

**FILED**

**MAR 11 2022**

**CLERK OF COURT  
SUPREME COURT OF OHIO**

**WYANDOT COUNTY COURT OF COMMON PLEAS  
ALL DIVISIONS**

**WYANDOT COUNTY LOCAL COURT RULES  
GENERAL DIVISION  
CRIMINAL AND CIVIL  
AND DOMESTIC RELATIONS  
INCLUDING PATERNITY ACTIONS AND THE ALLOCATION OF PARENTAL RIGHTS  
AND RESPONSIBILITIES ACTIONS**

**Wyandot County Court of Common Pleas  
has jurisdiction over all divisions**

**Common Pleas Court Rules**  
**(Including Criminal, Civil, Domestic Relations, Probate and Juvenile Divisions)**

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IN THE COURT OF COMMON PLEAS  
WYANDOT COUNTY, OHIO

IN THE MATTER OF  
THE RULES OF COURT

JUDGMENT ENTRY

It is hereby **ORDERED, ADJUDGED, and DECREED**  
that the Rules of Court established on September  
1, 1988 are amended as set forth herein and shall  
become effective on July 1, 1991.

John G. Hunter  
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**Rule 1**

**TERMS OF COURT**

1. The year shall be divided into three sessions of the Court beginning January 1, May 1, and September 1, which shall be known as the January, May and September Sessions of Court.

2. The hours for holding the regular sessions of the Court shall be from 8:30 a.m. to 12:00 a.m., and from 1:00 p.m. to 4:30 p.m., unless varied by the Judge. Unless counsel are otherwise advised, cases will be for trial at the regular session hours.

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Rule 2

**MEMBERS OF THE BAR**

Bail or Surety. No attorney or officer of this Court shall be received as bail or security in any action. Neither shall any attorney or officer of this Court pay in advance any Court costs in any case.

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Rule 3

**EXAMINATION OF FILES**

In the interest of justice, no person with the exception of parties or attorneys shall be permitted to examine the complaint filed in any case until after service of summons.

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## Rule 4

### PLEADINGS, FILES AND PAPERS

1. All pleadings and other papers filed in an action shall be neatly and plainly typewritten with legal caption and double spaced so that they can be easily read, or the Court may strike them from the files at the cost of the party filing them.

2. Endorsement of Address. The caption of the complaint shall state the post office address of all parties, if known; if the address is unknown, that fact shall be stated.

In addition to the above requirements, in all Domestic Relations and paternity pleadings, the caption of the complaint shall also include the Social Security number and the date-of-birth of the parties when known. When this information is unknown, the caption shall state this fact.

The first pleading or motion filed by a party shall state the correct address of such party. A motion or pleading making new parties shall conform to the provisions of this rule. All pleadings shall bear the name, address, zip code, and phone number of counsel filing them, and each page shall be numbered at the bottom of the page. One copy of every paper shall be filed for each opposing party.

3. True copies of all pleadings filed after the complaint or any exhibits, motions, affidavits, briefs or other papers filed with the Clerk, unless

otherwise ordered by the Court, shall be provided by the party filing same for each of other counsel of record in the case. Such copies shall be delivered to other counsel of record in person or by mail, and proof of such service shall be made or shown in the case.

4. Amendments. In no case where pleadings are amended shall the original pleadings be withdrawn from the files or any part thereof obliterated; nor shall the amendment be made by interlineation or delineation, except by special leave of Court, and if such is granted, the words to be interlined and/or delineated shall be set forth in full on the journal.

5. Removal of Files and Papers. No papers or files shall be removed from the office of the Clerk of Courts without permission of the Clerk or Judge and until written receipt for same is given to the Clerk.

All papers or files so removed shall be returned to the Clerk within seven days from their removal.

6. Counsel shall be responsible for endorsing on all final orders, "Final Appealable Order," and shall supply sufficient copies for all counsel of record for service by the Clerk of Courts.

**RULE 4.01**

**PLEADINGS, FILES AND PAPER BY ELECTRONIC TRANSMISSION  
Civil Rule 5 (E)**

All pleadings and other papers may be filed with the court by electronic transmission subject to the following provisions:

1. Attorneys should limit requests for electronic transmission to filings of an emergency or time-critical nature. The court reserves the right to revoke this privilege from any attorney who appears to be abusing the privilege as documented on the fax log maintained by the Clerk of Court.

2. A document filed by electronic transmission will be accepted as original and the signature accepted as original consistent with Civil Rule 5(E).

3. The attorney must telephone the Clerk's Office during normal business hours, 8:30 A. M. and 4:30 P.M., and request a transmission number to identify the intended filing. The attorney must provide the clerk with transmission identification information including his name and registration number, the number of the case, the nature of the pleading or paper, the number of pages, and billing data. The Clerk will enter this information on a log. The attorney must transmit the document at a time and

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to a phone number specified by the Clerk.

4. In the event the document being transmitted requests service of process, the Clerk will receive said documents, cause them to be file stamped and will not make service until such time as copies have been received for service by mail or otherwise, and a deposit for costs is made pursuant to local court rules.

5. The attorney must provide all required identification information on the first page (cover sheet) of transmission in a format prescribed by the Court. Transmissions without such information will not be accepted for filing. A transmitted document must be no longer than ten pages and must pertain to only one case. A transmission with more than ten (10) pages shall not be accepted unless prior approval is granted for said pages and for good cause shown to the Court.

6. The attorney should retain receipt generated by sending device as evidence of filing. The Clerk will phone the attorney collect if the transmitted document cannot be filed for any reason. Transmissions received during other than normal business hours will be considered filed on the next day the office is open. All documents submitted regardless of method (fax, mail or personal) will be considered filed with date/time stamped by the Clerk.

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7. Costs shall be \$2.00 per transmission plus \$1.00 per page. To receive a fax copy the Clerk shall charge \$1.00 per page. All costs must be arranged for in advance.

8. The Clerk will maintain on the premises a device capable of facsimile transmission which will be attached to a dedicated telephone line and a dedicated electronic circuit protected by a surge protector.

The device will use 20-pound bond paper and will meet CCITT Group 3 specifications. It will automatically place the date and time of receipt on the printed transmission.

9. Users of the facsimile device other than members of the staff of the Clerk of Courts or the Judge of Court of Common Pleas, all divisions, shall first receive permission from the Clerk of Courts or the designated deputy clerk prior to using said device with the transmission of receipt of documents.

10. This rule shall be effective January 21, 1992 at 4:30 P.M. and shall be subject to amendments from time to time as the Court deems necessary.

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Rule 5

**JUDGMENT ENTRIES**

1. Judgment entries will be provided by the Court to all parties and attorneys unless so specified by the Judge. This rule shall not apply to Domestic Relations cases, with the exception of temporary orders.

2. When a judgment entry is requested to be submitted by a party, then counsel for said party shall within five days prepare the entry and submit the original to the Court with a copy to adverse counsel who has three days to approve or object to the same.

3. In all cases counsel shall promptly submit an entry of dismissal to the Court following settlement of any case. If counsel fail to present said entry within twenty days after the representation to the Court that a case is settled, the Court may order the case dismissed as for want of prosecution or enter judgment.

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Rule 6

LEAVE TO MOVE OR PLEAD

When a party in any case is not prepared to move or plead on the rule day, an extension of time may be had upon application to the Court and without notice for a period not exceeding thirty (30) days; or with consent of counsel not to exceed fifty (50) days without leave of Court.

Any leave to move or plead thereafter may be had only by consent in writing of the parties or their counsel and the approval of the Court, or upon application to the Court with notice to the opposing party or counsel, and for good cause shown.

This rule does not apply to Domestic Relations cases.

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Rule 7

**MOTIONS**

A. General Motions

1. All motions shall be accompanied by a brief stating the grounds thereof and citing the authorities relied upon.

2. The opposing counsel or a party may file an answer brief by the fourteenth day after the day on which the motion was filed.

3. The moving party may file a reply brief by the 21st day following the day the motion was filed.

4. On the 21st calendar day after the motion is filed, the motion shall be deemed submitted to the Judge.

5. Oral arguments shall not be allowed except upon leave of the Court upon written request.

6. This rule does not apply to motions for new trial, motions for judgment notwithstanding the verdict, and motions for summary judgment.

B. Exceptions

1. This rule shall apply to all motions excepting domestic relations proceedings and those otherwise provided herein.

C. All motions filed shall be accompanied by an additional copy to be given to the Assignment Commissioner.

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Rule 8

**CONFIRMATION OF SALE OF REAL ESTATE**

No confirmation of any sale of real estate by the Sheriff or by any master or receiver appointed by the Court, shall be entered within one week from the Monday following such sale, unless consented to by all interested parties or their counsel in writing.

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Rule 9

**PARTITION**

In a partition case any party shall have five days after the return of the order of appraisement to file objections to said appraisement. If no objections are filed, said appraisement may be confirmed by the Court at the expiration of said five-day period.

