

RULE 12 - DOMESTIC RELATIONS / MAGISTRATE'S OFFICE

General

- 12.1** Domestic Relations filings or cases, include but are not limited to custody issues, paternity, child support matters, visitation rights, and children services cases. No Domestic Relations filing or case shall be filed until the Plaintiff makes a prepayment or deposit with the Clerk in the sum required by the Clerk to secure the costs likely to accrue in such action exclusive of attorney's fees. An indigent party may execute and file with such party's pleading an affidavit of the party's inability to prepay the costs required in this Rule whereupon such pleading shall be filed by the Clerk. In cases wherein the Plaintiff has executed and filed a poverty affidavit, a Defendant filing a Counterclaim shall comply with the provisions of this Rule.
- 12.2** Upon the filing and journaling of the Final Judgment Entry in a Domestic Relations Case, and in the absence of an express agreement to the contrary between the attorney and the client, the attorney representing a party shall no longer be considered counsel of record for such party. Any Post-Judgment Motion filed thereafter shall be served as provided in Civil Rule 75 (I) upon the adverse party.
- 12.3** Unless otherwise expressly Ordered by the Court, all installments of support, whether temporary, permanent, or for an indefinite period, shall be payable by the obligor through the designee of Belmont County Child Support Enforcement Agency of the Department of Job & Family Services (DJ&FS) in addition to an administrative fee equivalent of two percent (2%) as is presently provided in and subject to the future provisions of the Ohio Revised Code.
- 12.4** Pursuant to Juvenile Rule 40 the Court refers to the Magistrate all Domestic Relations cases, all Motions for Ex Parte Orders and/or for Temporary Orders for such cases, all Post Decree Motions for such cases, all matters regarding Child Support Orders, all Petitions for Civil Protection Order, and all Children Services cases, excluding permanent custody hearings filed in the Juvenile Court.
However, a Judge of the Court may exercise his/her discretion to directly handle any matter normally referred to the Magistrate due to special circumstances or the unavailability of the Magistrate.

Furthermore, the Court or the Magistrate may recuse the Magistrate for good cause shown and the Judge assigned to the case will handle the matter.

12.5 Notwithstanding the provisions of Rule 33 to the contrary regarding Hearings on Motions, all Post-Judgment Motions filed in Domestic Relations cases will be forwarded to the Magistrate of this Court to schedule a Hearing, or for Ruling without a Hearing, unless the parties agree upon the relief sought in which case an Agreed Judgment Entry is to be prepared and signed by counsel for the parties or by a party who is not represented by counsel. **Any such Agreed Entry will be prepared for signature by both the Judge and the Magistrate.**

12.6 Unless an Order is issued by the Magistrate or a Judge indicating otherwise, all Domestic Relations cases and filings will be heard by the Magistrate. All documents related to such actions must be filed by the parties or their attorneys with the Clerk of the Court. Any such filings the parties or their attorneys want to immediately bring to the Magistrate's attention must be only copies and must be clearly marked "Copy," and must be directed by the parties or their attorneys to the Magistrate's Office.

Bond for Failure to Appear Before the Magistrate

12.7 Juvenile Rule 40 (C) (2) (e) allows the Magistrate to issue an attachment for an alleged contemnor who fails to appear at a scheduled Court Hearing and to set a bond to secure the alleged contemnor's presence in Court in the future. Such a bond may be set pursuant to Criminal Rule 46. Moreover, the Court/Magistrate may also in **addition** set a "special" personal recognizance bond without waiting to secure more of the information outlined in Criminal Rule 46 (C). The Court/Magistrate in its discretion may allow a special personal recognizance bond by fixing an amount not to exceed the arrearages alleged by the Department of Job & Family Services (DJ&FS) which amount the alleged contemnor may post with the DJ&FS. The payment by the alleged contemnor is to be applied against his/her alleged arrearages. Such an act by the alleged contemnor may be accepted by the Court as an act of good faith that he/she is willing to purge himself/herself of any alleged contempt and may be the basis to justify a personal recognizance bond. When such payment to the DJ&FS is made known to the Sheriff's Department by the DJ&FS, then the Sheriff may release the alleged contemnor on his own personal recognizance, but only **after** the Sheriff's Office

relays to the alleged contemnor the date, time, and place of the next scheduled Court Hearing at which the alleged contemnor is expected to appear.

