a *Guardian ad litem*, *NOT* a simple recitation that a guardian is requested "in the best interest of the child;" or,

(3) When the Court is required to do so pursuant to law.

15.02 Qualifications

(A) A *Guardian ad litem* must be an attorney licensed by the Supreme Court of Ohio who meets the following qualifications:

(1) Is in good standing with the Supreme Court of Ohio;

(2) Has practiced law a minimum of one year in the Juvenile or Domestic Relations Courts, with a concentration in family law cases;

(3) Has satisfied the Supreme Court of Ohio's educational requirements for a *Guardian ad litem*, and provides the certificate of completion to the Court; and,

(4) Is willing to accept one pro bono case per calendar year.

(B) Any attorney who meets the above criteria and requests to be on the Court's *Guardian ad litem* list must submit an application to the Director of Court Services for approval.

15.03 Reports (Revised Eff. 1/1/15)

The *Guardian ad litem* shall file his or her report directly with the Domestic Relations Court, Director of Court Services, where the report is maintained in a confidential file. **A report shall be filed with the Court and made available to the parties for inspection no less than seven days before the final hearing, unless the due date is extended by the Court. A written report may be accessed in person by making an appointment with the Director of Court Services. A report can also be accessed by phone by the parties or their legal representatives. A copy of the final report shall be provided to the Court at the hearing. The Court shall consider the recommendation of the *Guardian ad litem* in determining the best interest of the children only when the report or a portion of the report has been admitted as an exhibit, unless the parties waive the filing of a report.**

Any complaints as to the services of a *Guardian ad litem* are to be in writing and sent to the Director of Court Services.

15.04 Compensation

(A) *Guardians ad litem* shall be compensated at the rate of $125.00 per hour for all reasonable and necessary time expended.

(B) The Court shall order one or both parties to post a cash bond with the Clerk of Courts when the Court appoints the *Guardian ad litem.* If the Court determines that the parties are unable to post a bond, the Court may issue an order waiving this requirement. The Clerk shall hold the bond as security toward payment of the *Guardian ad litem*'s fees.

(C) When the *Guardian ad litem* files a Motion for Fees, the Court may conduct a hearing to determine if the fee sought by the *Guardian ad litem* is reasonable and necessary. The Court shall also determine the amount each party shall contribute toward the fee. The Court's Order for fees shall also require the Clerk of Courts to release the bond amount to the *Guardian ad litem.*

Rule 16: Family Education Programs

16.01 Purpose

(A) "**For Our Children"**: The purpose of the "For Our Children" parent educational program is to help parents be aware of the changes and stresses ending their marriage can have on their children.

(B) "**What About Me"**: The purposes of the "What About Me" education program for children ages 6-12 years old are to:

(1) Let children know they are not the only family whose parents are ending their marriage;

(2) Reassure children they are not the cause of the dissolution or divorce; and,

(3) Help the children identify feelings resulting from their situation and ways to manage their feelings.

16.02 Requirements for Attendance

(A) **Pre-Decree Attendance Mandatory**: Parties with minor children must attend "For Our Children" before the final hearing in any action for divorce, legal separation, and dissolution of marriage. Parties are to schedule the program within 60 days after the complaint is served or after the petition for dissolution is filed. The Court may excuse the parties' attendance requirement only for good cause shown.

(B) **Certificate of Attendance**: After completion of the program, a certificate of attendance will be given to each parent. The certificate shall be provided to the Court at the case management conference or dissolution hearing.

(C) **Post Decree Attendance Discretionary**: The Court may require Parties to attend "For Our Children" if motions are filed after the divorce or dissolution of marriage which involve the allocation of parental rights and responsibilities.

(D) **Parties Outside of the State of Ohio**: Parties who live outside of the State of Ohio are to contact the Director of Court Services for family education program instructions.

Rule 17: Attorney Fees

17.01 Motion

(A) Parties must file a motion for attorney fees or expenses no later than seven days before the hearing on the issue that gives rise to the request for the fees. The party requesting attorney fees shall:

(1) Attach an affidavit to the motion, itemizing the attorney's time expended and the hourly rate charged; and,

(2) Serve the motion and affidavit according to the Ohio Rules of Civil Procedure.

(B) All supplemental affidavits for attorney fees shall be filed no later than seven days before the hearing that gives rise to the request for fees, in the same manner as the initial request for attorney fees.

(C) The Court will *NOT* consider any verbal motions for fees.

(D) The attorney who requests fees or expenses may testify in support of the motion. Expert testimony is not required to prove that attorney fees are reasonable.

