

**COURT OF COMMON PLEAS OF VAN WERT COUNTY**

**JUVENILE DIVISION**

**LOCAL RULES**

[Revised Effective April 8, 2019]

**LOCAL RULE 1**

**ADOPTION AND AMENDMENT OF RULES**

The Van Wert County Juvenile Court hereby adopts the following rules of practice pursuant to authority under Article IV, Section 5(b) of the Ohio Constitution, and Rule 5 of the Rules of Superintendence for the Court of Ohio. These rules are effective January 5, 2015, and may be amended from time to time as necessary and shall supersede any prior published rules of court.

**LOCAL RULE 2**

**HOURS**

The Juvenile Court and its offices shall be open for the transaction of business from 8:30 A.M. to 5:00 P.M. Monday and 8:30 A.M. to 4:00 P.M. on Tuesday through Friday. The Juvenile Court shall be closed on Saturday, Sunday, and Legal Holidays, and as such times as the Judge deems necessary and proper. If the court is closed due to an emergency, all filings due on that date shall be considered timely if filed the next open business day. If business hours are reduced due to budget constraints, if the office is closed an entire day, then filings due on that date shall be considered timely if filed the next open business day.

**LOCAL RULE 3**

**CONDUCT IN THE COURT**

- (A) Proper decorum in the court is necessary to the administration of the court's function. Any conduct that interferes or tends to interfere with the proper administration of the court's business is prohibited.
- (B) No radio or television transmission, voice recording device, other than a device used by a court report making record in a proceeding, or the making or taking of pictures shall be permitted without the express consent of the court in advance and pursuant to Sup. R. 12.
- (C) Food and beverages are prohibited in the courtroom during all hearings, except for water with consent of the Judge or Magistrate. Smoking is prohibited throughout the building at all times.
- (D) Upon entering the courtroom, all persons, including counsel, shall discontinue all cell phone use and cell phones are to be turned off until exiting the court room. Further, no texting or internet by a cell phone or similar device shall be used during a hearing.
- (E) When counsel is going to be late for a hearing, counsel shall make reasonable effort to notify the Judge or Magistrate as soon as practical to explain the reason and provide an anticipated time of appearance.

- (F) All persons appearing in court shall have appropriate attire: no hats; no revealing attire; no unduly short skirts or skimpy tank tops; no t-shirts with inappropriate logos or messages such as alcohol endorsements or vulgar language. The Judge or Magistrate shall have sole discretion to determine inappropriate attire and require the offending party to return at a later time and may assess court costs, including counsel fees. This rule shall not apply if a person is detained by law enforcement and is appearing at an immediate shelter care hearing.

#### **LOCAL RULE 4**

##### EXAMINATION OF JUVENILE RECORDS

- (A) Records shall not be removed from the court. Violation of this may result in the issuance of a citation for contempt.
- (B) Copies of records may be obtained at a cost per page as authorized by the Judge.
- (C) Records of cases involving juveniles shall be open for inspection by the parent(s), custodian(s), guardian(s), guardian(s) ad litem and attorney(s) of record, of any child affected by any order of the proceeding. Otherwise, such records shall not be available to any person except by order of the Judge or Magistrate, or by legal process from a court of competent jurisdiction.
- (D) The records of adult cases shall be public record as provided by law.
- (E) Unofficial/Diversion cases considered by the court staff shall not be considered as public records and no person shall have access to such cases without an order by the Judge.
- (F) Dependency, Abuse, Neglect, Delinquency, and Unruly files and proceedings are confidential. Records of the proceedings, and other records that are confidential by statute, may be accessed as authorized by the Judge. Counsel of record and named parties may receive copies upon request except for results of psychological or diagnostic examinations ordered completed by the court. The results of those examinations shall be available for review but no copies without specific consent of the Judge.
- (G) A citation for contempt of court may be issued against anyone who divulges or received information from information from confidential records without authorization of the Judge.

#### **LOCAL RULE 5**

##### CONTINUANCES

- (A) Motions for continuances shall be submitted in writing with the proper caption and case number.
- (B) Except on motion of the court, no continuances shall be granted in the absence of proof of reasonable notice to, or consent by, the adverse party or the party's counsel. Failure to object to the continuance within a reasonable time after receiving notice shall be considered consent to the continuance.
- (C) A proposed entry shall be filed with a motion for continuance, leaving the time and date blank for the court to set a new date.

