

IN THE COURT OF COMMON PLEAS

GEAUGA COUNTY, OHIO

IN RE: LOCAL RULES OF COURT : JUDGE FORREST W. BURT
: **ORDER OF THE COURT**

IT IS HEREBY ORDERED that Geauga County Rule 11 is hereby amended as follows:

**RULE 11. DIVORCE, LEGAL SEPARATION, ANNULMENT, & DISSOLUTION
OF MARRIAGE**

A. General

1. Divorce pleadings and exhibits shall not contain the Social Security numbers, driver's license numbers or account numbers for financial accounts. Each party shall complete a Family Law Sensitive Information Sheet to be submitted to the Court and to Child Support Enforcement Division. The information is not available to the public.

2. Parenting investigations in domestic relations matters shall be had only by agreement of the parties at the parties' cost, or as ordered by court pursuant to law. An investigative report shall not be admissible at trial unless otherwise agreed by the parties or ordered by the Court. Also see subparagraph G of this Rule regarding guardian ad reports .

3. Mandatory Disclosure: Within thirty (30) days of the service of an action for divorce or legal separation, each party shall submit to opposing party or counsel:

f A recent pay stub or equivalent

f Tax returns for the prior three tax years including all schedules

f A copy of a health insurance card, if any

f A list of current monthly expenses

f Child care expenses, if any

f Cost of health insurance for the children

In addition, each party shall cooperate to produce information requested by the other party in discovery.

B. Mutual restraining orders, emergency ex parte orders, and Civil Rule 75 Motions:

1. Upon the filing of a Complaint for Divorce, on its own motion the Court may automatically issue a standard mutual restraining order as to the parties' conduct and assets. The standard mutual restraining order shall be served by the Clerk of Courts on parties or their counsel. The Clerk shall also serve both parties or counsel with a copy of Local Rule 11(A)(3) as to Mandatory Disclosure.
2. All ex parte requests shall be by written motion with supporting affidavit stating with specificity the grounds and facts supporting the allegation of irreparable harm. Emergency ex parte orders will only be granted where there are exigent circumstances that may result in irreparable harm for which there is no other remedy. Any ex parte motion which is denied shall be set for hearing within twenty-eight (28) days of the request by either party. Any ex parte motion which is granted shall be set for hearing within twenty-eight (28) days upon request of either party. Abuse of ex parte motion filing procedures may subject an attorney or pro se litigant to the imposition of appropriate sanctions, including but not limited to, an award of attorney's fees or a finding of contempt.
3. Motions for temporary child support, temporary spousal support, and temporary allocation of parental rights and responsibilities shall comply with Rule 75(N) of the Ohio Civil Rules of Procedure and with Local Rules of Court.
4. The Court may make orders for temporary support and/or parenting orders without oral hearing in accordance with the provisions of Civil Rule 75(B), or the Court may set such issues for hearing.
5. All ex parte orders for vacation of marital premises by one of the parties shall recite that:
"Should 'J. Doe' fail to immediately obey this order to vacate, the officer serving it shall forthwith remove 'J. Doe' from the premises."
6. All orders of temporary support, temporary spousal support, or temporary parenting orders shall be made in accordance with Geauga County Local Rule 3(B)(2)(b).
7. All temporary orders of spousal support, parenting orders or temporary child support and/or Health Insurance Order shall become effective on the date of filing of the Complaint, Answer or Counterclaim, or Motion requesting the temporary support or parenting order unless the Court in its order specifically designates a different effective date.

C. After any temporary spousal support, parenting, child support order or Health Insurance Order is journalized, it may be modified pursuant to oral hearing upon a written request filed with the Clerk of Courts. A request for oral hearing shall not suspend or delay the commencement of

spousal support or child support payments previously ordered or change the parenting schedule until the order is modified by order of the Court.

D. Final decree judgment entries shall declare the amount of arrearages due, if any, on temporary spousal support and child support orders, as of the date of the trial granting the divorce, otherwise such balance shall be deemed zero.