17.02 Failure to Comply with this Rule

Failure to comply with the provisions of this Rule shall result in the Court's denial of the motion for attorney fees or expenses. A party may show, and the Court may find for good cause shown, that under the circumstances, the party requesting fees could not reasonably comply with the provisions of this Rule.

Rule 18: Judgment Entries

18.01 Contested Trial and Motion Hearings

(A) The Court may order attorneys or self-represented litigants to prepare a judgment entry. Parties must submit a judgment entry to the Court within the time period specified by the Court, not to exceed 21 days after the date of the filing of the order adopting or modifying the

Magistrate's Decision. Before submitting a judgment entry to the Court, the judgment entry shall be circulated to the opposing attorney or self-represented party for signature.

(1) **Signatures**: All attorneys or self-represented parties must sign the judgment entry if it is accurate. The Court may award attorney fees or other appropriate sanctions if a party withholds his or her signature. If a party submits a judgment entry without the opposing party's signatures, the judgment entry must include a certificate of service documenting the date that the judgment entry was served on the opposing party. Parties shall only submit unsigned judgment entries to the Court after seven business days have passed from the date on the certificate of service.

(2) **Rejection of the Judgment Entry**: A party rejecting a judgment entry shall file:

a) A written statement of objections, within five business days of receiving the judgment entry, to be served on the opposing party or attorney, if represented; and,

b) A proposed judgment entry, in compliance with the judgment entry ordered by the Court.

The Court shall review and sign the appropriate judgment entry. A party's failure to timely reject a judgment entry shall constitute a waiver of objections and result in the original judgment entry's adoption by the Court.

(B) A party and/or attorney who fails to submit a judgment entry according to this Rule shall be subject to a contempt citation for late paperwork.

18.02 Dissolutions and Other Uncontested Cases

(A) **Decrees for Dissolution of Marriage**: Petitioners shall provide decrees for dissolution of marriage to the Court at the time of the hearing for the dissolution of marriage. The decree shall state that the Petitioners have made a full and complete disclosure of all:

(1) Marital property;

(2) Separate property;

(3) All other assets and debts; and,

(4) All income and expenses.

The parties' willful failure to make such full and complete disclosure may subject the parties to penalties provided under Ohio law and/or Civil Rule 60(B) Motions.

(B) **All Other Uncontested Cases**: Parties must submit the proposed judgment entry to the Court at the time of the final hearing.

18.03 Court-Approved Supplemental Entries/Companion Entries and Forms

(A) An order for the allocation of parental rights and responsibilities shall include the R.C. 3109.051 Notice of Relocation Order. The order is available for download from the Domestic Relations Website at www.lcdrct.org.

(B) A child support worksheet signed by the parties shall be attached to, and incorporated by reference, in every judgment entry whenever child support is ordered. An order for child support shall include Health Insurance and Expense Orders and proposed Healthcare Determination required by Ohio law, on Court-approved forms. The orders are available for download from the Domestic Relations website at www.lcdrct.org.

18.04 Agreed Judgment Entries

(A) **Requirements**: Parties shall present written agreed-upon resolutions, signed by all parties and counsel of record, to the Court at the beginning of the hearing. Parties shall read their resolutions into the record at the hearing, and the parties shall confirm their consent to the terms of the agreement under oath.

(1) **Written Filing Requesting Relief**: Any agreed judgment entry must resolve a written motion requesting relief previously filed with the Court. The Court may schedule the agreed judgment entry for hearing.

(2) **Modification of Child Support**: Parties must attach all appropriate Court-approved supplemental entries/companion entries and forms to agreed judgment entries resolving Motions to Modify Child Support. The agreed judgment entry shall include:

(a) Current child support based on the Ohio Child Support Computation Worksheet;

(b) The effective date of the child support order;

(c) The repayment rate on the arrearage and/or credit balance;

(d) The tax dependency exemptions; and,

(e) Any other information required by Ohio law.

An agreed judgment entry shall be accompanied by:

(a) A Health Insurance and Expense Order on Court-approved forms;

(d) A proposed Healthcare Determination;

(b) A Child Support Worksheet; and,

(c) A Child Support Deviation Worksheet.

All of these forms are available for download from the Domestic Relations website at www.lcdrct.org. If applicable, the parties shall sign the documents.

(B) **Submission Prior to the Hearing**: If parties file an agreed judgment entry with all the required documents that resolves the matter set for hearing, the attorneys or self-represented parties shall then confirm with the Court that the hearing has been cancelled. All parties and attorneys are expected to appear for the hearing unless notified by the Court that the hearing has been cancelled.