Any interested party having a right to elect to take said premises or any part thereof at the appraised value shall do so within fourteen days after the confirmation of said appraisement, and notice of such election shall be given by such parties so electing to counsel of record for all parties. Should such an election be made within said fourteen-day period and notice given to all counsel of record, then any other parties entitled to elect shall have an additional fourteen-day period to file a similar election.

If no election is filed, or if more than one election is filed, then said property must be sold at public sale. If two or more elections are filed, then an order of sale may be issued forthwith. If only one election is filed to take the premises or any part thereof, at the appraised value, then such election shall be allowed and confirmed after the expiration of ten days from the confirmation of the

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Rule 9

**PARTITION**

order of appraisement. The party electing to take the property will not be required to pay or to deposit his share of the purchase price, but only his share of the costs including attorney fees.

This rule shall also apply in cases where property has been sold at public sale.

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Rule 10

**FEEES OF ATTORNEYS IN PARTITION  
AND OTHER JUDICIAL SALES**

1. In all cases involving judicial sales where the Court has legal authority to fix attorney fees, said fees shall be the same as in partition cases.

2. Fees of counsel in partition cases shall be as follows unless otherwise provided by the Court: On the selling price if sold, otherwise based upon the appraised value: 6% on the first \$10,000; 4% on the next \$10,000; 1% on the remainder of the sale price or appraised value. The sum allowed shall be equitably taxed as costs for counsel for good cause shown.

3. This does not apply in foreclosure.

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Rule 11

**DUTIES OF COUNSEL AT PRETRIAL HEARINGS**

It shall be the duty of counsel to do the following at pretrial, and failure to be prepared may result in dismissal of the case for want of prosecution or in a default judgment or such other action, to enforce compliance as the trial judge deems appropriate:

1. All parties shall have filed "Pretrial Statement" in accordance with these rules,
2. Each counsel shall come prepared and authorized to negotiate toward settlement of the case,
3. Where an insurance company is involved, a representative of the company shall be present at the pretrial. The plaintiff shall also be present.
4. A pretrial may be waived by consent of all parties and the Court.

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## Rule 12

### CASEFLOW MANAGEMENT

A. For the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases, a Caseflow Management Program [see Superintendence Rule 9 (B)] is hereby adopted as follows:

1. Upon notice of failure of service, counsel must make reasonable attempts to make good service within twenty-eight (28) days of notice or case may be dismissed without prejudice.

2. A scheduling conference will be assigned by the Assignment Commissioner within thirty (30) days of the filing of the last responsive pleading. During the scheduling conference, trial dates will be fixed and a calendar for completion of discovery and filing of various motions will be set and final pretrial/settlement conference scheduled. Failure to comply with the calendar as fixed by the Court may result in sanctions such as dismissal, but not limited necessarily thereto.

3. Counsel who attend pretrial conferences shall have conferred with each other prior thereto, and they shall have authority to discuss all phases of the case, to conduct good faith negotiations toward settlement of the case, and to enter into stipulations in preparation for trial.

4. Any pretrial conference, except a final pretrial, may, with leave of Court, be conducted by telephone. The arrangements for a telephone pretrial conference shall be made by counsel requesting the same.

5. Settlement conferences may be combined with pretrial to be called at least two weeks prior to trial. Counsel for all parties shall appear in person and submit pretrial briefs and jury instructions for the Court's review. If counsel for any party fails to appear at the settlement conference, the Court may, for good cause, dispose of the case as though counsel had failed to appear for trial.

6. Continuances of trial dates at the request of the parties will be granted **only** after hearing on the written motion for continuance and for good cause shown.

7. In any civil matter to be tried to a jury which is settled within twenty-four (24) hours of the day of trial, the costs of the jury will be taxed to the court costs and levied accordingly.

8. In an action scheduled in a back-up position, the Assignment Commissioner will notify counsel within two weeks of the trial date as to whether or not the matter will go forward as primary.

Rule 12.01

**DOMESTIC RELATIONS CASE MANAGEMENT**

The purpose of this plan is to establish, pursuant to Rule 9 of the Rules of Superintendence for Court of Common Pleas, a system for domestic relations case management which will achieve the prompt and fair disposition of domestic relations cases and provide the Court with an efficient means of controlling the flow of domestic relations cases.

1. Dissolution of Marriage:
  - a. Within ten (10) days after the filing of a dissolution without children, the case shall be set for hearing at a time no less than thirty (30) nor more than ninety (90) days from the filing date.
  - b. Within ten (10) days after the filing of the RAP Parenting Session certificate of a dissolution with children, the case shall be set for hearing at a time no less than thirty (30) days nor more than ninety (90) days from the filing date.
2. Divorce and Legal Separation:
  - a. Within thirty (30) days after answer day, uncontested cases (no answer filed) shall be set for hearing on the merits

at a time not less than forty-two (42) nor more than ninety (90) days from the filing date.

b. Within three (3) days after filing, motions for temporary (pendente lite) orders shall be set for hearing, if a hearing is required, at a time not less than twenty-one (21) days from the date of filing of the motion nor more than the time allowed by law, including applicable rules.

c. Within thirty (30) days after answer day, or the date of filing of an answer of the other spouse, contested cases shall be set for trial at a time not less than ninety (90) days from the date of filing nor more than the time allowed by law, including applicable rules.

d. Within ten (10) days after the date of filing, post decree motions shall be set for hearing, if hearing is required, at a time not less than twentyone (21) days from the date of filing nor more than the time allowed by law, including applicable rules.

Rule 12.03

**JUVENILE DIVISION CASE MANAGEMENT**

The purpose of this plan is to establish, pursuant to Rule 9 of the Rules of Superintendence for court of Common Pleas, a system for juvenile case management which will achieve the prompt and fair disposition of juvenile cases and provide the Court with an efficient means of controlling the flow of criminal cases.

The Court shall adopt Local Court Rule 12 in its entirety and incorporate it herein as established in the General Division and refer counsel thereto.

## **CASE MANAGEMENT PROCEDURE - CRIMINAL DIVISION**

The purpose of this plan is to establish, pursuant to Rule 9 of the Rules of Superintendence for the Court of Common Pleas, a system for criminal case management which will achieve the prompt and fair disposition of criminal cases and provide the Court with an efficient means of controlling the flow of criminal cases.

1. Within ten (10) days of arraignment, the case shall be set for Pre-trial and Trial by order or notice. The trial shall be held within 140 days of arraignment.
2. Pre-trial motions shall be filed and processed within the time frames provided in the Ohio Rules of Criminal Procedure and/or applicable statutes or rules.
3. Cases bound over to the Grand Jury and not indicted within sixty (60) days shall be dismissed pursuant to Supr. R. 8 (A).

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**CASE MANAGEMENT PROCEDURE - PROBATE DIVISION**

All matters pending in the Court of Common Pleas of Wyandot County, Probate Division, other than those generally considered to be civil matters, are controlled by either the Rules of Superintendence or statutes or both, insofar as the administration of said case and the time limits and hearing of same are concerned.

Those matters pending in the Probate division which are considered to be civil matters will be conducted under Local Rule 12 and incorporate it herein as established above and refer counsel thereto.

Rule 12.01

**PRETRIAL STATEMENT**

No later than seven (7) days before pretrial all counsel shall file a "Pretrial Statement" containing the following required data:

1. A statement of the issues involved and a statement of all questions of law which it is expected will be involved in the case.
2. An itemization of all special damages claimed.
3. Status of settlement negotiations.

(See attached suggested format)

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SUGESSTED FORMAT FOR PRETRIAL STATEMENT

(Caption)

1. Brief description of case (e.g. Rear-end collision).
2. Brief description of injuries or damages.
3. Issues and questions of law.
4. List item-by-item ascertainable damages such as medical expenses, lost wages, property damage, etc.

<u>Name</u>	<u>Amount</u>
_____	\$ _____
_____	\$ _____
Total	\$ _____

5. Status report of the following:
  - a. Depositions
  - b. Medical examinations
  - c. Exchange of medical reports
6. State any special problems regarding trial of the case.
  - a. Jury Demand? \_\_\_\_\_
7. Is a view of the scene desired?
8. List of stipulations:
9. Complete list of witnesses:
10. Lowest demand \_\_\_\_\_ Highest offer \_\_\_\_\_

Counsel for \_\_\_\_\_

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Rule 13

**STIPULATIONS**

Stipulations and private agreement of counsel or parties concerning the progress or management of any matter touching the case, not made in open Court, will not be recognized unless the same is reduced to writing and signed by the parties thereto.

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Rule 14

**CHECK LIST OF ISSUES**

Counsel for each party in which a jury trial has been requested shall submit to the Court ten (10) days prior to the date of trial a check list of those issues which he believes, either as plaintiff or defendant, will be involved in the trial of the case, and further which he believes the Court should include in its charge to the jury. For example: speed, stop sign, contributory negligence, preferential right of way, last clear chance, etc.

The furnishing of same will assist the Court in its preparation for trial and its charge to the jury. It will also make counsel more aware of the issues in the case and whether or not the Court is properly covering the issues in its charge.