E. Local Rules 6(F), 8(A), 8(B), and 8(C) shall also apply in actions for divorce, legal separation, and dissolution of marriage.

F. STANDARD PARENTING TIME GUIDELINES, ORC§3109.051(F)(2).

Liberal time between parents and their children is encouraged. It is hoped that the parties can voluntarily arrive at mutually agreeable schedules. In the event they cannot agree, and unless otherwise ordered, parenting time shall not be less than the following:

1. WEEKDAYS AND WEEKENDS

a. CHILDREN FROM BIRTH TO TWO MONTHS:

Two weekly times for two hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Saturday from 2:00 p.m. to 4:00 p.m. and every Tuesday from 6:00 p.m. to 8:00 p.m.

b. CHILDREN TWO MONTHS TO 12 MONTHS:

Two weekly times for 2-6 hours on the days and times the parties can agree. If the parties cannot agree, then the days shall be every Tuesday from 5:00 p.m. to 8:00 p.m. and every Saturday from 2:00 p.m. to 8:00 p.m.

c. CHILDREN 12 MONTHS TO 24 MONTHS:

Every Wednesday from 5:00 p.m. to 8:00 p.m. and every weekend from Friday at 6:00 p.m. to Saturday at 6:00 p.m.

d. CHILDREN 24 MONTHS AND OLDER:

Every Wednesday from 5:00 p.m. to 8:00 p.m. and alternating weekends from Friday at 6:00 p.m. to Sunday at 6:00 p.m.

2. HOLIDAYS

	EVEN	ODD	
HOLIDAY	YEARS	YEARS	DAYS/TIMES
1. Martin Luther King Day	father	mother	9:00 a.m. to 8:00 p.m.
2. President's Day	mother	father	9:00 a.m. to 8:00 p.m.

3. Easter Sunday	father	mother	9:00 a.m. to 8:00 p.m.
4. Memorial Day	mother	father	9:00 a.m. to 8:00 p.m.
5. Fourth of July	father	mother	9:00 a.m. to 11:00 p.m.
6. Labor Day	mother	father	9:00 a.m. to 8:00 p.m.
7. Thanksgiving	mother	father	6:00 p.m. Wed. to Fri. at 8:00 p.m.
	father	mother	8:00 p.m. Fri. to Sun. at 8:00 p.m.
8. Christmas Eve	mother	father	9:00 a.m. 12/24 to 10:00 a.m. 12/25
9. Christmas Day	father	mother	10:00 a.m. 12/25 to 8:00 p.m. 12/26
10. New Year's Eve	mother	father	6:00 p.m. 12/31 to 1:00 p.m. 1/1
11. New Year's Day	father	mother	1:00 p.m. to 8:00 p.m.

3. DAYS OF SPECIAL MEANING

- a. Mother's Day shall be spent with the mother from 9:00 a.m. to 8:00 p.m.
- b. Father's Day shall be spent with the father from 9:00 a.m. to 8:00 p.m.
- c. The children's birthdays shall be spent with the mother in even-numbered calendar years, and with the father in odd-numbered years. Parenting time shall be from 5:00 p.m. to 8:00 p.m. if the birthday is on a school day, and from 9:00 a.m. to 8:00 p.m. if the birthday is not on a school day. Siblings shall be included in the birthday parenting time.
- d. Each parent's birthday shall be spent with that parent from 5:00 p.m. to 8:00 p.m. if the birthday is on a school day, and from 9:00 a.m. to 8:00 p.m. if the birthday is not on a school day.

4. WINTER BREAK

Winter break shall be divided equally between the parties. In odd-numbered years, the mother shall have the children the first half, and the father shall have the children the second half of winter break. In even-numbered years, the mother shall have the children the second half, and the father the first half of winter break. Winter break begins at 6:00 p.m. on the last day of school before the break and ends at 6:00 p.m. the day before school recommences. Christmas Eve,

Christmas Day, New Years Eve and New Year's Day shall not be included in calculating the equal number of days to which each parent is entitled.