Rule 19: IV-D Applications

(A) All parties requesting child support, either in a pending case or as part of a post decree motion requesting establishment or modification, must complete a IV-D application. These applications are available for download from the Domestic Relations website at www.lcdrct.org.

(B) Parties shall clearly designate their case name and number on the first page of the IV-D application and shall mail it to:

Lake County Department of Job and Family Services
177 Main Street
Painesville, OH 44077

(C) Parties shall *NOT* file IV-D applications with the Lake County Clerk of Court's office.

Rule 20: Costs

20.01 Application and Exemptions

(A) When filing any action, proceeding, pleading, or joint motion with an agreed Judgment Entry with the Clerk of Courts, parties must include the appropriate filing fee. The filing fee has been set by the Court, is on file at the Lake County Clerk of Courts, and is available at www.lakecountyohio.gov/coc. A moving party may file a request to waive the filing fee for financial reasons on the Court-approved form.

(B) Filings from the Lake County Department of Job and Family Services or the Lake County Child Support Enforcement Division are exempt from this requirement. Certain litigants may also be exempt from this requirement based on Rule or Ohio law.

(C) The Court may order either or both parties to pay court costs, or past due balances on unpaid costs, at any point during the course of the proceeding, as the Court may consider necessary and appropriate. Parties who fail to pay may be subject to sanctions, including the striking of the pleadings or a contempt citation.

20.02 Additional Fees

According to Ohio Revised Code Section 2303.201, the Court may determine that additional filing fees are necessary to fund certain special programs and projects. The Court may occasionally require payment of additional fees for the filing of actions or pleadings.

20.03 Indigency (Poverty)

(A) The Court may waive the filing fee requirement if a party files an Affidavit of Indigence, stating that:

> (1) The party is without funds or assets, or the ability to obtain funds or assets to pay the filing fee;
>
> (2) A statement of the party's financial situation, if not already prepared as part of the case; and,
>
> (3) A certification by the attorney, if the party is represented, that no or nominal attorney fees have been paid or will be paid as a retainer.

(B) A party's filing of an Affidavit of Indigence does not relieve the party from liability for the payment of costs. If at any time the Court determines that the party who filed an Affidavit of Indigence is able to pay the filing fee, the Court may order that party to pay the deposit within a reasonable time.

Rule 21: Postings of Notices for Service by Publication

21.01 When Proper

(A) **When Available**: Service by publication in a divorce, annulment, or legal separation is available to a party when the residence of a Defendant is unknown, according to Rule 4.4(A) of the Ohio Rules of Civil Procedure.

(B) **Approval**: The Court must give parties prior approval for service by publication. To obtain prior approval from the Court, the party must file a motion with an attached affidavit and proposed Judgment Entry, stating:

> (1) That the service of summons cannot be made because the Defendant's residence is unknown to the party;

(2) Detailing the party's efforts to determine the Defendant's residence; and,

(3) Stating that the party cannot determine the Defendant's residence with reasonable diligence.

The Court shall set the motion for hearing at the Court's discretion.

21.02 Responsibility

The party seeking service of process by publication in a newspaper of general circulation bears the responsibility of payment and of ensuring that publication is accomplished. The publication shall contain:

(1) The name and address of the Court;

(2) The case number;

(3) The name of the first party on each side;

(4) The name and last known address, if available, of the person or persons whose residence is unknown;

(5) A summary of the complaint and demand for relief; and,

(6) A notice to the person to be served that he or she is required to answer within 28 days after publication.

The notice shall be published once a week for six consecutive weeks, unless publication for a lesser number of weeks is specifically provided by Ohio law. Service shall be complete on the date of the last publication.

21.03 Confirmation

After the last publication of service, the party shall file with the Court an affidavit showing that the publication has occurred, along with a copy of the notice of publication. The Court shall consider the affidavit and the notice of publication to be proof of service.

21.04 Posting Locations

(A) In all cases where service is made by publication and mailing, according to Rule 4.4(A)(2) of the Ohio Rules of Civil Procedure, the Clerk of Courts shall post notices at the following locations:

(1) Lake County Courthouse
Domestic Relations Court
47 North Park Place
Painesville, OH 44077;

(2) Willoughby Municipal Court
4000 East Erie St.
Willoughby, OH 44094; and,

(3) Mentor Municipal Court
8500 Civic Center Blvd.
Mentor, OH 44060.

(B) If any of the Courts' addresses change, the posting will be made at each Court's new location.

Rule 22: Posting of Notices for Records Management

On a yearly basis, the Court shall compile a list of cases in which the Court intends to destroy exhibits, depositions, or transcripts, unless retrieved by the parties. The Court shall post this list annually at the locations listed in Loc. R. 21.04. This Rule is in addition to the posting requirements of the Ohio Supreme Court Rules of Superintendence.