## LOCAL RULE 6

### FILINGS AND JUDGMENT ENTRIES

- (A) All filings shall be on eight and one-half by eleven inch paper, without backings, of stock that can be photocopied or scanned.
- (B) All filings shall contain the name, address, telephone number and attorney registration number of the individual counsel representing a party and, in the absence of counsel, the name, address, and telephone number of the party. Any filing not containing the above requirements may be refused.
- (C) Failure of a party to notify the court of a party's current address shall be grounds for dismissal or denial of the party's motion.
- (D) Filings containing partially or wholly illegible signatures of counsel, parties or offices administering oaths may be refused, or, if filed, may be stricken, unless the typewritten or printed name of the person whose signature is purported to appear is clearly indicated on the filing.
- (E) All pleadings, motions, or other filings are to be typed or printed in ink and correctly captioned.
- (F) Unless the court indicates the Judge or Magistrate is preparing the judgment entry, counsel for the party in whose favor a judgment is rendered, shall prepare the proposed judgment entry and submit the entry to counsel for the opposing party within seven days for approval. Counsel for the opposing party shall have seven days to approve or object to the entry. Any objection shall be filed in writing with the trial court. If counsel for the opposing fails to object, the entry shall be submitted to the court with notation that the entry was submitted to opposing counsel, but counsel failed to approve or object. If there is no counsel on the other side, the entry shall be submitted to the court for review by the Judge or Magistrate. If the party in whose favor a judgment is rendered fails to comply with this division, the matter may be dismissed or the court may prepare and file the appropriate entry.

## LOCAL RULE 7

### DEPOSIT FOR COURT COSTS

Deposits in the amount set forth below shall be required upon the filing of the following actions and proceed:

- |  |             |
|--|-------------|
| 1. Paternity Complaints  | \$160.00    |
| 2. Custody Complaints  | \$160.00    |
| 3. Motions to re-open Paternity or Custody actions                               | \$160.00    |
| 4. Delinquency or Unruly Complaints filed by private parties                     | \$150.00    |
| 5. Request for Service by Publication  | actual cost |
| 6. Notice of Appeals – as set by Rule 1 of Rules of the Third Appellate District |             |

## **LOCAL RULE 8**

### **FACSIMILE**

- (A) Pursuant to Civil Rule 73(J), the court in its discretion may allow facsimile filings during regular business hours of the court. The court facsimile number is 419-238-7315.
- (B) Any documents received after regular business hours shall be deemed filed the following business day.
- (C) Only documents subsequent to the initial document may be filed by facsimile.
- (D) A document filed by facsimile shall be accepted as the original and shall be filed by the attorney of record. All risks of transmission shall be borne by the sender.
- (E) Any signature on documents transmitted by facsimile shall be considered that of the attorney or party that it purports to be for all purposes. If it is established that the documents were transmitted without authority, the court may order the filings stricken and costs assessed to the sender.
- (F) The filing date of any document transmitted during business hours shall be the date the document was received by the court's facsimile machine.
- (G) Any document filed by facsimile that requires a filing fee shall not be accepted by the clerk for filing until court costs and fees have paid or deposits previously made were sufficient to pay the costs involved.
- (H) If the facsimile copy is not capable of photocopying, microfilming, or scanning, the deputy clerk may request the original to be filed and the original shall be substituted for the facsimile as if received on the date of the facsimile. Attorney or parties may also present the original for substitution of the facsimile.

## **LOCAL RULE 9**

### **COMPLETE ADDRESS**

When required in a court document, address must be a street address and, if applicable, any post office box number used as a mailing address. If a party does not want his or her address disclosed to an opposing party, the attorney for the party or the party pro se, shall file a motion setting forth the reasons for a nondisclosure and an accompanying affidavit or set the issue for hearing.

## **LOCAL RULE 10**

### **RECORD OF HEARING**

- (A) A complete record of all testimony or other oral proceeding shall be made in all official cases by means of an audio/digital recording device provided by the court. If a party requests a record by a court reporter, the party shall be responsible for arranging a court reporter and paying all costs.

- (B) Any person who is a party to a case as defined by the Juvenile Rules or that person's attorney or guardian ad litem may listen to the record in a case after a request is submitted and authorized by the Judge or Magistrate.
- (C) A request for a transcript shall be made to the person assigned to do so by the Judge or Magistrate. If the person assigned declines or is unable to complete the transcript, the party or attorney may arrange for a certified court reporter to prepare the transcript. The transcript will not be begun or provided until satisfactory arrangements for the payment have been concluded including an adequate deposit based upon the length of the hearing. If a party has a right of appeal and is indigent, a motion shall be made to the Judge requesting a transcript be provided at the state's expense.