5. SPRING BREAK

Spring break shall be divided equally between the parties. The parent having possession on Easter Sunday shall have possession during the half of spring break that includes Easter Sunday, or the second half of the spring break if spring break does not include Easter Sunday; the other parent shall have possession during the other half of the spring break. Spring Break begins at 6:00 p.m. on the last day of school before the break, and ends at 6:00 p.m. on the day before school recommences. Easter Sunday shall not be included in calculating the equal number of days to which each parent is entitled.

6. SUMMER VACATION

a. FOR CHILDREN AGE 12 MONTHS TO 24 MONTHS:

Two weeks parenting time for each parent, to be exercised in periods of no longer than one week at a time.

b. FOR CHILDREN 24 MONTHS AND OLDER:

Three weeks parenting time for each parent, to be exercised in periods of no longer than two consecutive weeks at a time.

The non-possessory parent shall provide written notice to the other parent by May 1 each year of the dates he or she intends to exercise summer vacation parenting time. The possessory parent shall provide written notice to the other parent by May 15 each year of the dates he or she intends to exercise summer vacation parenting time. If there is a conflict between the parties as to the dates of summer vacation parenting time, the father's dates shall be given priority in odd numbered years, and the mother's dates shall be given priority in even numbered years. Vacation possession must be exercised in minimum periods of seven (7) days. Unless otherwise agreed, summer vacation parenting time shall begin on Sundays at 6:00 p.m.

7. TELEPHONE CONTACT

Each parent may have telephone contact with the children once per day when the children are with the other parent. Each parent has the right to reasonable calls when the child is on vacation with the other parent. Telephone calls should be made during the normal hours the child is awake, and if the child is unavailable, each parent shall take the responsibility of seeing that the child timely returns the call. The child should be permitted to call the other parent if the child so requests. Telephone calls shall be reasonable in duration and not disruptive to the parenting time of the parent in possession. The same rules shall apply with respect to texting and other forms of electronic communication.

G. GENERAL RULES FOR PARENTING TIME

1. **Precedence.**
 - a. Holiday parenting time and days of special meaning shall take precedence over all other parenting time.
 - b. Vacation parenting time shall take precedence over regular weekend/midweek parenting time.
 - c. If a holiday or day of special meaning falls on a day immediately preceding or following that parent's regular parenting time, then the parenting time will be continuous.
 - d. A holiday or day of special meaning that falls on a weekend shall be spent with the parent who is designated to have the children for that holiday, and the other parent shall have the children for the rest of the weekend.
 - e. The alternating weekend schedule shall not change, even if interrupted or superseded by holiday, birthday, vacation, make-up, or other parenting time.
 - f. Midweek or weekend parenting time that is missed due to the other parent's exercise of holiday, vacation or other special parenting time does not have to be made up.
2. **Older Siblings:** If a parent is exercising parenting time with the older sibling[s] of an infant child, the parenting time (except summer vacation, but including holidays, school breaks, and other special parenting time) set forth above for children ages 24 months and older shall govern infant visitation once the infant is twelve months old.
3. **Vacation Destination.** Each parent must provide the other parent with destination, times of arrival and departure, method of travel, and a telephone number where the parent may be reached, if the vacation will be outside the traveling parent's community.
4. **Summer School.** Summer school necessary for the child to pass to the next grade must be attended. Summer vacation parenting time may be scheduled during a mandatory summer school period, but the parent exercising parenting time must ensure that the child attends all classes.
5. **School Calendar.** If the children are not registered for school, for example if they are home schooled, or not of school age, summer, winter, and spring vacations will be determined based on the public school district in which the primary residential parent resides.