Rule 23A: Standard Parenting Time Guidelines

23A.01 In General

The Court strongly encourages parents to create their own cooperative parenting time schedules tailored to the specific needs of their children, the parents' respective work hours, and the collective needs of each household. To help create a workable schedule, parents are urged to read "Planning for Parenting Time: Ohio's Guide for Parents Living Apart," available on the Domestic Relations website at www.lcdrct.org. There are sample parenting time schedules in the guide.

For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects:

(1) The preservation and development of a close relationship between the children and each parent; and,

(2) Consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness, or violence), the parents must be prepared to present specific facts in a hearing for a proposed plan which considers the best interests of the children, not the parents.

23A.02 Infants: 0 – 2 Months

For infants younger than two months of age, the nonresidential parent may spend time with the infant in the residential parent's home three days per week, for two hours per visit. If the parents cannot agree as to days and times, the following schedule shall be followed: the nonresidential parent shall have parenting time each Sunday from 2:00 p.m. to 4:00 p.m., and each Tuesday and Thursday evening, from 6:00 p.m. to 8:00 p.m.

23A.03 Infants: 2 Months – Age 2

Commencing at age two months, parenting time can be at the nonresidential parent's residence.

(A) Beginning at two months, and extending through 12 months, the nonresidential parent shall spend time with the children at his or her residence every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and one day each weekend, alternating between Saturday and Sunday, from 10:00 a.m. to 6:00 p.m.

(B) From 13 months through 23 months, the nonresidential parent shall spend time with the children as follows: every Tuesday and Thursday evening from 5:30 p.m. to 8:30 p.m., and on alternating weekends, from Saturday at 10:00 a.m. to Sunday at 6:00 p.m.

(C) **Holidays**: In even-numbered years, the nonresidential parent shall spend time with the children from 10:00 a.m. to 6:00 p.m. on Easter, July 4th, Labor Day, and Christmas Day, and the residential parent shall spend time with the children on President's Day, Memorial Day, Thanksgiving, and Christmas Eve.

In odd-numbered years, the nonresidential parent shall spend time with the children from 10:00 a.m. to 6:00 p.m. on President's Day, Memorial Day, Thanksgiving, and Christmas Eve, and the residential parent shall spend time with the children on Easter, July 4th, Labor Day, and Christmas Day.

In even-numbered years, the residential parent shall spend time with the children beginning at 5:00 p.m. on New Year's Eve to 11:00 a.m. on New Year's Day, and in odd-numbered years, the nonresidential parent shall spend time with the children from 5:00 p.m. on New Year's Eve to 11:00 a.m. on New Year's Day.

(D) **Older Siblings**: If there are older brothers and sisters of an infant child, the parenting time, including holidays, set forth below for children ages two years through 12 years shall govern infant visitation, once the infant is two months old.

23A.04 Children: Age 2 – 12

The nonresidential parent (NR) shall have the following parenting times in a two week period:

	Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
Week 1:		NR Overnight to Tuesday Morning				NR Overnight	NR Overnight
Week 2:	NR Overnight to Monday Morning			NR Overnight to Thursday Morning			

(A) **Weekends**: Alternate weekends beginning Friday at 6:00 pm and ending Monday morning either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

(B) **Weekdays**: Every Wednesday following the nonresidential parent's weekend parenting time (or any other day by agreement) from after school until Thursday morning, either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

Every Monday, following the residential parent's weekend parenting time, (or any other day by agreement) from after school until Tuesday morning, either at the drop-off of the children at school or day care, or to the other parent by 9:00 a.m., if the children are not attending school or day care.

(C) **Holiday Parenting Time**:

Holiday	**Even-Numbered Years**	**Odd-Numbered Years**	**Time Period**
President's Day	Father	Mother	9:00 a.m. to 7:00 p.m.
Easter	Father	Mother	9:00 a.m. to 7:00 p.m.
Memorial Day	Mother	Father	9:00 a.m. to 9:00 p.m.
July 4th	Father	Mother	July 4th at 9:00 a.m. to July 5th at 9:00 a.m.
Labor Day	Mother	Father	9:00 a.m. to 9:00 p.m.
Halloween	Mother	Father	4:00 p.m. to 9:00 p.m.
Thanksgiving	Father	Mother	9:00 a.m. to 9:00 p.m.*
Christmas Eve	Mother	Father	10:00 a.m. on 12/24 to 10:00 a.m. on 12/25
Christmas Day	Father	Mother	10:00 a.m. on 12/25 to 10:00 a.m. on 12/26
New Year's Eve/Day	Mother	Father	5:00 p.m. on 12/31 to 11:00 a.m. on 1/1
New Year's Day	Father	Mother	11:00 a.m. to 7:00 p.m.