Ex Parte Motions

- 12.8** If an affidavit alleges a situation so dangerous that serious physical harm is likely to a household or family member, or alleges that the Affiant merely requests to continue the **status quo** which has existed for a substantial period of time, the Magistrate may grant an appropriate temporary Ex Parte Order. However, the Magistrate shall schedule an immediate Hearing or provide an opportunity for a Hearing. Such Hearing date can be included in the Ex Parte Entry or in the event no date is provided, such Entry will reflect a Hearing to be expeditiously scheduled, if requested by the other party.
- 12.9** If an Affidavit or testimony established that one of the parties has already been removed from the residence by Court Order, or has left the residence, then the Magistrate may issue an Ex Parte Order granting exclusive possession of the home to the party remaining in the home.
- 12.10** Ex Parte Orders will be granted on Affidavits alone for mutual Orders not to remove the pre-existing residence of the children from Belmont County, Ohio.
- 12.11** The parties may seek a **Standard** Mutual Restraining Order as outlined below in DPR 6 with an Affidavit so as to keep the peace between the parties regardless of a determination of fault, to immediately lessen the possible adverse impact of the Divorce on children, to preserve the marital property for later division, and to preserve the status quo.
- 12.12** Either party may request the Magistrate by Affidavit that both parties are restrained from one, or more, or all of the following:
- (A) Threatening, abusing, annoying, interfering with the other party or the parties' child(ren);
 - (B) Creating or incurring debt (such as credit card) in the name of the other party or in the parties' joint names, or cause a lien or loan to be placed against any of

their real or personal property;

- (C) Selling, disposing of, or dissipating any asset, real or personal property, including without limitation: bank accounts, tax refunds, and money (other than regular income) of either party of a child.
- (D) Removing household goods and furnishings from the marital residence without approval of the Court or other party.
- (E) Changing or failing to renew the present health, life, home, automobile or other insurance coverage; remove the other party as beneficiary on any life or retirement benefits without further Order of this Court.
- (F) Changing or establishing a new residence for the parties' minor children without the written consent of the other party or permission of the Court.
- (G) Lessening the time available for the other party to spend with the parties' minor children so that such time is much less than before the filing of the Divorce complaint.

These restraints may be imposed by the Court's Standard Mutual Restraining Order, which is attached as **Domestic Relations Form 101, Appendix B to Local Rule 12**. Domestic Relations Form 101 may be modified to delete any restraints the party is not seeking. The party securing the Order is deemed to have notice of the Mutual Restraining Order when the Order is filed with the Clerk.

12.13 All other requested Ex Parte Order will not be granted without scheduling a Hearing. All Ex Parte Hearings will proceed with sworn testimony on the record and other appropriate evidence to show the need for the Order. Local Rule 6 also applies for Motions before the Magistrate. A date for Hearing must be secured from the Magistrate's Office either by the moving attorney or by the Clerk of Courts, and the moving party must make a good faith effort to serve That Hearing date on the opposing party or his/her counsel.

Domestic Relations Procedures

12.14 This local Court Rule adopts the Court's promulgated **Domestic Relations Procedures**, which are attached as **Appendix A to Local Rule 12** and have been promulgated by the Court with the assistance of the Magistrate's Office for the more efficient and just processing of Domestic Relations matters.

Appendix A
Rule 12 DR PROCEDURES

PREAMBLE

The following procedures are promulgated by the Court for Proceedings before the Magistrate and Judges of the Belmont County Court of Common Pleas, Juvenile Division on Domestic Relations matters. However, a Judge or Magistrate may deviate from these procedures if in a particular case a Judge or Magistrate finds the interest of justice requires a different procedure.

These Domestic Relations Procedures have been placed under separate cover from the Local Rules to distinguish them from the Rules and to facilitate future amendments by the Court and the Magistrate's Office.

DOMESTIC RELATIONS PROCEDURES / MAGISTRATE'S OFFICE

Supplemental Identification Information

DRP-1 Plaintiff is required to list his/her date of birth on the Complaint, and if known also the Defendant's date of birth. If Defendant files an Answer, and if Plaintiff has not or has inaccurately listed Defendant's date of birth, then Defendant must list his/her own date of birth in the Answer.

