



THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
COUNTY OF MEDINA

99 PUBLIC SQUARE
MEDINA, OHIO 44256
(330) 725-9740

MARY R. KOVACK
Judge

**NOTICE OF CHANGES TO THE
LOCAL RULES OF THE
COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MEDINA COUNTY, OHIO**

The attached documents are changes to the Local Rules and forms of the Court of Common Pleas, Domestic Relations Division, Medina County, Ohio.

These changes will be filed with the Supreme Court and the miscellaneous docket of the Court of Common Pleas on or about June 1, 2011. It is anticipated these changes shall be fully implemented in practice by July 1, 2011.

These changes are offered for your comment until June 1, 2011.

Please realize that these changes are, for the most part, memorializing in writing the practice of the Court and ensuring compliance with new Supreme Court privacy rules that have come into existence since the Court's last promulgation of Local Rules. The truly substantive changes are to local forms regarding motions and affidavits for temporary orders and the notice of filing form (which is now a notice of submission). The other changes incorporate definitions and policies about what information is public and should be filed with the Clerk and what information is considered not fully public and should be submitted to the Court for consideration.

Please respond to the electronic publication of this information, or email the Court at medinadr@medinaco.org or write to the Medina County Domestic Relations Court, 99 Public Square, Medina, OH 44256, ATTN: New Rules.

Thank you for your input,

Judge Mary Kovack

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MEDINA COUNTY, OHIO**

**IN RE: AMENDMENTS TO THE LOCAL RULES OF THE COURT OF COMMON PLEAS,
DOMESTIC RELATIONS DIVISION**

These amendments codify the local practices and policies of the Domestic Relations Court as well as integrate into the Local Rules changes in the Ohio Revised Code and the Ohio Rules for the Superintendence of the Court.

The additions to the Local Rules are indicated in bold. Any removals of language are indicated by a line through language that is stricken.

2.01 FORM

The caption of all complaints, petitions, answers, counterclaims, post-decree motions, final orders and decrees shall set forth the **case number, prayer for relief or description of the action**, name, address, and date of birth, if known, of each party **unless otherwise ordered by the Court**. The pleadings shall also contain the birth dates of any minor children at issue in the proceedings **unless otherwise ordered by the Court**. The caption in all subsequent pleadings shall state the names of the parties, the case number and the name of the Judge, and Magistrate if applicable, to whom the case is assigned, **and a prayer for relief or description of the action unless otherwise ordered by the Court**.

The Clerk of Court shall not accept any document not in conformance with this rule. The Clerk shall direct any pleadings or documents not in conformance with this rule to be submitted to the custody of the Court for consideration by the Court and, in the Court's discretion, any such document shall be determined to be a pleading, correspondence or submission to the Court in conformance with Ohio Rule of Superintendence 44 or any other applicable federal, state or local rule. All submissions to the Court shall be accompanied by a Notice of Submission filed with the Clerk.

2.09 DEFINITION OF "FILE"

Pursuant to Ohio Rule of Superintendence 44(E) "file" means to deposit a document with a clerk of court, upon the occurrence of which the clerk time or date stamps and docket the document.

2.10 DEFINITION OF "SUBMIT"

Pursuant to Ohio Rule of Superintendence 44(F) "submit" means to deliver a document to the custody of a court for consideration by the court.

2.11 CASE DOCUMENTS

The Clerk of Court shall only accept case documents for filing unless otherwise ordered by the Court. Case documents are considered pleadings and related documents as

allowed by federal, state and local rules and statutes. All case documents must comply with the format requirements set forth in Rule 2.01. Any documents that appear to not be case documents shall be submitted to the Court for consideration pursuant to the Rules. The following are not case documents pursuant to Ohio Rules of Superintendence and Local Rules of Court:

- (a) A document or information in a document exempt from disclosure under state, federal or the common law or the Rules for the Government of the Bar.
- (b) Personal identifiers, as defined in division (H) of Rule 44 as social security numbers, except for the last four digits; financial account numbers, including but not limited to debit card, charge card, and credit card numbers; employer and employee identification numbers; and a juvenile's name in an abuse, neglect, or dependency case, except for the juvenile's initials or a generic abbreviation such as "CV" for "child victim."
- (c) A document or information in a document to which public access has been restricted pursuant to Rule of Superintendence 45(E), the Civil Rules, the Ohio Revised Code or the Local Rules of Court
- (d) Information on or obtained from the Ohio Courts Network, except that the information shall be available at the originating source if not otherwise exempt from public access;
- (e) Data feeds by and between courts when using the Ohio Courts Network.
- (f) Notes, drafts, recommendations, advice, and research of judicial officers and court staff.
- (g) Affidavits or other exhibits except as specifically authorized by these rules, the Civil Rules, the Rules of Superintendence of the Courts, or express permission of the Court.
- (h) Affidavits or other correspondence signed by minor children.
- (i) GAL reports, questionnaires or responses to the GAL.
- (j) Psychological, psychiatric and medical reports, correspondence or documents.
- (k) Financial exhibits including personal identifiers, business tax returns and related financial information, financial information relating personal and business assets and liabilities including appraisals, loan documents, credit and credit card information.
- (l) CPO reports intended for law enforcement.

2.12 FINANCIAL FILE

The Court shall maintain financial files that consist of all the financial information required by affidavit for R. 75 temporary orders, information required for the CSEA and any other financial exhibits that contain personal identifiers as defined by Ohio and Federal Rules. This information shall be submitted to the Court and not filed with Clerk. These files shall be available for inspection at the Court by counsel of record for the case and, if a party is unrepresented, the pro se litigant. Any other disclosure shall be upon motion and order of the Court. In compliance with Ohio Rule of Superintendence 45(D), at the inception of any case, a separate form shall be submitted to the Court, but not filed with the Clerk, that

includes the full social security number of each party as well as any other financial or indentifying information that is necessary, but not defined as a public case document.

2.13 FAMILY COURT SERVICES FILE

The Court shall maintain family court services files that consist of reports from the Court's Supervised Parenting Time & Exchange Center, GAL reports and other submissions by and about GALs, parenting time coordination, psychological reports and evaluations, medical records, records obtained through the Ohio Courts Network, background checks, correspondence by parties or non-parties regarding a case and other exhibits. Unless otherwise ordered or directed by the Court, any correspondence to the Court or officers of the Court may be addressed with a letter explaining the Court does not act upon correspondence, but only upon properly served motions. The letter shall be served upon all parties with a copy of the correspondence.

2.14 FINANCIAL AND FAMILY COURT FILES

The Court shall consider these submissions (Loc R. 2.12 and 2.13) in accordance with all applicable rules. These files shall be available for inspection at the Court by counsel of record for the case and, if there is no attorney, the pro se litigant. Any other disclosure shall be upon motion and order of the Court. All such submissions shall be accompanied by a Notice of Submission to the Clerk.

Upon motion of any party, the affidavits and exhibits contained within this file shall be considered as part of the original papers and exhibits submitted in the trial court for purposes of the record. App. R. 9(A).

2.15 DUTY OF THE CLERK OF COURT

It is the duty of the clerk of the court, in the absence of instructions from the court to the contrary, to accept for filing any paper presented to him, provided such paper is not scurrilous or obscene, is properly prepared and is accompanied by the requisite filing fee. The power to make any decision as to the propriety of any paper submitted or as to the right of a person to file such paper is vested in the court, not the clerk. *State ex rel. Wanamaker, Judge v. Miller, Clerk* (1955), 164 Ohio St. 176, 177, 128 N.E. 2d 110.

4.01 TEMPORARY ORDERS

A. Requirements

- 1. Any party or counsel for a party may submit a motion for temporary orders either with the complaint, petition, answer, counterclaim, or in response to such pleadings. Motions for temporary orders shall be filed with the Clerk. Supporting affidavits and documents shall be submitted to the Court with a Notice of Submission filed with the Clerk.**
- 2. If temporary orders are sought, the complaint, **petition**, answer, counterclaim, or motion shall be accompanied by a motion filed with the Clerk and the following**

submissions to the Court's confidential financial and case services files with a Notice of Submission filed with the Clerk.

- a. **An Affidavit for Temporary Orders (Spousal Support, Child Support and/or Custody), attached hereto in Form 4.01D (as amended June 1, 2011). The party or counsel submitting the affidavit shall send it via U.S. Mail to opposing counsel, or where not represented by counsel, the opposing party.**
- b. A Child Support Enforcement Agency Title IV-D application, attached hereto in Form 4.01B. Failure to file one may delay the Court's issuance of a temporary order.
- c. A Child Custody Affidavit, if applicable, in the form prescribed in Form 4.01C, attached hereto; and
- d. Verifications of income as described in O.R.C. §3113.215(B)(5)(a), **including tax returns** ~~may be filed with the Domestic Relations Office instead of the Clerk of Courts.~~