*Unless the weekend following is that parent's regularly-scheduled weekend, in which case the parenting time shall continue through that parent's regularly-scheduled weekend.

(D) **Spring Break:**

In even-numbered years, the residential parent shall have parenting time during Spring Break, and in odd-numbered years the nonresidential parent shall have parenting time during Spring Break. If Easter falls during Spring Break, the parent having the children for Spring Break shall have the children for Easter. If Easter does not fall during Spring Break, the parents shall alternate Easter according to the schedule above.

(E) **Winter Break**:

Winter Break shall be divided equally between the parents. In even-numbered years, the residential parent shall have parenting time with the children during the first half, and the nonresidential parent shall have parenting time with the children during the second half of Winter Break. In odd-numbered years, the nonresidential parent shall have parenting time with the children during the first half and the residential parent shall have parenting time during the second half of Winter Break. Winter Break begins at 6:00 p.m. on the last day of school and ends at the drop-off of the children at school after the last day of Winter Break. Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day shall not be included in calculating the equal number of days to which each parent is entitled.

(F) **Days of Special Meaning:**

Father's Day shall be spent with Father; Mother's Day shall be spent with Mother. Parenting time shall be from 9:00 a.m. to 6:00 p.m., or as otherwise agreed.

The child's birthday shall be spent with the parent who has regularly-scheduled parenting time on that day.

(G) **Extended Summer Parenting Time, Summer Vacations, and Travel:** Each parent shall have half of the children's summer vacation, provided that the last full week shall be spent with the residential parent. Parenting time shall occur on a one week on, one week off basis, beginning at 6:00 p.m. on Sunday and extending until the following Sunday at 6:00 p.m. Weekly parenting time with the nonresidential parent shall begin on the first full week following the last day of school.

Each parent is entitled to a two week period of uninterrupted parenting time with the minor children each summer. In even-numbered years, the Mother shall have the first choice and shall choose her two week uninterrupted parenting time by advising the Father of that time period on or before May 1st of that year. In odd-numbered years, the Father shall have the first choice and shall choose his two week uninterrupted parenting time by advising the Mother of that time period on or before May 1st of that year. Neither parent shall have more than a two week, or fourteen day, period of uninterrupted parenting time during the summer.

For any vacation or holiday travel, each parent must provide the other parent with information about the destination, times of arrival and departure, and methods of travel. If there are children in different age brackets, the provisions for the oldest age bracket shall apply to all children, except that there shall be no extended parenting time or vacation time for a child under two years of age.

If summer school is necessary for a child to pass to the next grade, the child is required to attend summer school classes. Parents may schedule summer extended parenting time during a mandatory summer school period, but the child must attend all classes.

Child support will *NOT* be reduced during summer vacation periods specified in this provision.

23A.05 Teenagers: Age 13 – 18

(A) The nonresidential parent's regular parenting time on alternating weekends, midweek, and during holidays, as well as extended time during the summer months described in Loc. R. 23A.04 shall apply to teenagers. Parents are urged to understand a child's normal social development during these sensitive years, when the teenager normally spends less time with either parent.

(B) In exercising parenting time with a teenager, the nonresidential parent shall make reasonable efforts to accommodate a teenager's participation in the teenager's academic, extracurricular, and social activities.

23A.06 Rules Regarding Parenting Time

(A) **Conflicting Schedules**: In the event of any conflict between parenting time schedules, the following is the order of priority:

(1) Holidays;

(2) Vacation periods or extended parenting times; and,

(3) Weekends and mid-week days.

For example, one parent may not schedule his or her summer vacation to include July 4th if July 4th is the other parent's holiday that year. As another example, the residential parent may be entitled to have the children on the Easter holiday, even though it falls on the nonresidential parent's alternating weekend. In this case, the nonresidential parent's weekend shall conclude at 6:00 p.m. on Saturday evening.

(B) **Illness**: It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness.

Both parents should use common sense as to a sick child and be sensitive to the child's needs. In the event that a child is ill, medications and instructions for special care shall travel with the child. Each parent should notify the other, as soon as reasonably possible, of any diagnosis, injury, or treatment, as well as the name, address, and phone number of all treatment facilities and medical professionals involved.