Pretrial Orders

DRP-2 Any Order which is not a Final Judgment, or a Final Resolution of a Post Judgment issue in a pending domestic relations action need only be signed by the Magistrate. Such Entries will be prepared by the Magistrate or one of the attorneys pursuant to the Magistrate's direction and submitted for the Magistrate's signature. Juvenile Rule 40(C)(3)(b) provides:

Any person may appeal to the Court from any Order of a Magistrate entered under division (C)(3)(a) of this rule by filing a motion to set the Order aside, stating the party's Objection with particularity. The Motion shall be filed no later than **ten** (10) days after the Magistrate's Order is entered. The pendency of a Motion to set aside does not

stay the effectiveness of the Magistrate's Order **unless the Magistrate or the Court grants a stay.**

Magistrate's Decisions

DRP-3 When a Magistrate's Decision in a Domestic Relations Action or a Post Judgment Motion is made by the Magistrate, the status (waiver or non-waiver) of the fourteen (14) day period to object the Magistrate's Decision will control how the Magistrate's Decision is prepared.

DRP-4 When the parties waive the fourteen (14) day Objection period of Juvenile Rule 40 in writing or in open Court, the Magistrate or the attorneys at the direction of the Magistrate will prepare:

- (A) A Docket Entry for the Magistrate's signature memorializing that the Final Hearing has been held.
- (B) A Decision memorializing the Divorce, Dissolution, or Final Motion Ruling which includes the fourteen (14) day waiver for the signature of the Magistrate **and the Judge.**
- (C) If the Judge chooses not to adopt the Magistrate's Decision, the Judge may direct the attorneys or the Magistrate's Office to prepare an appropriate Decree, Judgment, or Special Entry memorializing a Final Motion Ruling, or the Judge will prepare his/her own Decree, Judgment, or Final Motion Ruling.
- (D) When the Decree, Judgment, or Final Motion Ruling is filed with the Clerk of Courts, the Clerk will serve it on each party and each attorney of record as required by law.

DRP-5 If either one of the parties does not waive the fourteen (14) day Objection in open Court or, if the matter is submitted to the Magistrate for his/her decision after the Hearing, then the entry will be prepared as follows:

- (A) The Docket Entry memorializing the Hearing will be prepared by the Magistrate's Office, or by an attorney, as directed by the Magistrate and submitted for the Magistrate's signature.

- (B) The Magistrate's Decision will be prepared by the Magistrate, or by an attorney as directed by the Magistrate and submitted for the Magistrate's signature. The Magistrate's Decision shall conclude by stating each party has a right to object to the Magistrate's Decision within fourteen (14) days of its filing with the clerk and include conspicuous language stating a party shall not assign as error on appeal the Court's adoption of any finding of fact or conclusion of law in that Decision unless the party timely and specifically objects to the finding or conclusion as required by Juvenile Rule 40.
- (D) The Magistrate's Decision will be filed with the Clerk and a time-stamped copy will be served on each party and/or attorney of record by the Clerk as required by law.
- (E) If the Magistrate's Decision was prepared by an attorney at the direction of the Magistrate, that attorney will also prepare a Decree, Judgment, or Final Motion Ruling which conforms with the Magistrate's Decision for possible signature by the Judge. If the Magistrate's Decision was prepared by the Magistrate's Office, then the Magistrate will prepare a Decree, Judgment, or Final Motion Ruling which conforms to the Magistrate's Decision for possible signature by the Judge.
- (F) The Magistrate's Office will diary the fourteen (14) day Objection period for follow up. After fourteen (14) days the Magistrate's Office will forward the file, any Objections, and the proposed Judgment, Decree, or Final Motion Ruling to the assigned Judge for review.
- (G) If the Judge chooses not to accept the Magistrate's Decision, the Judge will direct an attorney, or the Magistrate to prepare an appropriate Decree, Judgment, or special entry memorializing a Final Motion Ruling, or the Judge will prepare his/her own Decree, Judgment, or Final Motion Ruling.

- (H) When the Decree, Judgment, or Final Motion Ruling is filed by the Judge with the Clerk of Courts, the Clerk will serve it on each party and/or each attorney of record as required by law.