### **LOCAL RULE 11**

#### **BROADCASTING, TELEVISIONING, PHOTOGRAPHING OF PROCEEDINGS**

- (A) Request for permission to broadcast, televise, photograph, otherwise record courtroom proceedings shall be submitted in writing to the Judge or Magistrate presiding over the hearing. The request shall be made as far in advance as reasonably possible, but in no event later than 24 hours before the hearing to be recorded. The Judge or Magistrate may waive the advance notice provision for good cause shown.
- (B) The videotaping, recording, or photographing of a victim, witness, or juror is prohibited without specific authorization of the court. If the subject matter of the proceeding is a child, the name or identity of the child shall not be disclosed unless by specific authorization of the court.

### **LOCAL RULE 12**

#### **HEARING DISCLOSURE**

A party to a proceeding may request that a hearing or hearings be closed to members of the public, the media, or other specified persons through a written or oral motion. Such request shall be made as far in advance as is reasonably possible to allow the court to notify interested parties/media, conduct a hearing, and rule on the request.

### **LOCAL RULE 13**

#### **PRETRIAL CONFERENCES**

- (A) Delinquency, Unruly, Dependency/Neglect/Abuse cases. Trial counsel shall appear at pretrial conferences with their clients.
- (B) Appearances by telephone. If counsel or a client wishes to appear at pretrial conference by telephone, prior approval must be given by Judge or Magistrate.
- (C) Pretrial matters shall include:
  1. Those matters set forth in Rule 16 of the Civil Rules.
  2. Need for further discovery including completion dated.
  3. Trial briefs as request by Judge or Magistrate.

4. Identification of witnesses and disclosure of their statements and potential testimony.
5. Status of case for trial and expected length.
6. Narrowing of trial issues by stipulation.
7. Deadlines for pretrial motions.

#### **LOCAL RULE 14**

##### **CASE MANAGEMENT**

- I. Parentage Cases
  - (A) Summons shall issue within three business days.
  - (B) A pretrial conference shall be conducted in all paternity cases prior to being scheduled for trial, except if there is a default of answer.
  - (C) If genetic testing has not occurred prior to the complaint, the court shall order a genetic test unless waived in writing by all parties.
  - (D) If a party requests an additional genetic test, it shall be requested no later than sixty days after the pretrial and it shall be the responsibility of the party requesting such a test to pay for the test.
- II. Delinquency and Unruly Cases
  - (A) After the filing of any delinquency or unruly cases, the Judge or person designated by the Judge shall review the complaint to determine if the complaint shall be subject to diversion without formal court hearing or shall be heard by the court.
  - (B) The service of summons shall be prepared and mailed no later than five business days after receipt of the complaint. The hearing date shall be no later than 30 days after processing of the service of summons except if service cannot be completed timely.
  - (C) If the child enters a denial to the charge and is represented by an attorney, a pretrial shall be within ten (10) business days of the denial and the following shall apply:
    1. The child and parent(s) shall be present.
    2. The prosecutor shall be prepared to provide discovery in the form of police reports and statements made by the child.
    3. If discovery has not been completed, a date for completion of discovery shall be set.
    4. A trial date shall be set. A second pretrial may be allowed for good cause shown.
  - (D) Detention Hearings. If the child has been detained by a law enforcement or probation officer, a detention/shelter care hearing will be conducted on the next business day. If the child denies the charges as filed, the adjudicatory hearing shall be assigned within ten days. Upon written request of the child or for good cause shown, the court may convert the adjudicatory hearing into a pretrial.
  - (E) The trial date shall not be changed nor shall the trial be continued without order of the court and after showing of good cause.
  - (F) Final disposition for child shall occur ninety days unless motions to relinquish or issue of competency are raised.
- III. ALLOCATION OF PARENTAL RIGHTS, MODIFICATION OF VISITATION AND THIRD PARTY CUSTODY AND VISITATION CASES

- (A) Upon an application for change of custody or change of visitation rights:
  - 1. If it is determined that all parties are in agreement and service and summons is waived or unnecessary, the court shall set a hearing within fifteen (15) days after the application is filed. The Judge or Magistrate may approve an agreed-upon judgment entry without hearing.
  - 2. If it is determined that the change of custody or changed of visitation rights will be contested, a pretrial shall be assigned by the court within twenty (20) days after the response is filed. At the pretrial the following issues shall be considered:
    - a. A definite discovery schedule shall be agreed upon or set by the Judge or Magistrate.
    - b. A hearing date shall be established.
    - c. A determination of whether a guardian ad litem is necessary for the best interest of the child(ren). The Judge or Magistrate shall determine the necessary deposit for the appointment of a GAL and how the deposit is to be paid.