Any weekend parenting time that is missed due to the illness of a child shall be made up the following weekend or as the parents may mutually agree. The residential parent shall promptly notify the nonresidential parent of the child's illness prior to the exercise of parenting time. The Court does not expect parents to abuse the intent of this Rule and interfere with the nonresidential parent's time with the children.

(C) **Telephone and Mail**: Each parent may have reasonable telephone contact with the children during the other parent's parenting time, not to exceed once a day between the hours of 7:00 a.m. and 9:00 p.m. If the children are not available, the children should return the telephone call.

Each parent shall encourage free communication between the children and the other parent, and shall not do anything to impede or restrict reasonable communication by telephone, mail, or email between the children and the other parent, whether initiated by the children or the other parent. Parents need to be aware that older children and teens text rather than having telephone conversations. Any mail or email between the children and either parent shall be strictly confidential and shall not be opened or read by the other parent.

(D) **Cooperation**: Both parents shall refrain from criticizing the other parent or arguing with the other parent in the presence of the children or where the children can overhear.

(E) **Exchange of Phone Numbers**: Each parent must, unless the Court orders otherwise, keep the other parent informed of his or her current telephone number and a telephone number where the children may be reached. This includes the parents' cell phone numbers.

(F) **Grace Period**: The transporting parent for parenting time shall have a grace period of 15 minutes for pick-up and delivery, if both parents live within 30 miles of each other. If the one-way distance to be traveled is more than 30 miles, the grace period shall be 30 minutes.

In the event that one parent exceeds the grace period, that period of parenting time is forfeited, unless prior notification and arrangements have been made. This rule does not apply in cases where the one parent lives in excess of 30 miles away and suffers an unavoidable breakdown or delay en route, and the parent promptly notifies the other parent by telephone of the delay.

Repeated violations by either parent shall be cause for granting a modification of the parenting order. Parents are to exercise common sense as to weather conditions, traffic accidents, and other unforeseen circumstances.

(G) **Transportation**: In the event that the parents are unable to reach an agreement regarding transportation, the parent receiving the children shall arrange transportation.

(H) **Clothing and Supplies for Children under Age Ten**: The residential parent shall send with the children on parenting time sufficient clothing and outerwear appropriate for the season and for any known, planned activities. For the weekend, this shall consist of a minimum of a coat and shoes appropriate for the weather, two extra sets of play clothes, one dress outfit, and underwear, in addition to the clothes the child is wearing at the time of the start of the weekend.

In the case of infants, the residential parent shall send with the children sufficient bottles, formula, and diapers, and shall inform the nonresidential parent of the child's sleeping and eating schedules.

The nonresidential parent shall return all items that are sent with the children at the end of the parenting time.

(I) **Children's Activities**: Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.). Parents need to realize the significance of these activities in their children's lives, and flexibility is encouraged. It is the responsibility of the parents to discuss the children's extra-curricular activities in advance, including times, dates, and transportation needs, so that the children are not deprived of activities and maintaining friends. Each parent shall provide the other with copies of any written material (i.e., activity schedules, maps, instructions) that are distributed in connection with the children's activities. The parent who has the children during the time of scheduled activities is responsible for transportation, attendance, or other arrangements. Both parents are encouraged to attend all of their children's activities.

23A.07 Conclusion

Parents are encouraged to allow for flexibility in the foregoing schedule to best suit the changing needs of the children and the employment schedules of the parents. However, absent an order of the Court, the parents shall follow the foregoing schedule, unless there is a clear, mutual understanding between parents to deviate. Any such deviation shall be in writing to document the parents' mutual understanding.

Rule 23B: Long-Distance Parenting Time Guidelines

23B.01 In General

The Court strongly encourages parents to create their own cooperative parenting time schedules tailored to the specific needs of their children, the parents' respective work hours, and the collective needs of each household. To help create a workable schedule, parents are urged to read "Planning for Parenting Time: Ohio's Guide for Parents Living Apart," available on the Domestic Relations website at www.lcdrct.org. There are sample parenting time schedules in the guide.

The long-distance parenting time schedule shall be used when parents reside more than 150 miles apart. For parents who are unable to agree on a parenting schedule, the Court sets forth in this Rule a plan to ensure the minor children have frequent and consistent contact with both parents.

The Court's plan reflects:

(1) The preservation and development of a close relationship between the children and each parent; and,

(2) Consideration of the changing developmental needs of the children.

If parents cannot agree on their own plan or the Court's plan due to objections because of special circumstances (such as travel time, work requirements, substance abuse, mental illness, or violence), the parents must be prepared to present specific facts in a hearing for a proposed plan which considers the best interests of the children, not the parents.