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Rule 15

**TRIAL PROCEDURE**

1. Trial procedure shall be in accordance with the Ohio Revised Code or the rules of the Supreme Court.

2. Except by permission of the Court, only one counsel for each adverse party shall be permitted to speak on any interlocutory motion, or upon any question arising in the trial of a case.

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**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of:

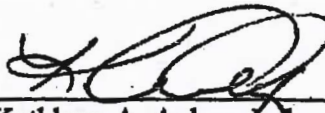
The Adoption of Local Court Rule 16  
of the Rules of Court for Wyandot County  
Court of Common Pleas, All Divisions

**COURT MEDIATION SERVICES**

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This matter has come before the Court for the purpose of adopting Local Court Rule 16, Court Mediation Services, attached hereto and incorporated herein by reference. Said Local Court Rule 16 shall be effective October 30, 2007 and until further Order of the Court.

IT IS SO ORDERED.

  
Kathleen A. Aubry, Judge

CLERK'S OFFICE  
WYANDOT CO., OHIO  
FILED  
2007 OCT 30 P 2:56  
ANN K. DUNBAR  
CLERK

**RULE 16**  
**COURT MEDIATION SERVICES**

**16.01 Definitions**

All definitions found in the "Uniform Mediation Act" (UMA) O.R.C. Section 2710.01 are adopted by this Court through this Local Court Rule, including the following as used in this Local Rule:

- A. "Mediation" means any process in which a mediator facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute.
- B. "Mediator" means an individual who conducts a mediation.
- C. "Mediation Communication" means a statement, whether oral, in a record, verbal or nonverbal, that occurs during a mediation or is made for purposes of considering, conducting, participating in, initiating, continuing or reconvening a mediation or retaining a mediator.
- D. "Proceeding" means a judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post hearing motions, conferences, and discovery.

**16.02 Purpose**

Mediation services have been established in order to promote greater efficiency and to facilitate the earliest possible resolution in Wyandot County Common Pleas Court cases.

**16.03 Scope**

At any time and in any pending action under the jurisdiction of the Wyandot County Court of Common Pleas, All Divisions, a case may be referred for mediation services either in house or to an outside mediator. Mediation is prohibited in any case as an alternative to the prosecution or adjudication of domestic violence; in determining whether to grant, modify or terminate a protection order; in determining the terms and conditions of a protection order, or in determining the penalties



or disposition for violation of a protection order. Mediation may be utilized in a subsequent divorce or custody case even though that case may result in the termination or modification of the provisions of a protection order.

In Probate proceedings, mediation is prohibited in the following cases:

- (a) Cases where one of the parties is or is alleged to be mentally ill;
- (b) In emergency circumstances requiring an immediate hearing by a jurist;
- (c) Cases in which the parties have submitted an executed Agreed Judgment Entry;
- (d) In Motions for an Emergency Guardian; or

#### **16.04 Post Decree Mediation**

The parties may file a Motion for Post Decree Mediation through the Court. A filing fee will be charged which will include the cost of mediation.

#### **16.05 Referral to Mediation**

The case is referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel or upon recommendation by the mediator.

#### **16.06 Continuances**

Continuances shall be granted by the Court only for good cause shown and after a mutually acceptable future date has been Determined. No continuance will be granted if the mediation cannot be scheduled prior to the final pretrial.

#### **16.07 No Stay of Proceedings**

All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

## **16.08 Mediator Duties**

The mediator shall do the following:

- (a) Advise all parties of their right to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate may accompany them and participate in mediation.
- (b) Keep confidential all communication whether verbal or written and advise parties and other participants of confidentiality issues.
- (c) Disclose to the mediation parties, counsel, and any non-party participants any known conflicts of interest that may affect the mediator's impartiality as soon as the conflict becomes known to the mediator (see O.R.C. Section 2710.08 (A) and (B)).
- (d) Inform all interested parties and the Court that mediation is terminated if the mediator determines that further mediation efforts would be of no benefit to the parties or is otherwise inappropriate.
- (e) Screen for domestic violence both before and during mediation.
- (f) Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of domestic violence.
- (g) Comply with the Rules of Superintendence for Courts of Common Pleas and submit to the Court an Affidavit of Compliance in a form prescribed by the Court.
- (h) Provide to the parties and their attorneys a memorandum of understanding of any agreement reached or a statement that the mediation has been terminated without an agreement.
- (i) Provide to the attorneys and the Court a mediation report in the form provided by the Court.

## **16.09 Confidentiality/Privilege**

All mediation communications related to or made during the mediation process are subject to and governed by the "Uniform Mediation Act" (UMA) O.R.C. 2710.01 to 2710.10, O.R.C.3109.052, the Rules of Evidence and any other pertinent judicial rule(s). Confidentiality outside of legal

proceedings is only by agreement of the parties.

All disclosures made by parties or information received from any source or person during mediation shall be deemed confidential and the mediator shall not be required to disclose any statements or discussions which occurred during mediation. Communications during mediation fall within the purview of the Rules of Evidence which prohibit any party from introducing these communications into evidence. The foregoing confidentiality requirements shall not, however, be construed to exempt any person from the statutory duty to report child abuse pursuant to Revised Code 2151.421.

#### **16.10 Mediation in Cases with Domestic Violence Issues**

For mediation of allocation of parental rights and responsibilities or the care of, or parenting time with, minor children or delinquency or status offense cases, mediation may proceed, when violence or fear of violence is alleged, suspected or present, only if the mediator has specialized training set forth in "specific qualifications and training: domestic abuse" of this rule and all of the following have been satisfied:

- (a) The person who is or may be the victim is fully informed, both orally 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 mediation sessions.
- (b) The parties have the capacity to mediate without fear of coercion or control.
- (c) Appropriate procedures are in place to provide for the safety of the person who is or may be the victim of domestic violence and all other persons present at the mediation.
- (d) Procedures are in place for the mediator to terminate mediation if he or she believes that there is a continued threat of domestic violence or coercion between the parties.
- (e) Written findings of fact, as required by O.R.C. 3109.052, have been made by the Court in referring a case involving domestic violence to mediation.

### **16.11 Mediator Qualifications**

The following qualifications apply to all mediators to whom the Court makes a referral:

(a) **General**

Possess a bachelor's degree or equivalent education or experience as is satisfactory to the Court and have completed at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the Court.

(b) **Specific Qualifications and Training: Family**

A mediator employed by the Court or to whom the Court makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or parenting time/visitation with the minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence shall satisfy, in addition to the above, at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Section of the Supreme Court and have at least two years of professional experience with families. "Professional experience with families" includes mediation, counseling, casework, legal representation in family law matter, or such equivalent experience satisfactory to the Court.

(c) **Specific Qualifications and Training: Domestic Abuse**

A mediator employed by the Court or to whom the Court makes referrals for mediation of any case shall complete at least fourteen hours of specialized training in domestic abuse and mediation through a training program approved by the Ohio Supreme Court Dispute Resolution Section. A mediator who has not completed this specialized training may mediate these cases only if he/she co-mediate with a mediator who had completed the specialized training.

### **16.12 Model Standards**

Mediators providing services for the court shall endeavor to comply with the Model Standards of Practice for Family and Divorce Mediation and the Special Policy Considerations for the State

**Regulation of Family Mediators and Court Affiliated Programs.** In cases where these models are in conflict with Rule 16 of the Rules of Superintendence for the Courts of Ohio, the Rule shall control.

#### **16.13 Sanctions**

If any of the individuals identified in the above-paragraph fail to attend mediation without good cause, the Court may impose sanctions, including the award of attorney's fees and other costs, contempt or other appropriate sanctions.

#### **16.14 No Advice**

The efforts of the mediator shall not be construed as giving legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information; however, such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of that information is charged with the duty to evaluate those resources independently.

#### **16.15 Agreements**

Agreements reached by the parties during mediation may become an order of the Court after review by each party's attorney and upon submission to the Court in proper entry form.

#### **16.16 Costs**

The Court reserves the right to assess costs for mediation services and determine compensation for any mediator as may be deemed appropriate.

Rule 17

**COURT COSTS WHEN CASE IS SETTLED**

In the absence of a written stipulation, it shall be assumed that in the event a case is settled, the party paying the settlement shall also be liable for the Court costs.

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Rule 18

**COSTS OF CIVIL JURY**

If a case is settled after 4:30 p.m. on the day immediately preceding the first day of trial, the Court may assess the cost of the jury to the parties.

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Rule 19

**FEEs FOR COURT-APPOINTED COUNSEL**

Court-appointed counsel for indigent persons will be paid at a rate fixed by the Board of County Commissioners and approved by the Court.

Large expenses such as medical or psychiatric examinations shall not be incurred without prior approval of the Court. The minimum amount to be paid is \$100.00 per case.

Note: For full and complete breakdown of rates in all indigent cases, check resolution in the Commissioners office.

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Rule 20

**COURT COSTS**

The costs as fixed by the Court vary from time to time and therefore counsel should check with the Clerk in the division in which they will be filing to determine the costs properly applicable to that cause of action.

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Rule 20.01

**SECURITY FOR COSTS**

A. No civil action or proceeding shall be accepted for filing unless there is deposited as security for costs the sum as prescribed by the Court.