IV. DEPENDENCY, NEGLECT, AND ABUSE CASE

- (A) Adequate statutory provisions exist to control the timeliness of hearings and dispositions with the following additions:
  - 1. If a party must be served by notice of publication, the affidavit in support of the notice shall be filed within five days of the filing of the complaint or with the request for service by publication whichever is later.
  - 2. Review hearings shall be conducted as set by the Judge or Magistrate, but reviews shall be conducted no later than every six months except for annual review of permanent custody or planned permanent living arrangement dispositions.
  - 3. If a permanent custody motion is filed, all proceedings shall be completed within ninety (90) days after completion of all service of notice as required by Ohio law.

V. JUVENILE TRAFFIC CASES

- (A) Upon the filing of a juvenile traffic citation, the citation shall be screened to determine if the case is eligible for the court's traffic diversion program. If eligible, mail notice offering diversion shall be sent to the offender and parents. If the offender and parent agree to pay court costs and costs of traffic education class, and the offender attends the class as assigned, the case will be dismissed and not sent to Bureau of Motor Vehicles. The court shall retain a record of the citation.
- (B) All other traffic cases shall be assigned for a common initial appearance. If the offender admits or pleads no contest, then disposition shall be immediately completed.
- (C) If a denial of the traffic offense is entered, the case shall be assigned for an adjudicatory hearing within twenty-one (21) days unless the child is represented by an attorney and the attorney requests a pretrial.
- (D) If a pretrial is requested:
  - 1. The pretrial shall be assigned within fourteen (14) days.
  - 2. The child and parent(s) shall be present.

3. The prosecutor shall be prepared to provide discovery in the form of police reports and statement made by the child.
  4. If discovery has not been completed, a date for completion of discovery shall be set.
  5. A trial date shall be established.
- (E) The trial date shall not be changed nor shall the trial be continued without order of the court and after showing of good cause.

#### **LOCAL RULE 15**

#### **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 Van Wert County Juvenile Court. 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 with a paper copy of the ticket.

#### **LOCAL RULE 16.1**

#### **MEDIATION**

The Van Wert County Juvenile Court through Local Rule 16.1 incorporates by reference the R.C. 2710 "Uniform Mediation Act (UMA), R.C. 3109.052 Mediation of Differences as to Allocation of Parental Rights and Responsibilities and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

#### **(A) Definitions**

All definitions found in the "Uniform Mediation Act" (UMA) R.C. 2710.01 are adopted by this court through the local rule including, but not limited to the following:

- (1) "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) "Mediator" means an individual who conducts mediation.
- (3) "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.
- (4) "Proceeding" means either of the following:
  - a. Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
  - b. A legislative hearing or similar process.



**(B) Purpose**

To promote greater efficiency and public satisfaction through the facilitation of the earliest possible resolution for the disposition of cases through the use of mediation. To accomplish this goal, court sponsored mediation through a “mediator”, has been established.

**(C) Scope**

At any time any action under the jurisdiction of this court may be referred to mediation by agreement of the parties or by order of court.

**(D) Case Selection**

**(1) Referral Process**

The court, on its own motion, or the motion of any of the parties may refer disputed issues to mediation in whole or in part by “Notice of Scheduled Mediation” which shall, at a minimum indicate the date, time, place and contact information of the mediation. All parties and counsel shall advise the assigned judge or magistrate of any domestic violence allegations known to them to exist or to have existed in the past, or which become known to them following entry of the order but before conclusion of all mediation proceedings, which allegations involve any two or more persons whose attendance is required by the referral order.

**(2) Eligibility of Cases**

The mediator will determine the eligibility and appropriateness of each referral prior to the commencement of the mediation process and may decline any referral(s) deemed inappropriate.