6. **Promptness.** Neither parent shall be more than thirty (30) minutes late picking up the children. If the non-residential parent is more than thirty (30) minutes late, parenting time is forfeited and shall not be made up. The parent with possession of the children shall make sure that the children are ready to be picked up at the scheduled time.
7. **Notice of Intent to Relocate.** A residential parent who intends to move from the residence specified in any order granting parenting time, shared parenting, custody or visitation must immediately file with the undersigned judge a Notice of Intent to Relocate. At the same time, copies of said Notice shall be served upon the other parent and the Geauga County Child Support Enforcement Division. Said Notice must be filed as soon as possible after the parent learns of the move. The Notice shall specify the time and place of relocation. The residential parent may seek, by motion, an order pursuant to R.C. 3109.054(G) that the other parent not be provided a copy of such Notice.

In addition, each parent is prohibited from permanently removing a child from Geauga County or its contiguous counties (Cuyahoga, Summit, Lake, Ashtabula, Trumbull and Portage) without first obtaining the written consent of the other parent or a court order granting permission to remove the child.

If a parent files a Notice of Intent to Relocate, either parent may file a motion to modify the possession schedule.

8. **Cancellation.** A parent shall give twenty-four (24) hour advance notice if the parent intends to cancel parenting time if possible. If not possible, then notification shall be as soon as possible under the circumstances. This time is forfeited and shall not be made up.
9. **Transportation.** The parent who is beginning his or her possessory period shall pick up the children. Unless otherwise ordered by the court or agreed by the parties, drop-off and pick-up shall be at the parents' respective homes.

If either parent is unavailable for the pick-up or delivery of the children, he or she must use an adult well known to the children and/or the other parent for this purpose. Any person driving the children must comply with all child restraint laws, including those pertaining to car seats. No person transporting the children may be under the influence of drugs or alcohol. Only licensed drivers may transport the children.

10. **Illness.** If a child is ill, the possessory parent should give twenty-four (24) hour notice, if possible, to the other parent. The non-possessory parent shall decide whether the parenting time should go forward. If any parenting time, including

weekend, holiday, birthday or vacation, is missed due to illness, then any missed parenting time shall commence the first weekend of the other parent's time, and shall continue during the other parent's weekends until made up in full, including partial weekends if necessary.

11. If a parent exercises parenting time when a child is ill, the possessory parent shall provide the other parent with any prescription medication and instructions for care of the child.
12. **Address and Telephone Numbers.** Each parent must, unless the court orders otherwise, keep the other parent informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.
13. **Children's Activities.** Scheduled parenting time shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.) The parent shall discuss such activities in advance, including time, dates and transportation needs, so that the child is not unreasonably deprived of activities. The parent who has the child during the time of the scheduled activity is responsible for transportation, attendance, and other arrangements. Neither parent shall schedule activities that interfere with the other parent's time without that parent's consent. The parent arranging the child's participation in the activity should provide all relevant information, including schedules, contact information, etc., to the other parent as soon as possible. Both parents are encouraged to attend all of the child's activities.
14. **School work.** Parents shall provide time for children to study and complete homework assignments, even if the completion of work interferes with the parent's plans for the children. Each parent is responsible for providing the other parent all school assignments and books that are necessary for the children to complete their assignments when in the possession of the other parent.
15. **Clothing.** Any clothing provided by a parent for the other parent's possessory time must be returned upon exchange of possession of the children. If the clothing must be laundered, it shall be laundered and returned to the other parent at the following visit.

H. Guardian ad litem

1. A guardian ad litem may be appointed by the Court when requested by either party or on the Court's own motion. Requests by a party shall be made in a timely manner so as not to inconvenience the Court or unduly delay proceedings.

2. The guardian ad litem is appointed by the Court to assist the Court and the parties in determining the best interests of the child or children by making an informed recommendation after investigating the following:

f Family relationships

f The child's performance and adjustment to school, community, friends, extended family if appropriate

f The child's health (mental and physical)

f The mental and physical health of other appropriate family members and caretakers, including evidence of alcohol and/or drug abuse and/or sexual abuse

f The child's wishes and desires, if appropriate

f Other factors affecting the child's best interest

3. The guardian ad litem shall have access to medical and school records, and shall be entitled to obtain Court Orders to allow mental and physical health care providers to provide information regarding the child to the guardian ad litem.