B. The Clerk shall not accept for filing any paper in a civil action or proceeding without payment of the prescribed deposit unless:

1. The party initiating the civil action or proceeding files an affidavit of inability to prepay or give security for Court costs as provided in Ohio Revised Code §2323.31, on a form prescribed by the Court, a copy of which is attached hereto. In this event the Clerk shall:

a. Accept and file each such civil paper and accompanying affidavit;

b. Forward each such civil paper and affidavit to the Court who may appoint a Referee pursuant to Rule 53, Ohio Rules of Civil Procedure. The Court or the Referee shall conduct an inquiry as to whether the contents of the affidavit are true, and shall forthwith prepare and file a Report of his findings.

i. If the Court or Referee finds that the contents of the affidavit are true,

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and the Court adopts a Report so finding, the Court shall order that the affiant be permitted to proceed without the payment of the prescribed deposit, and order the Clerk to commence service of such civil paper.

ii. If the Court or Referee finds that the affidavit is untrue or unjustified, the Court shall conduct a hearing de novo on the application of the affiant to proceed without the payment of the prescribed deposit. If the Court thereafter finds that the contents of the affidavit are true, he shall order that the affiant be permitted to proceed without the payment of the prescribed deposit, and order the Clerk to commence service of such civil paper. If the Court instead finds that the contents of the affidavit are untrue or unjustified, the Court may dismiss the case, and take such other action as is necessary;

c. Affidavit of inability to prepay or give security for costs is subject to further Court review at any stage of the proceedings.

2. The party filing such paper is exempt from such requirement by law.

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IN THE COURT OF COMMON PLEAS  
WYANDOT COUNTY, OHIO

2.

Case No.

Judge:

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**AFFIDAVIT OF POVERTY**

I, \_\_\_\_\_, declare that I am the  
\_\_\_\_\_ petitioner/plaintiff  
\_\_\_\_\_ respondent/defendant  
\_\_\_\_\_ other

in the captioned proceeding; that, in support of my request to proceed without being required to prepay costs or give security therefore, I state that because of my poverty, I am unable to pay the costs of said proceeding or give security therefore; that I believe I am entitled to relief.

3.

The nature of my action, defense, or other proceeding, or the issues that I intend to present on appeal, are briefly stated as follows:

1. Are you presently employed?      yes      no
  - a. If the answer is "yes", state the amount of your salary or wages per month (both gross and net), and give the name and address of your employer.
  - b. If the answer is "no", state the date you were last employed and the amount of the salary and wages per month (both gross and net) which you last received.

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2. Have you received within the past twelve months money from any of the following sources?

a. Business, profession or other form of self employment? yes no

b. Rent payments, interest or dividends? yes no

c. Pensions, annuities or life insurance payments? yes no

d. Gifts or inheritances yes no

e. Any other sources? yes no

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve months.

3. Do you own any cash, or do you have money in any checking or savings accounts (include any funds in prison accounts)? yes no

If the answer is "yes", state the total value of the items owned.

4. Do you own or have any interest in any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? yes no

If the answer is "yes", describe the property and state its approximate value.

5.

6.

**BINDING  
IS TRUE**

            
Date

5. List the persons who are dependant on you for support, state your relationship to those persons, and indicate how much you contribute toward their support.
6. Attach a copy of you most recently filed personal Federal, State and Municipal income tax forms.

**I, HEREBY DECLARE, IN A MANNER WHICH I DEEM BINDING ON MY CONSCIENCE AND MIND, THAT THE FOREGOING IS TRUE AND CORRECT.**

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Signature of Applicant

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Rule 21

**APPOINTMENT OF REFEREES IN MATTERS  
OTHER THAN DOMESTIC**

1. Pursuant to the guidelines as stated in Civil Rule 53, the Court may appoint Referees to hear civil matters from time to time.

2. The costs of the Referee when not agreed to by the parties, shall be equally borne by the parties and is payable within ten (10) days from the Referee's finding.

3. The Referee shall have all the powers and duties conferred by Civil Rule 53 plus additional duties as this Court may require.

4. Said Referee shall report to the Court every thirty (30) days concerning the status of the cases referred to him.

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Rule 22

**CONTINUANCES**

After a matter has been set for hearing, there shall be no continuances granted without the express consent of the opposing counsel.

A continuance shall only be granted to a date certain.

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**Rule 23**

**VIDEO DEPOSITIONS**

In all cases where video tape depositions are going to be used at trial, a written transcript of said deposition shall be filed with the Court at least ten (10) days prior to trial. Any party with objections to any part of the deposition shall file the same in writing on the day before trial.

Any deviation therefrom shall be made by special application to the Court.

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Rule 24

**COMPUTERIZED LEGAL RESEARCH  
SERVICES AND COSTS**

For efficient operation of this Court, additional funds are required to make available computerized legal research services; it is hereby

ORDERED, ADJUDGED and DECREED that the Clerk of the Court of Common Pleas charge as of the effective date of January 4, 1988, an additional \$1.50 on the filing of each cause or appeal under divisions (A), (R), and (V) of Section 2303.20 of the Ohio Revised Code. All moneys collected under this Order shall be paid to the Treasurer of Wyandot County to be disbursed upon Order of the Court of Common Pleas for the procuring and maintaining of Computerized Legal Research Services.

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**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of:

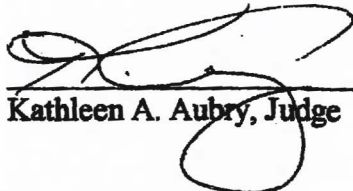
**The Adoption of Revised Local Court Rule 25  
of the Rules of Court for Wyandot County  
Court of Common Pleas, All Divisions**

.....

This matter has come before the Court for the purpose of adopting revised local court rule 25, attached hereto and incorporated herein by reference. Said local court rule 25 shall be effective

May 26, 2004 until further Order of the Court.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Kathleen A. Aubry, Judge

CLERKS OF FICE  
WYANDOT COUNTY  
FILED  
MAY 26 12 05 PM '04

## **LOCAL COURT RULE 25**

### **STANDARD ORDER OF PARENTING TIME**

In any domestic relations case, or paternity or child support case in the juvenile division, barring otherwise extraordinary circumstances, the term "reasonable parenting time" shall mean whatever the parties may be able to agree upon and found by the Court to be in the child(ren)'s best interest. If in the event the parties should disagree, then said term shall be interpreted to mean that the non-custodial parent shall have parenting time as follows, unless otherwise Ordered by the Court:

1. Alternate weekends from Friday evenings at 6:00 p.m. to Sunday evenings at 6:00 p.m.
2. For the purpose of parenting time, there are six (6) holidays to be divided between the parents:
  1. Martin Luther King Day
  2. Easter
  3. Memorial Day
  4. July 4th
  5. Labor Day
  6. Thanksgiving

In odd-numbered years the mother shall have the child(ren) on the odd-numbered holidays, and the father shall have parenting time on the even-numbered holidays. In the even-numbered years, the father shall have the odd-numbered holidays and the mother the even-numbered holidays.

The above Holiday visitation shall occur from 8:30 A.M. - 6:00 P.M. with Holiday visitation taking precedent over regular visitation. When the non-residential parent has a holiday which falls on a day which abuts the non-residential parents weekend either just prior to or immediately following that weekend, then in that event the holiday and weekend shall go forward uninterrupted as one block of parenting time.

3. In the odd-numbered years, the mother shall have the child(ren) on Christmas Day at 2:00 p.m. until January 1 at 6:00 p.m. and the father shall have the child(ren) on Christmas Eve at 6:00 p.m. until Christmas Day at 2:00 p.m. In the even-numbered years, the Christmas schedule is reversed and the Father shall have the child(ren) on Christmas Day at 2:00 p.m. until January 1 at 6:00 p.m. and the mother shall have the child(ren) on Christmas Eve at 6:00 p.m. until Christmas Day at 2:00 p.m.

Holiday visitation over the Christmas holiday schedule shall take precedence over any other visitation.

4. On Mother's Day and Father's Day, no matter whose turn for parenting time, the child(ren) shall be with the Mother on Mother's Day and the Father on Father's Day from 8:30 a.m. to 6:00 p.m.

5. A four week (4) parenting time period each summer, to be arranged from the moment the vacation schedules are posted so that the parties have an opportunity to take the child(ren) for vacations. The four weeks may be taken in one week or two week increments but for no longer than two weeks at a time. A week is defined as five day increments and shall not interfere with the other parent's weekend parenting time as described in section 1 of this rule.

No parenting time shall occur with the non-residential parent within seven days of school starting except that said rule shall not interfere with the non-residential parent's weekend parenting time as described in section 1 of this rule.

6. Each parent must provide the other parent, in writing, with destination, times of arrival and departure, and method of travel if the summer companionship consists of a vacation outside the parent's community.

7. The child shall celebrate his/her birthday in the home of the custodial parent, unless it falls on a parenting time day in which case the birthday will be spent with the non-residential parent.