**(E) Procedures**

In accordance with all applicable provision of this rule, if a case is deemed appropriate by the mediator, mediation will be scheduled. A mediator may meet with the parties individually prior to bringing the parties together for any reason including, but not limited to further screening. A mediator may schedule multiple mediation sessions, if necessary and mutually acceptable for the resolution of the issues in part or in their entirety.

**(1) The court shall utilize procedures for all cases that will:**

- *Ensure that parties are allowed to participate in mediation, and if the parties wish, that their attorneys and other individuals they designate are allowed to accompany them and participate in mediation.*

*Screen for domestic violence both before and during mediation.*

- *Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence.*
- *Prohibit the use of mediation in any of the following:*

- *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; and*
- *In determining the penalty for violation of a protection order.*

Nothing in this division of this rule shall prohibit the use of mediation in a subsequent divorce or custody case even though that case may result in the termination of the provisions of the protection order.

**(2) Mediation of allocation of parental rights and responsibilities or the care of, or visitation with, minor children or delinquency of status offense cases shall abide by all provisions set forth in (E)(1) of this rule, mediation may proceed, when violence or fear of violence is alleged, suspected, or present, only if the mediator has specialized training set forth in “Qualifications” section (H) of this rule and all of the following conditions are satisfied:**

- *The person who is or may be the victim of domestic violence 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.*

- *The parties have the capacity to mediate without fear of coercion or control.*

- *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.*

- *Procedures are in place for the mediation to terminate mediation if he or she believes there is a continued threat of domestic violence or coercion between the parties.*

- Procedures are in place for issuing written findings of fact, as required by R.C. 3109.052, to refer certain cases involving domestic violence to mediation.

**(3) Party/Non-Party Participation**

- Parties to informal cases may voluntarily attend mediation sessions.

- Parties who are ordered into mediation in formal cases shall attend scheduled mediation sessions. The Court may order parties to return to mediation at any time in formal cases. Fees may be assessed for non-attendance.

- A judge, magistrate and/or mediator may require the attendance of the parties’ attorneys at mediation sessions if the mediator deems it necessary and appropriate.

- If counsel of any party to the mediation becomes aware of the identity of a person or entity whose consent is required to resolve the dispute, but has not yet been joined as a party in the pleadings, they shall promptly inform the mediator as well as the assigned judge or magistrate.

- If the opposing parties to any case are 1) related by blood, adoption, or marriage; 2) have resided in a common residence; or 3) have known or alleged domestic violence at any time prior to or during the mediation, then the parties and their counsel have a duty to disclose such information to the mediator and have duty to participate in any screening required by the court.

- By participating in mediation a nonparty participant, as defined by R.C. 2710.01(D), agrees to be bound by this rule and submits to the court’s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant shall have the rights and duties under this rule attributed to parties except as provided by R.C. 2710.03(B)(3) and 2710.04(A)(2).

**(4) Confidentiality/Privilege**

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

**(5) Mediator Conflicts of Interest**

In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator’s impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and request that the assigned Judge or

Magistrate appoint another Mediator from the list of qualified Mediators that is maintained by the Court. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

**(6) Termination**

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties and the Court that the mediation is terminated using the procedure required by this court.

**(7) Stay of Proceedings**

All remaining court orders shall continue in effect. No order is stayed or suspended during the mediation process except by written court order. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

**(8) Continuance**

It is the policy of this court to determine matters in a timely way. Continuance of scheduled mediations shall be granted only for good cause shown after a mutually acceptable future date has been determined. The case may be continued by the mediator, the Judge or Magistrate who referred the case. Except as authorized by the court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial. If a continuance of a scheduled mediation is requested and the proposed new date is within 45 days of the initial referral to mediation, then the request shall be made to the mediator, with proper notice to all parties. If the requested date is more than 45 days after the referral to mediation, then the request must be made to the Judge or magistrate assigned to the case.

**(9) Guardian Ad Litem**

A guardian ad litem for the child shall be appointed by the court in all cases involving a child who was the subject of a prior abuse or neglect action, in all cases where one of the parties was the perpetrator of an act which resulted in an adjudication that any other child was abused or neglected and in other cases where the mediator believes it to be in the best interest of the child. A guardian ad litem appointed in these cases shall participate in mediation.