DRP-6

Any Entry, Order, or Decision the Magistrate directs counsel to prepare and circulate to opposing counsel is to be filed with the Magistrate within fourteen (14) days, or whatever other time the Magistrate may fix. Failure to do so, without having received an extension, may result in the Magistrate scheduling a Hearing for the attorneys and/or parties to show cause why one or more of them should not be held in contempt, and sanctioned appropriately. If the counsel who prepares an Entry, Order or Decision of the Magistrate submits to the Magistrate a letter (which has been copied to all other counsel) indicating the following:

- (A) the amount of time given by the Court to file the Entry has expired;
- (B) the Entry has been forwarded to opposing counsel by facsimile or mail on a specified date; and
- (C) opposing counsel has not approved the accuracy of the Entry by signing the Entry and has not notified opposing counsel that there are inaccuracies in the Entry

then the Magistrate may sign the Entry and file it without written approval of the Entry's accuracy by opposing counsel.

DRP-7

Any **Final Orders** recommended by the Magistrate's Decision do not become effective until the Court decided any Objections, and until they are adopted by the Judge issuing the Court's final Judgment entry.

DRP-8

Any **Temporary Orders** issued by the Magistrate ordering the parties to undertake certain actions pending the Judge's Final Judgment Entry will serve as the interim order of the Court while awaiting a Court Ruling on any Objections to a Magistrate's Order or Decision. If an objecting party wants any or all parts from such Magistrate's Order or Decision suspended while that party's Objections are being considered by the Judge, then the party may so request in his Objections to the Court. The Court may grant such a request while considering the Objections

and without a Hearing. The Court may issue new Interim Orders as the Court finds appropriate. Any Objection requesting Interim Orders different than the Magistrate's Decision should be accompanied by a proposed Entry for the Court's review reflecting the party's proposed Interim Orders.

Transcripts

DRP-9 Magistrate's Hearings will be transcribed on digital audio tape or CD disc. If the objecting party does not indicate a written transcript will be filed, the Court will listen to the tape when considering any Objections.

DRP-10 The objecting party shall make specific reference to the testimony objected to and to any case or statutory law that supports the party's objection. [Juvenile Rule 40 (E)(3)(b)]

DRP-11 Any party has the option of paying to have the disc transcribed and filed with the Court. The party filing the Objection and indicating a written transcript will be filed has forty (40) days from the date the Objection is filed to file the transcript. If the transcript is not filed within forty (40) days, the Court can listen to the tape rather than waiting for the transcript to be filed. If a party is seeking to secure a written transcript, he must so advise the Court in writing when he filed his Objection. If either the objecting or responding party seeks to submit a written transcript, that party must advise the Court within fourteen (14) days of the filing of the Objection as to what arrangements have been made to secure a written transcript and when it is expected to be filed.

DRP-12 The following procedure shall be undertaken by the party seeking a written transcript:

- (A) The party shall confer with all the Court-Employed Court Reporters to determine **arrangements for filing a transcript.**
- (B) If the Court-employed Court Reporters are unable to complete the transcript within the time frame **required by this rule, then** the party seeking the transcript is to advise the Clerk of the

Magistrate's Office in writing that the Court-Employed Court Reporters are unable to complete the transcript.

- (C) If the Clerk of the Magistrate's Office has time and is able to prepare a transcript, the Clerk will proceed to do so. The Clerk of the Magistrate's Office may charge a reasonable fee for such service.
- (D) If the Clerk of the Magistrate's Office is unable to prepare the transcript, then the party seeking the transcript may hire a private Court Reporter to transcribe the proceeding.
- (E) The Clerk of the Magistrate's Office will provide the tape or disc of the proceedings to the appropriate Court Reporter when notified by the party in writing as to which **Court Reporter** will be doing the transcription.

Failure to expeditiously proceed to secure or to make arrangements to secure a written transcript for filing within the forty (40) days following filing of the Objection may be sufficient reason for the Court to proceed to address any Objection without a written transcript.

Objections to the Court

DRP-13 Objections must be filed with the Clerk and a copy sent to the Magistrate. Civil Rule 40 (E) (3) (b) clearly requires Objections to be "specific and state with particularity the grounds of Objection." However, the initial timely Objection may be non-specific and without particularity, if the Objection specifically states that such specificity or particularity will be forthcoming in a written brief which shall be filed within a **specific time in the near future** due to good cause. Such good causes may be, but are not limited to:

- (A) The attorney's schedule.
- (B) The parties are discussing, resolving, or settling some or all issues.