23B.02 Summer Parenting Time

(A) **For Children Age Four and Older**: For children age four and older, the nonresidential parent shall have parenting time either the greater of seven weeks or half of the school summer vacation. School summer vacation is defined as beginning the day after the last day the children attend school, and ending the day before school reconvenes. If the children are not yet of school age, summer vacation will be based on the public school calendar of the district in which the residential parent resides.

The residential parent shall notify the nonresidential parent by March 15th of each year of the dates school summer vacation begins and ends. The nonresidential parent must notify the residential parent in writing by April 30th of each year of the summer parenting time dates. The nonresidential parent's summer parenting time shall not be exercised during the last week before school reconvenes unless agreed by the parents in writing or ordered by the Court.

(B) **For Children under Age Four**: Summer parenting time for children under the age of four shall be as agreed by the parents in writing or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

(C) **For Children under Age Four with Older Siblings**: If a child under the age of four has older siblings, the parenting time shall be scheduled to coincide with the older siblings.

23B.03 Holiday Parenting Time for the Nonresidential Parent

(A) **For Children Age Four and Older**: The nonresidential parent shall have parenting time during:

(1) Spring breaks in even years and Thanksgiving in odd years;

(2) One-half of the Christmas break, including Christmas Day in even years; and,

(3) One-half of the Christmas break, excluding Christmas Day in odd years.

Thanksgiving, Christmas, and Spring breaks are defined by the school calendar in the district where the residential parent resides, unless the parents agree otherwise in writing.

Father's Day shall be spent with Father and Mother's Day shall be spent with Mother whenever suitable transportation arrangements can be made. Parenting time shall be from 9:00 a.m. to 6:00 p.m., or as otherwise agreed.

By October 1 of each year, the residential parent shall notify the nonresidential parent in writing as to the dates of Thanksgiving, Christmas, and Spring breaks in the school district where the residential parent resides.

By November 1 of each year, the nonresidential parent shall notify the residential parent in writing as to the following:

(1) Whether parenting time will be exercised;

(2) What the travel arrangements will be;

(3) When the children need be ready for departure; and,

(4) When the children will be returned.

Thanksgiving, Christmas, and Spring breaks begin at 6:00 p.m. the day school ends and end at 6:00 p.m. the day before school reconvenes. Reasonable deviations from these hours shall be made as appropriate to accommodate travel schedules that are not within a parent's control, such as airline or other public transportation schedules.

(B) **For Children under Age Four**: Holiday parenting time for children under the age of four shall be as agreed by the Parties in writing, or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors.

23B.04 Weekend Parenting Time for the Nonresidential Parent

(A) **For Children Two Years Old and Older**: Parenting time shall be permitted once per month, if travel time for the minor children is no more than three hours one way. The nonresidential parent must notify the residential parent at least one week in advance if that parent intends to exercise weekend parenting time.

(B) **For Children under Age Two**: All parenting time for children under age two shall be as agreed by the Parties in writing, or by order of the Court. In considering parenting time for children in this age group, parents should consider the children's age and development, maturity, emotional attachment to each parent, attachment to any siblings and whether or not those siblings are involved in the same parenting time, the degree of familiarity and comfort the children have with the nonresidential parent, and any other relevant factors. As much as possible, parents should strive to achieve parenting time similar to that provided for this age group in the local standard parenting time schedule.

23B.05 Other Parenting Time for the Nonresidential Parent

(A) The nonresidential parent shall notify the residential parent at least two days in advance of any time the nonresidential parent will be in the area and wants a parenting time period. Absent extraordinary circumstances, parenting time shall occur in a manner appropriate to the children's age and development.

(B) The residential parent shall notify the nonresidential parent at least two days in advance when the residential parent and the minor children will be in the area of the nonresidential parent, and parenting time shall be permitted in a manner appropriate to the children's age and development.

23B.06 Rules Regarding Parenting Time

(A) **Audio/Visual Communication**: Each parent has the right to audio and visual communication (if available) with the children as often as the parents agree. If the parents do not agree, then the nonresidential parent should have these privileges at least twice per week. In addition, a parent may contact children once during a scheduled or agreed parenting time period that is missed. The residential parent has the right to contact children when on vacation with the nonresidential parent as the parents agree. If there is no agreement, then the residential parent has audio/visual communication privileges up to twice per week.

Communications should be made during the normal hours the children are awake, and if the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the calls. Any time the children are with one parent, the children shall be permitted to communicate with the other parent. Any long distance calls made by children to a parent shall be collect unless the other parent agrees otherwise.