**(10) Mediation Memorandum of Understanding**

The assigned mediator, parties or counsel, if applicable, as agreed by the parties, may immediately prepare a written memorandum memorializing the agreement reached by the parties. The "Mediation Memorandum" may be signed by the parties and counsel (if the "Mediation Memorandum" is signed it will not be privileged pursuant to R.C. 2710.05 (A)(1)). The written order of the court after review and approval by the parties and their attorney, if applicable. No oral agreement by counsel or with parties or an officer of the court will be regarded unless made in open court.

**(11) Mediator Report**

At the conclusion of the mediation and in compliance with R.C. 2710.06 the court shall be informed of the status of the mediation including all of the following:

- Whether the mediation occurred or was terminated;
- Whether a settlement was reached on some, all or none of the issues; and
- Attendance of the parties.
- Future mediation session(s), including date and time.

**(F) Qualifications**

To be court approved mediator the following qualifications apply:

**(1) General Qualifications and Training.**

*A mediator employed by the division or to whom the division makes referrals for mediation of allocation of parental rights and responsibilities, the care of, or visitation with, minor children, abuse, neglect and dependency, or juvenile perpetrated domestic violence cases shall satisfy all of the following:*

- a. Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the division, and at least two years of professional experience with families.  
"Professional experience with families" includes mediation, counseling, casework, legal representation in family law matters, or such other equivalent experience satisfactory to the division.*
- b. Complete at least twelve hours of basic mediation training or equivalent experience as a mediator that is satisfactory to the division.*
- c. After completing the above training, complete at least forty hours of specialized family or divorce mediation training which has been approved by the Dispute Resolution Sections of the Supreme Court.*

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

*A mediator employed by the division or to whom the division 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 has completed the specialized training.*

**(G) Fees and Costs**

Mediation is sponsored by the Court and is available to the parties at no cost. A party who fails to attend Court ordered Mediation may be assessed a fee.

**(H) Sanctions**

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt or other appropriate sanctions at the discretion of the assigned Judge or Magistrate.

**(I) Model Standards**

Mediators providing services for the court shall 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 as set forth in Rule 16 of the Supreme Court of Ohio Rules Superintendence for the Courts of Ohio.

## LOCAL RULE 17

### USE OF RESTRAINTS ON JUVENILES

Restraints shall be removed prior to the commencement of a court proceeding unless the Court determines on the record, after providing the juvenile and any party an opportunity to be heard on the issue of physical restraint of the child, that they are necessary to prevent:

- (A)** Physical harm to the juvenile or other persons in the courtroom;
- (B)** Disruptive courtroom behavior, evidenced by a history of behavior that created potentially harmful situations or presented substantial risk of physical harm; or
- (C)** The juvenile, evidenced by an escape history or other relevant factors, from fleeing the courtroom.

Restraints shall include but not be limited to: handcuffs, chains, shackles, irons, or straitjackets.

If the Court finds physical restraint necessary, the restraint shall be the least restrictive necessary to meet the risk requiring the restraint and in a manner which does not unnecessarily restrict the movement of the child's hands.

LOCAL RULE 17 EFFECTIVE JULY 1, 2016

## LOCAL RULE 18

### PUBLICATION BY POSTING

- A.** Pursuant to Ohio Juvenile Rule 16 (A), service by publication shall be made by posting unless otherwise ordered by the Court.
- B.** In addition to the Juvenile Courthouse at 108 E Main Street, Van Wert, Ohio, the Court designates the following as locations where publication of service of process by posting may be made, in accordance with Juvenile Rule 16 (A). Pursuant to that Rule, posting shall be made at any two (2) of the following designated locations:
  - (1)** The Van Wert County Courthouse, General Division of the Common Pleas Court, 121 E Main Street, Van Wert, Ohio, or any other location to which it might relocate;
  - (2)** The Van Wert County Department of Job and Family Services, 114 E Main Street, Van Wert, Ohio, or any other location to which it might relocate;
  - (3)** The Van Wert County Department of Health, 1179 Westwood Dr., Ste. 300, Van Wert, Ohio, or any other location to which it might relocate.
- C.** The Clerk of this Court shall cause the required notice to be posted in a conspicuous place and manner in the above denominated places for the requisite seven (7) days. Upon completion of the posting for seven (7) days, the Clerk shall remove the notice, complete the return of service, file the same and notify counsel as provided by law.

**APPENDIX A**  
**VAN WERT COUNTY COMMON PLEAS COURT**  
**JUVENILE DIVISION:**  
**MODEL PARENTING TIME SCHEDULES AND ALLOCATION**  
**OF CERTAIN PARENTAL RIGHTS AND RESPONSIBILITIES**  
**(Effective 4/8/19)**

**Purpose of Appendix A:**

Most studies show and psychologists uniformly agree that the children who do best following a divorce are from families which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child.