4. The guardian ad litem shall inform the child and others during investigation that there is no confidentiality obligation on the part of the guardian ad litem.

5. The guardian ad litem shall prepare a written report and recommendation as ordered by the Court.

6. The guardian ad litem shall attend all proceedings unless excused by the Court.

7. The guardian ad litem may testify at trial, call witnesses, and/or examine witnesses at trial as may be appropriate to assist the Court in determining the best interests of the child. The guardian ad litem may utilize subpoenas for the purpose of calling witnesses and/or obtain documents.

8. The guardian ad litem may not act as legal counsel representing the child, nor may the guardian ad litem give legal advice or act as a counselor or intermediary. If the guardian ad litem believes that the child's best interest requires an attorney to represent the child, the guardian ad litem may file a Motion for Appointment of Legal Counsel for the child accompanied by an Affidavit of the guardian ad litem in support thereof. If the guardian believes the child or other family members need counseling or other medical or psychological/psychiatric care, the guardian may file a motion for same with affidavit in support.

9. The guardian ad litem shall be paid an hourly rate set by the Court with a retainer set by the Court in its Order of Appointment. The guardian ad litem shall submit an itemized statement of services rendered at final trial or pursuant to Court Order. Allocation of fees for the guardian ad litem shall be subject to modification at trial if the fees were advanced by one or both parties.

IT IS FURTHER ORDERED that this Rule be filed with the Ohio Supreme Court and become **effective July 1, 2013.**

FORREST W. BURT
ADMINISTRATIVE JUDGE

DAVID L. FUHRY
PRESIDING JUDGE

cc: David L. Fuhry, Judge
Forrest W. Burt, Judge
Bruce Smalheer, Magistrate
Carolyn Paschke, Magistrate
Clerk of Courts
Law Library
Supreme Court of Ohio

IN THE COURT OF COMMON PLEAS
GEAUGA COUNTY, OHIO

IT IS HEREBY ORDERED GEAUGA COUNTY LOCAL RULE 11 IS AMENDED TO ADD SECTION I.

I. Mental Health Evaluations.

A mental health professional ("evaluator") may be appointed by the court to evaluate mental health questions raised by the Court, the guardian ad litem ("GAL"), or any party. Appointment may be on the Court's own motion at any time or the granting of a timely motion filed by the GAL or any party.

The evaluator shall perform a mental health evaluation in accordance with the Court's Order. The evaluator may access the private health information of the parents and children as well as educational and other relevant information.

The Court's Order expressly authorizes release of protected health information. *See* 45 C.F.R. 164.512(e). All health care entities must disclose all information covered by the Court's Order and requested by the evaluator. No health care entity may require a signed HIPAA release form.

Parties are required to waive their rights to protected health information and must promptly sign any HIPAA releases requested or demanded.

If a GAL and an evaluator are appointed in the same case, the evaluator and the GAL are authorized to communicate and to examine one another's reports and records.

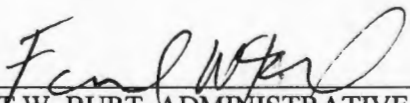
The evaluator shall prepare a signed written report, include any recommendations, and submit it to the Court under seal. It shall not be filed with the Clerk of Courts. Upon reasonable request, the report will be available to counsel of record and any party for review. The report shall not be copied, photographed, or removed from the Court.

The evaluator shall attend proceedings as required by the Court, may be called to testify at trial, and is subject to cross examination concerning the report.

The evaluator shall be paid an hourly rate set by the Court. A retainer may be set by the Court in its Order of Appointment; additional deposits may be ordered. The evaluator shall submit an itemized statement of services. Allocation of the evaluator's fee is subject to modification at trial.

It is ORDERED that this Rule be filed with the Ohio Supreme Court and become effective on

February 4, 2015.


FORREST W. BURT, ADMINISTRATIVE JUDGE