6.02 PSYCHOLOGICAL EVALUATIONS

B. Reports

Reports **and evaluations** will be ~~filed with~~ **submitted to** the Domestic Relations **Court's confidential case services file with a Notice of Submission filed with the Clerk** by the date ordered by the Court but, in any event, no later than ten (10) days before the scheduled hearing, and shall be available **for review** to counsel and pro se litigants no less than seven (7) days before the scheduled hearing **unless otherwise ordered by the Court.**

TITLE IX - DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS

9.01 GENERALLY

Forms are available from the Clerk of Courts. All petitions that seek protection for a child must include a IV-D Application Form ODHS7076 (4/96E) **that is submitted to the Court with a Notice of Submission to the Clerk. Additionally, where a party seeks to keep an address confidential, the Clerk shall ensure the address is contained in or along with the CPO Report submitted to the Court for law enforcement.** There is no initial filing fee. Costs will be assessed at the full hearing.

**IN THE COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MEDINA COUNTY, OHIO**

JUDGE MARY R. KOVACK

Plaintiff/Petitioner

v.

CASE NO. _____

Defendant/Respondent

**MOTION FOR
TEMPORARY ORDERS**

The Plaintiff/Petitioner or Defendant/Respondent [circle what applies] hereby moves the Court for the following temporary orders in an action for divorce or legal separation:

_____ Temporary Custody Order for the minor child/children.

_____ Temporary Parenting Time Schedule with the minor child/children.

_____ Temporary Child Support for the minor child/children.

_____ Temporary Spousal Support

_____ Order allocating expenses during the pendency of this case.

(Signature of party)

(Printed or typed Name)

(Signature of counsel)

Counsel for _____

NOTICE OF MOTION

Plaintiff/Defendant is notified of the filing of this motion on _____, 20____. An answer-affidavit may be filed in the attached form within fourteen (14) days after service of this motion.

Attorney for Defendant/Plaintiff _____ [sign] _____ [print]

Office Address _____ [phone]

IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
MEDINA COUNTY, OHIO

AFFIDAVIT IN SUPPORT OF TEMPORARY SPOUSAL SUPPORT, CHILD SUPPORT
AND/OR CUSTODY

(to be submitted to the Court's Confidential Financial file)

PARTY FILING THIS FORM _____ PLAINTIFF__ DEFENDANT__
[CHECK ONE]

CASE NAME _____ CASE NO. _____

I. GENERAL INFORMATION

1. I am _____ years old.
2. My current address is _____.
My [rent][mortgage] is \$ _____ per month. My [husband] [wife] is [not] living at this address.
3. Names and ages of minor children of this marriage: _____
_____.
4. Children are living with _____. Address _____.
5. I am employed by _____. Address _____.
Gross pay is \$ _____ per _____ [pay period]. Sources and amounts of other income, if any, _____.
6. My Social Security Number is _____.
7. My birth date is _____ (month, day, year)
8. My [husband] [wife] is employed by _____. Address _____.
Gross pay is \$ _____ per _____ [pay period]. Sources and amounts of other income, of [husband] [wife], if any, _____.

II. INCOME OF _____ PLAINTIFF ___ DEFENDANT ___ [CHECK ONE]

Employment: _____ Full Time _____ Part Time [check one]

Employer Name/Address _____

PAY PERIOD: [Weekly, Bi-Weekly, Semi-Monthly Or Monthly] [CIRCLE ONE]	GROSS PAY \$ _____ (per pay period)
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<u>DEDUCTIONS</u> (per pay period)	<u>AMOUNT of DEDUCTION</u>	<u>FREQUENCY OF DEDUCTIONS [If different from pay period]</u>
Federal Taxes		
State Taxes		
Local Taxes		
Medical Insurance		
Dental Insurance		
Life Insurance		
Social Security		
Pension		
Union Dues		
Savings		
Other [loans, etc]		
NET WAGES FROM EMPLOYMENT:	\$ _____	

<u>ITEM</u>	<u>AMOUNT</u>
Food Stamps	
Other Assistance	
Social Security	
OHIO WORKS FIRST	
SSI	
Medicaid	

**NOTE: EACH PARTY TO COMPLETE FORM FOR SELF AND OPPOSING PARTY.
USE A SEPARATE FORM FOR EACH EMPLOYMENT.**

III. EXPENSES OF _____ [PLAINTIFF/DEFENDANT]

Please give average **monthly** expenses only for yourself and the children, if you are the residential parent. If not residential parent and not living at the family home, give expenses for yourself only. **State names and relationship of all members of the household whose expenses are included:**

Names: _____.