8. The non-residential parent has the responsibility for picking up and returning the child(ren). The non-residential parent, if unavailable for pick-up or delivery, must use an adult well-known to the child(ren). All persons transporting the child(ren) must comply with the law, have reliable transportation, and must be properly licensed and insured.

9. The child(ren), and/or custodial parent, have no duty to await the non-custodial parent for more than thirty (30) minutes past the parenting time. A parent late more than thirty (30) minutes shall forfeit that parenting time unless it is due to an unavoidable delay. If due to an unavoidable delay and the non-custodial parent is not able to exercise parenting time at the stated time, the custodial parent shall be notified promptly and a mutually agreeable alternate time shall be set. The non-custodial parent shall give this notice as soon as possible after he/she learns that he/she will be unable to exercise parenting time at the stated time.

10. If a child becomes ill or injured, warranting the giving of medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If the child(ren) becomes ill while with the residential parent prior to a scheduled companionship period, the residential parent must contact the non-residential parent and discuss the advisability of whether the companionship should take place with the best interests of the child(ren) as the primary consideration. No visitation shall be denied unless interference is caused by acts of God, natural

disaster, or illness or injury that is verified by written orders from a doctor stating that parenting time should not occur. If parenting time is missed by the non-residential parent due to illness or injury of the child, a like period of makeup parenting time shall occur the following weekend and the next weekend the non-residential parent will again have parenting time so that the normal alternating weekend schedule detailed in section 1 will remain unchanged once the missed visitation is made up. If there is more than one child subject to this order, all the child(ren) stay together so that if a parenting time is missed due to illness of one child, all the child(ren) miss that parenting time. Likewise when the parenting time is made up, all the child(ren) go for the make up parenting time.

11. All necessary medication and health care equipment shall follow the child. The residential parent must provide written instructions and sufficient medication to last during the parenting time period to the non-residential. The non-residential parent must notify the residential parent if the child's condition worsens, or does not improve as might reasonably be expected.

12. The residence of the child(ren) is not to be removed from the State of Ohio without first obtaining a modified parenting time order from the Court of Common Pleas.

13. Each parent must keep the other parent informed of his or her current residential address and current residential telephone number, and an alternate number in case of an emergency. In addition, the non-residential parent must inform the residential parent of the address and telephone number where visitation will occur if not at the residential address.

#### GUIDELINES

- A. **Clothing:** The residential parent is responsible to provide sufficient clean clothing for every parenting time period. If the non-residential parent has a planned activity requiring special clothing, the non-residential parent must notify the residential parent at least two (2) days in advance. If the child(ren) does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned with the child(ren) at the end of the parenting time period. If parenting time lasts more than three (3) days, all clothing must be laundered when returned with the child(ren).
- B. **Teenagers:** A regular parenting time period between the child and non-residential parent may become more difficult as the child(ren) ages and have more activities outside the family unit, obtains a driver's license, dates, works and spends time with friends. The parents need to respect their teenager opting to spend more time with friends or in organized activities and less time with each parent, especially weekends and summers. Maximum flexibility in scheduling is absolutely necessary for a child

of this age. Within limits it is advisable to consider the teenager's wishes, as long as the parents agree.

- C. Activities of the child(ren): Parents should discuss placement of child(ren) in activities. Activities should be encouraged that develop and/or enhance a child's talent, experience, and socialization. A reasonable parent understands the importance of such activities and will attempt to accommodate those activities. A reasonable parent also understands that a child should not be overburdened with activities.

**This rule shall be effective MAY 26, 2004 at 4:30 PM. and shall be subject to amendments from time to time as the Court deems necessary.**

**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of

The Adoption of Revised Local Court  
Rule 25.01 of the Rules of Court for  
Wyandot County, Ohio.

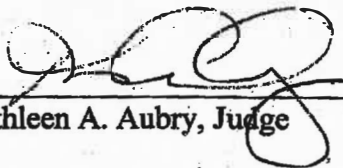
JUDGMENT ENTRY

.....

This matter has come before the Court for the purposes of adopting revised local court rule 25.01, attached hereto and incorporated herein by reference. Said local court rule 25.01 shall be effective **December 3, 2018** and until further Order of this Court.

The Court is revising this local court rule due to the change of the language regarding the fee associated with the parenting workshop as previously stated.

IT IS SO ORDERED.

  
Kathleen A. Aubry, Judge 11/30/18

WYANDOT COUNTY  
COMMON PLEAS COURT  
2018 NOV 30 PM 2:54  
ANN K. DUNBAR  
CLERK OF COURTS



## **RULE 25.01**

### **PARENTING WORKSHOP/KIDS WORKSHOP**

1. After the filing of a complaint for divorce, a petition for dissolution of marriage or a complaint in the Juvenile Division, in which minor child(ren) are involved, and before said action will be set for hearing, any party seeking the allocation of parental rights and responsibility of the minor child(ren) shall attend a workshop on parenting sponsored by the Court of Common Pleas of Wyandot County, Ohio, Domestic Relations and Juvenile Divisions by contractual agreement with Hannah's House, or its successor, or a Court approved alternate. If the Complaint involves minor children that are subject of the exclusive jurisdiction of the Juvenile Division, the parties shall attend said workshop if they did not attend previously.
2. A certificate of completion will be issued to each participant and copy of same filed and docketed in each domestic relations case or juvenile case in which attendance is required. Hannah's House will make sure the certificate of completion is delivered to the Judge's office for filing with the appropriate division.
3. The fee for attendance at said parenting workshop shall be set as the Court and Hannah's House or its successor shall determine, which shall be paid when attending the parenting workshop.
4. In the event that parties find it necessary to file a post-divorce or post-decree motion for change of allocation of parental rights and responsibility, the moving party shall attend the above parenting workshop if he/she has not done so within the last two (2) years. If more than two (2) years have elapsed, it will be necessary that the moving party, and, in the discretion of the Court, both parties attend a parenting workshop prior to the case being set for final hearing.
5. Failure to attend within a reasonable time period without good cause shown can be cause for a continuance of court action. **Failure to complete the parenting workshop may result in the dismissal of the action and/or no final hearing and no resolution to the parties' petitions, complaint, and/or motions.**
6. Upon Motion and for good cause shown, the Court may relieve the requirement of completion of the parenting workshop.
7. Grandparents or other individuals seeking custody and/or companionship may also be required to attend the parenting workshop at the discretion of the Court.

This rule shall be effective December 3, 2018 at 8:30 A.M. and shall be subject to amendments from time to time as the Court deems necessary.

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**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

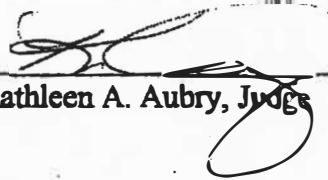
In the Matter of:

The Adoption of Revised Local Court 25.02  
Of the Rules of Court for Wyandot County  
Court of Common Pleas, All Divisions

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This matter has come before the Court for the purpose of adopting revised Local Court Rule 25.02, attached hereto and incorporated herein by reference. Said local Court Rule 25.02 shall be effective May 1, 2005 until further Order of the Court.

IT IS SO ORDERED.

  
Kathleen A. Aubry, Judge

CLERKS OFFICE  
WYANDOT CO., OHIO  
FILED  
MAY 18 9 59 AM '05  
ANNA JIMENEZ  
CLERK

**LOCAL COURT RULE 25.02**

**GUARDIAN AD LITEM**

**Any persons requesting a Guardian Ad Litem in child custody proceedings, shall deposit with the Court the sum of \$500.00 as security of costs thereof.**

Rule 25.03

**ACCESS TO RECORDS**

The non-residential parent is entitled to access to any record that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access and under the same terms and conditions under which access is provided to the residential parent. "Record" means any record, document, file, or other material that contains information directly related to such child(ren) including but not limited to records maintained by public and nonpublic schools; records maintained by facilities that provide child day-care, child day-care services, or pre-school services; records maintained by hospitals, doctors, other facilities or persons providing medical or surgical care or treatment for the child; and records maintained by agencies, departments, instrumentalities or other entities of the state or any political subdivision of the state, other than a child support enforcement agency.

The residential parent shall cause a copy of this order to be delivered to the keeper of any "records" referred to herein that is related to the minor child(ren) and to which the residential parent legally is provided access to permit the non-residential parent to have access to the record(s) pertaining to such child under the same terms and

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conditions under which access is provided to the residential parent.

The non-residential parent of the child(ren) is entitled to access under the same terms and conditions which access is provided to the residential parent to any student activity that is related to the child and to which the residential parent of the child legally is provided access.

The residential parent shall advise and inform the non-residential parent of all events and school activities and non-school related activities, events, and functions which the minor child(ren) become involved in. This is intended to give the non-residential parent an opportunity to participate in and be supportive of the minor child(ren) in such functions and events. The non-residential parent shall further be provided with copies of all grade cards and communications received from the school pertaining to the minor child(ren).