(B) **Vacations away from Home**: Whenever either parent takes the children on vacation away from that parent's home, that parent shall notify the other parent at least 14 days in advance, in writing, and provide the other parent with a written agenda indicating the vacation destination, phone numbers where the parent and children can be reached, times of arrival and departure, and method of travel.

(C) **Support of Parenting Time**: If children indicate strong opposition to being with the other parent, it is the responsibility of each parent to appropriately deal with the situation. Each parent shall calmly talk to the children as to the children's reasons, and shall work with the other parent to do what is in the children's best interests, and avoid confrontation or unpleasant scenes.

If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that the children go to the nonresidential parent for the parenting time period.

(D) **Address and Telephone Numbers**: Unless the Court orders otherwise, each parent must keep the other informed of his or her current residence address and telephone number, and an alternate telephone number in the event of an emergency. A P.O. Box or other address that is used for mail but is not the actual residence does not satisfy this requirement. If mail is only received at a P.O. Box address, that address must also be provided.

(E) **Access to School and Medical Records, Day Care Records, and Student Activities**: According to Ohio Revised Code Sections 3109.051(H), (I), and (J), the nonresidential parent is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record related to the children, and any student activity related to the children, or any public school, private school, or day care that is, or in the future may be, attended by the children.

Rule 24: Domestic Violence Civil Protection Orders

24.01 In General

Domestic Violence Civil Protection Order Petitions are available from the Clerk of Courts. Forms are also available online at www.lcdrct.org. Select: Clerk of Courts Office, Downloads, and Protection Forms. There is no filing fee.

24.02 Dismissal

(A) *Ex Parte* Civil Protection Orders may be dismissed at the hearing upon Petitioner's verbal request.

(B) If a party wishes to modify or terminate the Civil Protection Order after the full hearing, that party must file a motion requesting relief and a new hearing will be set.

(C) A party wishing to extend a Civil Protection Order beyond its original expiration date must file a written request with the Court prior to the expiration date.

Rule 25: Parenting Coordinators

(A) **Appointment**: The Court may appoint a Parenting Coordinator when it finds the following:

> (1) The parties have failed to adequately cooperate and communicate with regard to issues involving their children, or have been unable to implement a parenting plan or parenting schedule;
>
> (2) Mediation has not been successful or has been determined by the Court to be inappropriate; or,

(3) The appointment of a Parenting Coordinator is in the best interests of the children involved in the proceedings.

Notwithstanding the above, the Court may appoint a Parenting Coordinator by agreement of the parties.

(B) **Qualifications**: The Parenting Coordinator shall possess the minimum qualifications of a Mediator, as set forth in Loc. R. 14.

(C) **Confidentiality**: Communications with the Parenting Coordinator are not confidential. However, the Court may determine that all or any specific part of the communications with the Parenting Coordinator are to be confidential, if such designation appears to be in the best interests of the children.

(D) **Duties:**

(1) The Parenting Coordinator shall educate, mediate, monitor court orders, and make recommendations to the Court as necessary. In addition, the Parenting Coordinator may recommend approaches that will reduce conflict between parents and reduce unnecessary stress for the children.

(2) The Parenting Coordinator may monitor parental behaviors, mediate disputes concerning parenting issues, and report any allegations of noncompliance to the Court, if necessary.

(3) The Parenting Coordinator shall recommend outside resources as needed, such as random drug screens, parenting classes, and psychotherapy.

(4) The Parenting Coordinator may recommend detailed guidelines or rules for communication between parents.

(5) The Parenting Coordinator shall maintain communication among all parties by serving, if necessary, as a conduit for information.

(6) The Parenting Coordinator may meet with the parties, the children, and significant others jointly or separately. The Parenting Coordinator shall determine if the appointments shall be joint or separate.

(7) Each parent should direct any disagreements or concerns regarding the children to the Parenting Coordinator.

(8) The Parenting Coordinator shall work with both parents to attempt to resolve any conflicts and, if necessary, shall recommend an appropriate resolution to the parents.

(9) The Parenting Coordinator shall not have any decision-making authority. All decision-making authority rests with the Court.

(10) The Parenting Coordinator shall not serve as a custody evaluator in any proceeding involving one or more parties for whom the Parenting Coordinator has provided parenting coordination services.

(11) The Parenting Coordinator shall not be permitted to give a recommendation or opinion concerning the ultimate issue of fact, law, or mixed issue of fact and law as to allocation of parental rights and responsibilities, primary physical residence, or visitation.

(12) No Parenting Coordinator shall be held liable for civil damages for any act or omission in the scope of the Parenting Coordinator's employment or function, unless such person acted in bad faith or with malicious purpose, or in a manner exhibiting wanton and willful disregard of the rights, safety, or property of another.