- (C) The parties are awaiting another Magistrate’s Decision or Order which may make the Objection moot.
- (D) The party is having a written transcript prepared for review and filing.

The opposing party has seven (7) days to respond to the Objection or the subsequently filed written brief. (See Civil Rule 40 (E) (3) (a))The opposing party may seek written extensions from the Court for good cause shown. However, if neither a timely written response nor a timely written extension is filed, the Court will proceed to review and decide the Objection as permitted by the Court’s schedule ten (10) days after the objecting party’s brief was filed. [See Civil Rule 40 (E) (3)]

DRP-14 The Court requires citations of authorities regarding any disputed legal issue which have not already been briefed in writing before the Magistrate.

Domestic Relations Cases with Children

DRP-15 If minor children are involved in a Domestic Relations case, one or both of the parties must file an IV-D Application before there will be a Hearing before the Magistrate on **any** issue. Before the Magistrate will issue his/her Decision, one or both of the parties must file a Child Support Guideline. The Magistrate or Judge may require each party to file a Certificate of Attendance at the Divorce and Blended Family Program (DBFP) or its equivalent. **A Child Support Guideline must be filed even if the parties have agreed to deviate from the results of a properly prepared guideline.** All parents of minor children who are parties to a Domestic Relations case involving the custody of children may, in the discretion of the Magistrate or Judge, be required to attend a Domestic Relations education program offered by the Ohio State University Extension, Belmont County, Ohio or an equivalent program.

DRP-16 If one or both parties want a Guardian Ad Litem (GAL) appointed, counsel should file a written Motion with the Magistrate’s Office for such an Appointment prior to Hearings being scheduled or conducted. The **Magistrate** may Order the party or parties who requested a GAL to post a deposit not to exceed \$1,000.00 for payment of the GAL for his/her service.

DRP-17 If one or both parties want the Magistrate to conduct an interview in chambers with one or more children, counsel should contact the Magistrate’s Office to schedule such an interview in the Magistrate’s Office either before or after any Hearings scheduled before the Magistrate. Counsel is to advise opposing counsel before making the request, and then is to advise opposing counsel as to the date, time, and location of any scheduled interview. If either counsel wants, they may submit questions of areas of concern to the Magistrate for his/her review before the interview. Such interviews will be tape recorded by the Magistrate.

DRP-18 **A child custody information affidavit must be filed when the plaintiff filed the complaint. (See R.C. 3109.27) Domestic Relations Form 102 attached to these rules is a model of such an affidavit.**

Appeal of Child Support Orders

DRP-19 When an attorney or party appeals to this Court a DJ&FS child support Order or modification Order, or when an attorney or party seeks a child support Order, or modification before this Court, the attorney is to prepare and submit to the Court before, or at the hearing a child support guideline with the figures the appellant contends are appropriate.

Contesting or Seeking the Award of a Tax Exemption for a Child

DRP-20 Awarding the tax exemption to the non-residential parent so the parent will get a greater benefit is not **by itself** a sufficient reason to award the tax exemption to the non-residential parent. Ohio has a long standing presumption in favor of awarding the tax exemption to the residential parent. *See Love v. Rable, 147 Ohio App.3d 63, 70 (Van Wert County, 2001)*. R.C. §3119.82 has codified the circumstances which may support an award of the tax exemption to the non-residential parent.

Pro Se Complaints and DR Motions

DRP-21 The Magistrate will hear Pro Se Complaints. However, Pro Se litigants must comply with all necessary laws, rules of procedure, and local rules. In particular, Pro Se Complaints involving children will not be heard unless an IVD Application is filed, a Child Support Guideline is properly prepared and filed, and when required, there has been attendance at the Divorce and Blended Family Program, or an equivalent program. However, the Court reserves the right to deny

any Pro Se Complaint, if the Court believes that granting such Pro Se Complaint may not result in a just disposition of the apparent legal issues.