The residential parent shall cause a copy of this Judgment Entry to be delivered to the school official, or employee, the Board of Education of the school, or the governing body of chartered non-public school. **TAKE NOTICE THAT ANY SCHOOL OFFICIAL OR EMPLOYEE WHO KNOWINGLY FAILS TO COMPLY WITH THIS ORDER IS IN CONTEMPT OF COURT AND WILL BE PUNISHED AS PROVIDED BY LAW.**

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Rule 27

**ORTHODONTIC EXPENSE FOR MINOR CHILDREN  
(WHEN MEDICALLY REQUIRED)**

Where it appears a child has to have extensive orthodontic work done for medical reason, the father shall be primarily responsible for the payment of the bill if it is covered by his medical insurance.

If it is not covered by his insurance but is covered by the mother's insurance, then the mother shall be liable for the charge.

Any excess charge not covered by insurance shall be treated as other extraordinary medical expenses with the mother paying the first \$15.00 of each monthly charge.

The non-custodial parent shall receive adequate notice that orthodontic expenses are going to be incurred and shall have the right to take the child to a different orthodontist for another opinion.

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Rule 28

**MEDICAL REPORTS AS EVIDENCE IN  
DOMESTIC RELATIONS CASES**

In any type of domestic hearing concerning the reasonableness or the necessity of the work to be done, a medical report duly signed by the physician or other supplier of medically related services shall be sufficient and be admitted into evidence at said hearing if properly served on the opposing counsel within seven days before trial.

Said medical suppliers are not limited to but shall include physicians, surgeons, optometrists, dentists, or any other medical specialty.

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Rule 31

**WAIVER OF SERVICE OF SUMMONS WHERE COUNTY  
OFFICES ARE A PARTY TO AN ACTION**

In the interest of saving time and money, in all actions wherein the county or one of its departments is a party to an action, whenever practicable, waiver of service of summons shall be obtained as provided in Civil Rule 4(D).

Pursuant to Civil Rule 4.2, service of process in the above cases shall be made "upon a county or upon any of its offices, agencies, districts, departments, institutions, or administrative units by serving the officer responsible for the administration of the office or by serving the prosecuting attorney of the county."

Therefore, the waiver of service of summons shall be signed either by the head of the department or by the prosecuting attorney.

Said waivers may be obtained at the office of the Clerk of Courts.

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Rule 32

**ADOPTION OF TERMINOLOGY**

The Court hereby adopts the Domestic Relations terminology set forth in Senate Bill 3 and substitutes that language where necessary by inference in these rules as though fully rewritten herein.

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Rule 32.01

**SERVICE BY PUBLICATION**

Pursuant to Ohio Rules of Civil Procedure 4.4. In a divorce, annulment, and legal separation actions, if the residence of the Defendant is unknown, service by publication shall be made by posting and mail. Before service by posting and mail can be made, an affidavit of a party or the party's counsel shall be filed with the Court.

Upon filing of the affidavit, the Clerk of the Common Pleas Court shall cause service of notice to be made by posting in the Courthouse and at the Mohawk Community Library, 107 East Seventh Street, Sycamore, Ohio and the Dorcas Carey Public Library, 236 East Findlay Street, Carey, Ohio. The notice shall contain the same information required in a newspaper publication. The notice shall be posted in these locations for six successive weeks.

The Clerk shall also cause the complaint and summons to be mailed by ordinary mail, address correction requested, to the Defendant's last known address. The Clerk shall obtain a certificate of mailing from the United States Postal Service. If the Clerk is notified of a corrected or forwarding address of the Defendant within the six-week period that notice is posted, the Clerk shall cause the

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complaint and summons to be mailed to the corrected or forwarding address. The Clerk shall note the name, address and date of each mailing in the docket.

After the last week of posting, the Clerk shall note on the docket where and when notice was posted. Service shall be complete upon the entry of posting.

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Rule 33

**MARKING OF EXHIBITS FOR TRIAL**

All exhibits to be used during trial shall be marked before the commencement of the trial.

Photocopies shall be made and given to opposing counsel, preferably before the pre-trial conference; however, in no event less than FIVE (5) days before trial.

Photocopies also shall be provided to the Court on the day of trial.

Plaintiffs shall use the numerical designation, while the Defendants shall use alphabetical designation.

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Rule 34

**MEDICAL MALPRACTICE ARBITRATION**

34.01 Cases for Arbitration

(a) Upon filing of a medical malpractice case as defined in Section 2305.11(D)(3) O.R.C. in the Court of Common Pleas, said claim shall be assigned for arbitration as provided in Section 2711.21.

34.02 Selections of Arbitrators & Manner of Appointment

(a) Pursuant to the Provisions of Section 2711.21, the three members of the panel shall be appointed by the judge to whom the case is assigned as follows:

1. The judge to whom the case is assigned shall designate, within forty-five (45) days after the filing of the Complaint, the arbitration panel chairman.

2. The names of the two (2) members of the panel to be appointed by the plaintiff(s) and defendant(s), respectively, shall be submitted to the judge within ten (10) days after receipt of the designation provided for in (1) above.

(b) If there is a failure of one or more parties to appoint one or more arbitrators as in (2) above, the judge shall, upon motion, appoint an arbitrator or arbitrators for the party or parties failing to comply, such appointment shall be made within five (5) days of the filing of such motion.

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(c) The Assignment Commissioner shall maintain a list of medical malpractice arbitration panel chairmen who have been approved by the Court after consent to serve.

(d) No party appointed as an arbitrator shall have any interest in the case being heard.

(e) No disclosure shall be made to the arbitrators prior to the filing of the report and award referred to in Section 34.12 of this rule of any offers of settlement made by any party. Prior to the delivery of the Court file to the chairman of the board of arbitrators, the assigned judge shall remove from the file and retain all papers or notations referring to demands or offers for settlement. Such file shall be forwarded to the chairman at the time of the assignment of the case.

34.03 Discovery

The assignment of a case to an arbitration board shall not limit the right of the parties to continue discovery pursuant to the rules of Civil Procedure.

34.04 Hearing; When and Where Held: Notice

(a) Hearings shall be held at a place scheduled by the Court Assignment Commissioner. This provision shall not, however, limit the right of the arbitration panel to hold hearings in an appropriate place of their own choosing. A hearing shall be scheduled not more than forty-five (45) days after the appointment of the board of arbitration and the Assignment Commissioner shall notify the arbitrators and the

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parties or their counsel in writing at least fifteen (15) days before the hearing of the time and place of the hearing. No hearing shall be fixed for Saturdays, Sundays, legal holidays or evenings, except upon agreement of all parties and the arbitrators.

(b) Since sufficient time is available to the parties prior to the hearing date to settle or compromise a dispute, once a hearing date is set, the hearing shall proceed forthwith at the scheduled time. There shall be no communications by counsel or the parties with the arbitrators concerning the merits of the controversy prior to the commencement of the hearing.

34.05 Inability of a Party to Proceed

In the event that a party is unable to proceed when the case has been scheduled, and such date is agreed to by all parties, the Assignment Commissioner may mark the case continued and may assess a \$25.00 continuance fee against such party.

34.06 Default of a Party

The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to obtain an adjournment. An award shall not be made solely on the default of the party; the panel shall require the other party to submit evidence as they may require for the making of an award.

34.07 Conduct of Hearing; General Powers

(a) The three members of the panel shall be the judges of the relevancy and materiality of the evidence offered and conformity to legal rules of evidence shall not be necessary. All evidence shall be

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taken in the presence of the arbitrators, of all the parties, except where any of the parties is absent, in default, or has waived the right to be present. In addition to oral testimony, the panel may receive the evidence of witnesses by affidavit, deposition, videotape deposition, interrogatories, or written report, and shall give it such weight as the panel deems is justified after consideration of any objections which may be made to such evidence. In the instance of affidavits and written reports, copies shall be furnished to counsel for all parties not less than two weeks in advance of hearing.

(b) Counsel shall, upon request and whenever possible, produce a party or witness at the hearing without the necessity of a subpoena.

#### 34.08 Specific Powers

The panel shall have the general powers of a court including, but not limited to the following:

(a) Subpoenas: to cause the issuance of subpoenas to witnesses to appear before the board and to request the issuance of an attachment according to the practice of the courts for failure to comply therewith.

Issuance of subpoenas will be done in the same manner as is used in other types of cases.

(b) Production of Documents: to compel the production of all books, papers and documents which are deemed material to the case.

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(c) Administering Oaths: Admissibility of Evidence: to administer oaths or affirmations to witnesses, to determine the admissibility of evidence, to permit testimony to be offered by depositions and to decide the law and the facts of the case submitted to the panel.

34.09 Supervisory Powers of the Court

The judge to whom the case is assigned shall have full supervisory powers with regard to any questions that arise in all arbitration proceedings and in application of these rules.

34.10 Witness Fees

Witness fees shall be in the same amount as now or hereafter provided to witnesses in trials in the Common Pleas Court of Wyandot County, Ohio, which shall be taxed as costs.

34.11 Transcript of Testimony

The Court shall provide, at the request of any party, an official court reporter for each medical malpractice arbitration hearing. The cost shall be assessed pursuant to Section 2301.21, O.R.C.