ITEM	MONTHLY
1. FOOD and miscellaneous non-food items purchased with groceries	\$
2. SHELTER	
Mortgage/Rent [Circle One]	\$
Real Estate Taxes	\$
Home Insurance	\$
Electricity	\$
Heat	\$
Water	\$
Telephone	\$
Repairs, maintenance, etc.	\$
Water Softener	\$
Trash Collection	\$
Cable Television	\$
Lawn service/snow removal	\$
3. AUTOMOBILE AND TRANSPORTATION	
Car Loan or Lease	\$
Gasoline	\$
Repairs	\$
Automobile Insurance	\$
Public Transportation	\$
4. PERSONAL INSURANCE [not deducted from wages]	
Health	\$
Dental	\$
Life	\$
Accident and Disability	\$
Unreimbursed medical expenses	\$
5. CLOTHING, ETC.	
Clothes	\$
Dry cleaning/laundry	\$
Haircuts/personal grooming	\$
6. CHILD-RELATED EXPENSES	
Child care, work or education related	\$
School lunches	\$
Children's Allowances	\$
Lessons	\$
Extra-Curricular Activities	\$
Other [specify]	\$

7. MISCELLANEOUS	
Books, newspapers, magazines	\$
Gifts	\$
Vacation	\$
Extraordinary pet expenses	\$
Donations	\$
Entertainment	\$
Other [specify]	\$

8. Pre-Existing Court ordered child/spousal support from prior case:

Specify:	\$
	\$
	\$

9. Installment obligations, other than mortgage, *i.e.*, finance companies, department stores, credit cards, medical, hospital debts: *If additional space is needed, use the back of this form.* Indicate whether "Husband," "Wife," or "Joint."

LIST	AMOUNT	MONTHLY INSTALLMENTS
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
	\$	\$
TOTAL	\$	\$

This information is, to the best of my knowledge, true and complete based upon information given to me by my client and through discovery, if any, and may be admitted into evidence upon trial of this case.

_____ Counsel for Plaintiff/Defendant [circle one]

This information as I wrote it or as transcribed by my attorney is true to the best of my knowledge.

[Signature of Plaintiff/Defendant]

Sworn to and subscribed before me this _____ day of _____, 20___ in the County of _____ and the State of _____.

[Notary Public]

CERTIFICATE OF SERVICE

I have a sent a copy of this Affidavit to _____ (opposing counsel/Plaintiff/Defendant – circle one) on _____ (insert date) by regular U.S. Mail.

Counsel or Plaintiff/Defendant [circle one]

COURT OF COMMON PLEAS
DOMESTIC RELATIONS DIVISION
MEDINA COUNTY, OHIO

CASE NO. _____

JUDGE MARY R. KOVACK

_____,
Plaintiff/Petitioner

v.

_____,
Defendant/Respondent

NOTICE OF SUBMISSION

On this date _____, the following was submitted to the
Court on behalf of the plaintiff / defendant / other _____:

- | | |
|---|---|
| <input type="checkbox"/> Financial source documents. | <input type="checkbox"/> Drug/alcohol assessment. |
| <input type="checkbox"/> Social Security Number. | <input type="checkbox"/> Case Services Assessment report. |
| <input type="checkbox"/> Confidential address. | <input type="checkbox"/> Supervised Parenting Time and
Exchange Center report. |
| <input type="checkbox"/> Paternity test results. | <input type="checkbox"/> Parenting Coordinator report. |
| <input type="checkbox"/> Guardian Ad Litem report. | <input type="checkbox"/> CPO Report for law enforcement. |
| <input type="checkbox"/> Medical record. | <input type="checkbox"/> Ohio Courts Network Report. |
| <input type="checkbox"/> Psychological report. | <input type="checkbox"/> CSEA IV-D application. |
| <input type="checkbox"/> Hair follicle/urinalysis report. | |
| <input type="checkbox"/> Other: _____ | |

Signature of Party or Attorney
Printed Name: _____
Attorney Registration No. _____
Address: _____
City, State, Zip: _____
Telephone Number: _____
Fax Number: _____

Certificate of Service

A copy of this Notice of Submission was sent by ordinary U.S. mail on

_____, 20_____, to _____
Date name(s)/addresses(s)

Signature

Date