DRP-22 **If a Legal Clinic is operating in Belmont County, any contested Pro Se filing must be discussed by the filing party with the Legal Clinic before the matter will be scheduled for Hearing. The filing party must file with the Clerk a document from the Legal Clinic within sixty (60) days of the original filing indicating that the matter has been reviewed with the Clinic, and the manner in which the party now chooses to proceed before the Court (e.g. the party has been advised how to proceed him/her self without counsel, or the party is securing counsel by a date certain). Failure to file such documentation may be a sufficient reason to dismiss whatever the party has filed.**

Contempt

DRP-23 Motions for Contempt will not be scheduled for Hearing by the Magistrate unless (1) they clearly refer to the **language** of a specific Court Order which the contemnor violated, and (2) they clearly recite specific actions or non-actions by the alleged contemnor on specific dates which constitute the alleged contempt. Without specific written allegations, the Magistrate may dismiss the motion without a Hearing.

DRP-24 If jail time is a possible sanction, the Magistrate will appoint to an indigent, alleged contemnor, counsel at public expense. However, to secure counsel, the alleged contemnor must timely fill out and notarize a financial affidavit which the Magistrate will review to determine if he/she qualifies for the Court appointed counsel. **No counsel will be appointed for a Pro Se party seeking to hold another party in contempt.**

Civil Protection Affidavit

DRP-25 When filing for a Civil Protection Order, the Petitioner must complete the Affidavit attached to the Domestic Relations Procedures as Domestic Relations Form 106 and must attach a true copy of any No Contact Order or the application for a No Contact Order in any other Court.

STATE OF OHIO, COUNTY OF BELMONT
IN THE COURT OF COMMON PLEAS,
JUVENILE DIVISION

_____	:	
Plaintiff	:	
	:	MUTUAL RESTRAINING
	:	
	:	ORDER
Vs.	:	
	:	
	:	Case No. _____
_____	:	
Defendant	:	

Pursuant to Local Rule 12, and the Affidavit filed by the Movant, during the pendency of this action or pending further Court Order, **neither** party shall:

1. Threaten, abuse, annoy or interfere with the other party or the parties' children;
2. Create or incur debt (such as a credit card) in the name of the other party or in the parties' joint names or allow a lien or loan to be placed against any of their real or personal property;
3. Sell, dispose of, or dissipate any of their real or personal property, including money (other than regular income) of either party;
4. Remove household goods and furnishings from the marital residence without approval of the Court or other party;
5. Change or fail to renew the present health, life, home, automobile, or other insurance coverage;
6. Remove the other party as beneficiary on any life or retirement benefits without further order of this Court;
7. Change or establish a new residence for the parties' minor children without the written consent of the other party or permission of the Court;
8. Lessen the time available for the other party to spend with the parties' minor children so that such time is much less than before the filing of the Divorce Complaint.

If either party requests a Hearing on any part of this order, that party's counsel is to contact the Magistrate's Office at 740-695-5034 for the scheduling of a Hearing as soon as the Docket permits.

IT IS SO ORDERED.

Dated: _____

Amy Busic - MAGISTRATE

Proof of Service

A copy of the foregoing Mutual Restraining Order has been served on the other party (choose one of the following methods)

(with the Summons), (with the Complaint), (with the Answer), or
(other (describe))
this ___ day of _____, 20 ____.

Attorney for Plaintiff / Defendant

Appendix B Form 102

STATE OF OHIO, COUNTY OF BELMONT
IN THE COURT OF COMMON PLEAS,
JUVENILE DIVISION

_____	:	AFFIDAVIT
Plaintiff	:	CHILD CUSTODY
INFORMATION	:	
	:	
Vs.	:	Pursuant to R.C. 3109.27
	:	
_____	:	Case No. _____
Defendant	:	

_____, being duly sworn, states as follows concerning the reallocation of parental rights and responsibilities of the minor child(ren) in this action, to wit: ___

- Beginning with the child(ren)'s present address, state where the child(ren) lived within the last five (5) years, the names and present addresses of the person with whom the child(ren) lived during that period.