34.12 Report and Award

Within thirty (30) days after the hearing, the chairman of the panel shall file a written report and award with the Clerk of the Court of Common Pleas and a duplicate copy with the judge to whom the case is assigned, and on the same day shall mail or otherwise forward copies thereof to all parties or their counsel. In the event that all three members do not agree on the findings and award, the dissenting member

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member shall submit a written dissenting opinion to be filed with the majority report.

34.13 Legal Effect of Report and Award: Entry of Judgment

The report and award, unless rejected pursuant to law, shall be final. If no rejection is made within the manner specified by statute, the Court shall enter judgment in accordance therewith. After entry of such judgment, execution process may be issued as in the case of other judgments.

34.14 Compensation of Arbitrators

(a) Each member of a panel who has signed an award or files a dissenting opinion, unless he has waived in writing his right to compensation prior to the hearing, shall receive as compensation for his services in each case a fee of Three Hundred Dollars (\$300.00) for the first day, plus One Hundred Fifty Dollars (\$150.00) for each fractional half-day thereafter.

When more than one case arising out of the same transaction is heard at the same hearing or hearings, it shall be considered as one case insofar as compensation of the arbitrators is concerned. The members of a board shall not be entitled to receive their fees until after filing the report and award with the Clerk of Courts. The chairman of the arbitration panel shall be entitled to an additional One Hundred Dollars (\$100.00) as compensation for the extra duties imposed upon him.

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Fees paid to arbitrators shall be assessed pursuant to Section 2711.21 O.R.C., and shall be taxed as costs, one-half to plaintiff(s) and one-half to defendant(s).

In addition to the deposit required by Rule 20 of this Court, plaintiff(s) at the time of filing of the Complaint shall deposit Five Hundred Dollars (\$500.00) to guarantee the fees of the arbitrators, and within forty (40) days of the filing of the Complaint, defendant(s) shall deposit Five Hundred Dollars (\$500.00) as a like guarantee; but, in no event shall the full deposit guarantee be deposited later than five (5) days before the date of the arbitration hearing. If there are multiple defendants and they cannot agree as to their proportionate share of the deposit, upon proper motion, the judge to whom the case is assigned shall order the apportionment. When it appears proper, the Court may order additional deposits.

(b) In cases which require additional deposits for payment of arbitrators due to the arbitration lasting more than one day, the deposit to cover the additional costs shall be made not later than five (5) days after the completion of the arbitration.

(c) The chairman of the arbitration panel shall determine not less than four (4) days prior to, and not more than five (5) days following completion of the arbitration that the proper deposit has been made. If no deposit has been made by one or both

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sides, the chairman shall through the Assignment Commissioner schedule a show cause hearing before the judge to whom the case is assigned to determine why the plaintiff(s) and or defendant(s) should not be held in contempt for failure to file the required deposit.

(d) Payment of fees shall be authorized by the judge to whom the case is assigned by Court Entry on a form to be provided by the Assignment Commissioner.

(e) In all cases in which the plaintiff(s) has filed a poverty affidavit or in which an insufficient deposit has been made to pay plaintiff(s)' portion of the compensation due the arbitrators and in which an award settlement or judgment has been made in favor of the plaintiff(s), defendant(s) shall first pay to the Clerk of this Court out of such award, settlement or judgment, and before making any payment to the plaintiff(s) an amount equal to the undeposited plaintiff(s) portion of the compensation due the arbitrators. Otherwise, all compensation for arbitrators not paid from costs shall be paid upon proper warrant from the funds of Wyandot County, Ohio.

#### 34.15 Time Limit to Amend Pleadings

If the decision of the arbitrators is rejected pursuant to Section 2711.21 O.R.C., pleadings shall be amended and filed with the Clerk of Courts within thirty (30) days after filing of the report and award of the arbitrators. The parties making such pleadings amendments shall serve other parties pursuant to Ohio Rules of Civil Procedure.

Rule 35

**TREATMENT OF WITNESSES**

Witnesses shall be subpoenaed only for the approximate time in which they shall be used. All attorneys shall investigate the entire circumstances surrounding their actions to make sure that the person named in the subpoena is the correct person to be brought to Court.

The Court shall be notified immediately if the witness cannot be used at the time specified in the subpoena so that other arrangements may be made for testimony.

Violation of this rule shall be treated as contempt of Court.

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Rule 36

**CHARACTER WITNESSES IN DIVORCE CASES**

Effective immediately, since it is not required by the code, character witnesses shall not be necessary in a divorce proceeding.

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Rule 37

**ORDERING OF TRANSCRIPTS FROM COURT REPORTER**

Effective immediately, no transcripts will be prepared by the Court Reporter unless a deposit is paid by the attorney or other person requesting the same, or the entire cost of the estimate of said transcript is paid. Whether or not a deposit is accepted is at the sole discretion of the Court Reporter who may demand payment in full prior to the preparation of the transcript.

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Rule 38

**APPRAISALS**

In foreclosure proceedings or in any other proceedings wherein appraisals are sought by the Wyandot County Sheriff's Department or any other agency, the Plaintiff or the party requesting the appraisal shall furnish to the Sheriff's Department a key so that the appraisers will be able to gain admittance into the property for the purpose of appraisal.

It is further ORDERED that the moving party make the arrangements, if the property is occupied, that the appraisers may gain admittance upon reasonable notice.

It is further ORDERED that in the event this key is not furnished to the Sheriff, the Sheriff has authority to employ a locksmith to gain admittance into the premises, and the cost thereof shall be taxed as court costs.

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**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of:

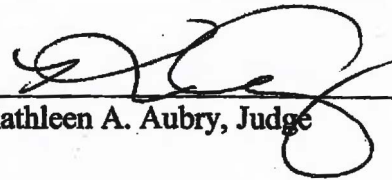
The Adoption of Local Court Rule 39  
of the Rules of Court for Wyandot County  
Court of Common Pleas, All Divisions

.....

This matter has come before the Court for the purpose of adopting revised Local Court Rule 39 attached hereto and incorporated herein by reference. Said Local Court Rule 39 shall be effective **JANUARY 18, 2017** until further Order of the Court.

IT IS SO ORDERED.

**FILED**  
**JUVENILE COURT**  
JAN 18 2017  
*Kathleen A. Aubry*  
**JUDGE, WYANDOT COUNTY, OHIO**

  
Kathleen A. Aubry, Judge

**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

In the Matter of:

The Adoption of Local Court Rule 39  
of the Rules of Court for Wyandot County  
Court of Common Pleas, All Divisions

.....

This matter has come before the Court for the purpose of adopting revised Local Court Rule 39 attached hereto and incorporated herein by reference. Said Local Court Rule 39 shall be effective **JANUARY 18, 2017** until further Order of the Court.

IT IS SO ORDERED.



Kathleen A. Aubry, Judge

WYANDOT COUNTY  
COURT OF COMMON PLEAS  
2017 JUN 18 PM 2:39  
CLERK OF COURTS

## Rule 39

### **EX-PARTE ORDERS**

In addition to and supplementary to Rule 75 (2) of the Ohio Rules of Procedure, the following Rule shall apply to all domestic relations and Juvenile Court paternity and custody cases on the docket of the Common Pleas Court of Wyandot County, All Divisions, Ohio:

1. When it is made to appear in the Court by affidavit of a party sworn to absolutely that a party may cause minor children of the marriage in a domestic relations case or paternity or custody case in the Juvenile Division, to be removed from Wyandot County, Ohio, the Court may allow temporary restraining order, with or without bond, to prevent such action and the same may be issued without notice and shall remain in force during the pendency of the action unless the Court orders otherwise.

2. When it is necessary to have a party excluded from the family home to prevent physical abuse, annoyance or bodily injury, and it further appears that the party excluded will not be unduly inconvenienced, the Court may allow a temporary restraining order with or without bond to exclude such person, and the same may be issued without notice. No temporary restraining order shall be issued under this paragraph which excludes a mother from a marital residence wherein she has been the only resident along with the children.

3. No Ex-Parte Order shall be issued, with the exception for extraordinary circumstances, in any domestic relations case or paternity or custody in the Juvenile Division without notice and an opportunity to be heard where the party against whom the order is sought is represented by counsel, to the knowledge of the party seeking the order. The party seeking the order shall be deemed to have knowledge of representation by counsel of the other party when such representation is noted on the appearance docket of the Court.

4. Each attorney seeking an Ex-Parte Order shall file, at the time of seeking such order, an affidavit positively sworn to that he or she has no knowledge that the party against whom such Ex-Parte Order is sought is represented by counsel.

Rule 40

**NOTICE TO ATTORNEYS WHEN APPRAISALS ARE RETURNED**

In appraisal cases the Clerk of this Court shall immediately notify all counsel of record of the appraisal when it is returned by the Wyandot County Sheriff's Department. This notice shall be in the form of a photocopy of said appraisal and shall be mailed to the attorneys within twenty-four hours of the receipt thereof.

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Rule 41

**CONTINUANCE OF HEARING WITHOUT NOTIFICATION  
OR APPROVAL**

In all cases, including domestic relations, if a matter is set for hearing and is settled and the parties do not notify the court at the earliest possible moment, each attorney will be subject to a citation in contempt with a fine of not less than One Hundred Dollars (\$100.00).