Places the child(ren) have lived and the duration:

Persons with whom child(ren) lived and their present address:

At: _____
From: _____ **To:** _____

With: _____
Now At: _____

At: _____
From: _____ **To:** _____

With: _____
Now At: _____

At: _____
From: _____ **To:** _____

With: _____
Now At: _____

At: _____
From: _____ **To:** _____

With: _____
Now At: _____

(Please circle the appropriate (have / have not) or (do / do not)) :

2. I (have / have not) participated as a party, witness, or in any other capacity in any other litigation concerning the custody of the child(ren) in this or any other state. **If so, list where and when.**

3. I (do / do not) have any information about any parenting proceeding concerning the child(ren) pending in a Court of this or any other state. **If so, indicate the case number, and the name and address of the Court.** _____

4. I (do / do not) know of any persons to this proceeding who claim to have physical custody or claims to be the child(ren)'s parent, or is designated as a residential parent and/or legal custodian, or visitation and/or parenting time with respect to the child(ren). **If so, please explain.**

5. I (have / do not have) information about whether or not a party to this proceeding has been convicted or pled guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child or in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abuse or neglect that was the basis of the adjudication. **If so, please explain.** _____

I understand that I have a continuing duty to inform the Court of any parenting proceeding concerning this or any other state of which I obtain information during this proceeding.

Dated: _____

Name (Affiant)

The Affiant being duly sworn under oath states that the information in this Affidavit is to the best of the Affiant's knowledge true and accurate.

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public

Proof of Service

A copy of the foregoing Child Custody Information Affidavit has been served on the other party (choose one of the following methods: (with the Summons), (with the Complaint), (with the Answer), or (other (describe)) _____
_____ this ___ day of _____, 20__.

Attorney for Plaintiff/Defendant

Rule 12(A) – Guardian ad Litem’s (G.A.L.’s)

12(A).1 This Court shall comply with the requirements of Ohio Superintendence Rule 48 and shall enforce the Rule’s requirements as the same pertains to the Court and all Guardian ad Litem’s.

12(A).2 The Court hereby establishes the position of Guardian ad Litem Clerk who shall ensure that the requirements of Super Rule 48 are maintained. In addition to the requirements of Super Rule 48, the Clerk shall:

- (A) establish a list in a random order and appoint G.A.L.’s from said list in an established order. The clerk shall keep track of the number of cases each G.A.L. is assigned to and make the assignment of cases as equitable as possible.
- (B) the G.A.L. clerk shall cause to be conducted a criminal and civil background check of all G.A.L.’s who are qualified by this court on and after March 1, 2009. The background check shall include an Ohio BCI&I check, Federal criminal background check, and a state and county criminal and civil background check for all states and counties in which the G.A.L. applicant has resided within the last 5 years. This information shall be maintained by the G.A.L. clerk in accordance with Rule 48 and shall be reviewed by the Administrative Judge.
- (C) during the month of March each year, the G.A.L. clerk shall review the file of each qualified G.A.L. and determine whether the G.A.L.’s have received all necessary trainings, all G.A.L.’s have filed the certification form (**Form Appendix A**), and review any complaints regarding the G.A.L.
- (D) the clerk shall immediately make the administrative judge aware of any complaints that have been filed against a G.A.L.

12(A).3 The administrative judge shall in its discretion act upon any complaint filed against a G.A.L. and take any action which the Judge deems necessary against the G.A.L., including dismissal from a particular case and termination as a court

approved G.A.L. All complaints must be in writing and signed by the complainant. **(Form Appendix B)**

12(A).4 This Court hereby approves the following six (6) hour local training: Annual Conference on Promoting Healthy Attachments.

12(A).5 The Court shall pay attorney G.A.L.'s through the Public Defender Office at the customary rate for assigned counsel. Non-attorney G.A.L.'s shall be paid seventy-five dollars (\$75.00) per case (multiple cases, one (1) family, one (1) fee). Mileage shall also be paid in accordance with the customary rate established by the Belmont County Commissioners.

Appendix A

Guardian ad Litem Certification

I hereby certify that I am unaware of any circumstance that would disqualify me from serving as Guardian ad Litem.

I have complied with all requirements in Ohio Superintendence Rule 48.

I have attended the following Guardian ad Litem approved trainings:

Signed this ___ day of _____, 20__.

Guardian ad Litem

Appendix B

Guardian ad Litem Complaint Form

I, _____, hereby register the following complaint or concern against Court appointed Guardian ad Litem _____. This complaint is with regard to the Guardian ad Litem’s duties in case number _____. I understand that this complaint or concern will be reviewed by the Administrative Judge, who may, in their sole discretion, act upon this information. The specifics of my complaint are as follows:

Signature

Address

STATE OF OHIO

COUNTY OF BELMONT, SS:

Before me a Notary Public personally appeared _____, who being first duly cautioned and sworn, says the facts in the foregoing complaint are true.

Notary Public