In all cases regarding domestic relations, any continuance, for any reason, must be approved by the judge.

Rule 42

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Rule 43

**ORDERS OF SALE IN FORECLOSURE CASES**

In foreclosure cases after the period of redemption has expired, it will be the obligation of the attorney to file a precipe with the Clerk of Courts requesting an order of sale to be issued to the Sheriff.

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**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

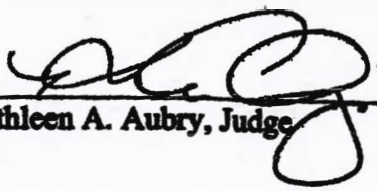
**In the Matter of**

**The Adoption of Local Court Rule 44  
of the Rules of the Court of Common Pleas  
Wyandot County, Ohio, All Divisions**

.....

**This matter has come before the Court for the purpose of adopting Local Court Rule 44, Use of Electronically Produced Ticket, attached hereto and incorporated herein by reference. Said Local Court Rule 44 shall be effective August 11, 2014 until further Order of the Court.**

**IT IS SO ORDERED.**

  
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Kathleen A. Aubry, Judge

CLERKS OFFICE  
WYANDOT CO., OHIO  
FILED  
2014 AUG 12 A 11:30  
ANN K. DUNBAR  
CLERK

**IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO**

**In the Matter of**

**Local Court Rule 44**

**Use of Electronically Produced Ticket**

.....

**Use of electronically produced ticket. The use and filing of a ticket that is produced by computer or other electronic means is HEREBY authorized in the Wyandot County Court of Common Pleas, All Divisions. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant and/or juvenile and the Court with a paper copy of the ticket.**

IN THE COURT OF COMMON PLEAS, WYANDOT COUNTY, OHIO

In the Matter of:

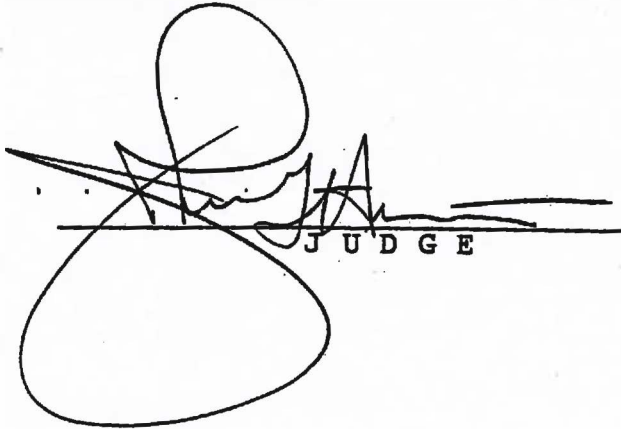
ADOPTION OF LOCAL COURT RULE  
JURY MANAGEMENT PLAN

JUDGMENT ENTRY

.....

This matter came on before the Court pursuant to Common Pleas Court Superintendence Rule 9 (C) and the Court HEREBY adopts a local court rule for jury management numbered as Local Rule 8, and attached hereto as if fully rewritten herein.

IT IS SO ORDERED.

  
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J U D G E

CLERK'S OFFICE  
WYANDOT CO., OHIO  
FILED  
JUN 21 2 17 PM '94  
ASHLEY M. MURPHY  
CLERK

9A-77-113

## WYANDOT COUNTY JURY MANAGEMENT PLAN

### INTRODUCTION

This local Rule of Practice is being implemented in compliance with Common Pleas Court Superintendence Rule 9 (C), which requires that each common pleas court, prior to July 1, 1994, develop and implement a Jury Management Plan. It is the purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the Wyandot County Common Pleas Court.

### OPPORTUNITY FOR SERVICE

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability or any other factor that discriminates against a cognizable group in the jurisdiction.

Jury service is an obligation of all qualified citizens of Wyandot County, Ohio.

### JURY SOURCE LIST

Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Wyandot County, by the use of random selection procedures using automated data processing equipment in conformity with ORC Section 2313.08 and ORC Section 2313.21.

The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.

The Court shall annually review the jury source list for its representativeness or inclusiveness of the adult population in the jurisdiction as is feasible.

Should the Court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

### ADMINISTRATION OF THE JURY SYSTEM

The responsibility for administration of the jury system shall be vested exclusively in the Wyandot County Court of Common Pleas, save and except for the issuing of vouchers which shall be the responsibility of the Clerk of Courts.

Grand jury shall be drawn separately from petit jury and the responsibility for the administration of same shall be vested exclusively in the Wyandot County Court of Common Pleas, save and except for issuing of vouchers and the grand jury reports which shall be the function of the Clerk of Courts.

### ELIGIBILITY FOR JURY SERVICE

All persons shall be eligible for jury service except those who:

1. Are less than eighteen (18) years of age.
2. Are not citizens of the United States
3. Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Wyandot County, Ohio.
4. Are not able to communicate in the English language; or
5. Have been convicted of a felony and have not had their civil rights restored.

### TERM OF AND AVAILABILITY FOR JURY SERVICE

The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice. The term of service for any prospective panel shall be one day or the completion of one trial, whichever is longer.

Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial. The assignment commissioner shall contact counsel, or the parties, which ever is appropriate, at least two weeks prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned at least fourteen days in advance of trial. Those costs associated with the summoning of a jury shall be assessed against the party requesting the trial.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity as fixed by the Court.

#### NOTIFICATION AND SUMMONING PROCEDURES

A master list of prospective jurors shall be drawn on the first Wednesday of the month preceding the commencement of the term of court (i.e. first Monday of December for January term of court). Questionnaires shall be mailed to all prospective jurors at that time with instruction for their return. Jury panels shall be drawn from this master list in numerical order with the number of jurors for each panel being fixed by the court.

Questionnaires should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

1. Determining whether a person meets the criteria for eligibility;
2. Providing basic background information ordinarily sought during voir dire examination; and
3. Efficiently managing the jury system.

The notice summoning a person to jury service should clearly explain how and when the recipient must respond and the consequences of a failure to respond.

#### EXEMPTION, EXCUSE AND DEFERRAL

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public.

Persons excused from service shall be deferred and may be subject to jury service at a later time. Requests for excuses and deferrals and their disposition shall be written or otherwise recorded.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

1. Any person who suffers from a substantial physiological or psychological impairment.
2. Any person who has a scheduled vacation or business trip during potential jury service.
3. Any person for whom jury service would constitute a substantial economic hardship.
4. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
5. Any person who has served on a jury within the last year.
6. Any person for whom it may be readily determined is unfit for jury service.
7. Any person for whom it is readily apparent would be unable to perform their duty as a juror.
8. Other valid excuse.

No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors.

#### JURY SIZE

In criminal cases, the jury shall consist of twelve regular jurors and one or more alternate jurors. In civil cases, the jury shall consist of eight regular jurors and one alternate juror, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be selected.

#### EXAMINATION OF PROSPECTIVE JURORS

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the juror's fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.

Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel upon request at reasonable cost as fixed by the court. Counsel is permitted to record or copy the information contained on the questionnaires, except address and telephone numbers, so long as all copies of jury questionnaires are returned to the court upon the completion of trial. Under no circumstances may counsel or a party retain any jury questionnaire.

Neither counsel nor party will be permitted to question prospective jurors as to matters contained in the questionnaire. Parties and counsel may be permitted to ask follow up questions concerning such information.

The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

1. Counsel may not examine prospective jurors concerning the law or possible instructions.
2. Counsel may not ask jurors to base answers on hypothetical questions.
3. Counsel may not argue the case while questioning jurors.
4. Counsel may not engage in efforts to indoctrinate jurors.
5. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors.
6. Questions are to be asked collectively of the panel whenever possible.
7. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.



If it is determined by the Court during the voir dire process that an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon the motion of the court. Further, Ohio Revised Code Section 2313.42 and Ohio Criminal Rule of Procedure 24 (B) set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by Revised Code Section 2945.23, and Civil Rule 47, and Criminal Rule 24, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made in open court. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to challenges for cause, however peremptory challenges shall be limited to that number as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

#### JURY ORIENTATION

Jurors shall report for service no later than 9:00 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the court before the completion of orientation. No motions shall be entertained by the court the day of trial, except those which the court must consider by law or rule of procedure.

Prospective jurors shall be provided with written or audio/visual orientation materials upon their initial appearance and prior to service. The court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, along with other basic and relevant legal principals.

Upon the completion of the case and prior to jury deliberations, the court shall instruct the jury on the law and

the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request the special instructions be given to the jury.

A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation.

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action. Prospective jurors will be issued badges for identification purposes so as to forestall communication with counsel, parties, etc.'

All communications between the judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communication, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space furnishing and facilities conducive to reaching a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact between jurors, parties, counsel and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the court finds

that sequestration is necessary. If a jury is sequestered, the court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict either party may request that the jury be polled.

Upon the completion of service, each juror shall be given a personalized certificate of appreciation of service by the court and Clerk of Courts as well as vouchers for services rendered.