However, children clearly profit by continued meaningful exposure to both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible based upon the changing needs of a child as the child grows.

Liberal parenting time arrangements are encouraged. These schedules do not prohibit parents from developing their own schedule based on the ages and specific needs of their families. For guidance on tailoring an age specific parenting plan, it is recommended that the parties review the Planning for Parenting Time, Ohio's Guide for parents Living Apart which can be found on the Ohio Supreme Court's website. <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

This Appendix is not created to give parents legal weapons to use against each other. The Court will consider a parent's breach of an obligation first in the light of the effect that it has on the children and secondly its effect on the other parent.

**I. OBLIGATIONS IMPOSED ON BOTH PARENTS**

**Mutual respect:** Neither parent shall criticize the other or allow any other person to do so in the presence of the children.

**Communication between Parents:** Both parents will communicate directly with each other regarding any matters involving their children. Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor children unless such communications are amicable and are of minor significance.

The children shall not be used as messengers. The children shall not have direct access to the other parent with regards to modifications of schedules, etc. Instead, any requests for changes to schedules shall occur directly between the biological parents.

All parental communication shall focus solely on the best interest of the children and both parents will refrain from making negative and disparaging comments about the other parent.

Each parent shall provide the other with his or her current residence address, mailing address, telephone number and email addresses and immediately notify the other parent of any changes in that information.

## II. MODEL PARENTING TIME SCHEDULES

These schedules are for situations in which neither parent has filed a motion for shared parenting and a proposed shared parenting plan with the Court pursuant to Section 3109.04(D)(1) of the Ohio Revised Code. Specific items in the Journal Entry take precedence over this schedule. **THE PARENTING TIME OPTION SELECTED BELOW DOES NOT CREATE A PRESUMPTION OF A DEVIATION IN CHILD SUPPORT.** It is for parenting time purposes only and child support shall be considered on a case by case basis.

**Parent 1** is the parent designated as the residential parent (primary residential parent for shared parenting plans). This is the parent from whose home the child(ren) attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

**Parent 2** is the parent designated as the non-residential parent (secondary residential parent for shared parenting plans).

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

### For Parents traveling less than 30 miles one way:

(CHOOSE ONE OPTION)

#### \_\_\_\_\_ **OPTION A**

1. The children shall reside equally with both parents on an alternating weekly basis. The children shall transition from one parent's residence to the other every Sunday at 7:00 p.m. unless the parties agree upon a different day and time.
2. The parent who is not exercising weekly parenting time shall be entitled to spend one weekday evening with the children from 5:00 p.m. until 8:00 p.m. on Wednesday unless the parties agree otherwise.
3. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1<sup>st</sup> of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

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#### **OPTION B**

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Monday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 1 shall have parenting time with the children each Monday beginning at 7:00 p.m. until drop-off to school/daycare on Wednesday (or 7:00 p.m. if there is no school and daycare is not needed). Parent 2 shall have parenting time with the children from Wednesday after school/daycare (or 7:00 p.m. if no school or daycare) until drop-off to school/daycare on Friday (or 7:00 p.m. if there is no school and daycare is not needed). The parent who has the children in the morning is responsible for taking the children to school/daycare on the days that school/daycare is necessary. If there is no school and daycare is not needed, the receiving parent shall be responsible for picking up the children.
3. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations or they may arrange one two-week vacation. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1<sup>st</sup> of each year, provide written notice to the other party of the



dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

**For parents traveling less than 45 miles one way.**

**OPTION C**

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Monday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 2 shall have one weekday overnight per week on Wednesday from 5:00 p.m. until the drop-off to school/daycare on Thursday (or 7:00 p.m. if there is no school and daycare is not needed). Parent 1 shall have the remaining weekday parenting time. The parent who has the children in the morning is responsible for taking the children to school/daycare on the days that school/daycare is necessary. If there is no school and daycare is not needed, the receiving parent shall be responsible for picking up the children.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of

the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1<sup>st</sup> of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

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#### **OPTION D**

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Sunday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 2 shall have one weekday evening on Wednesday from 5:00 p.m. until 8:00 p.m. Parent 1 shall have the remaining weekday parenting time.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1<sup>st</sup> of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time

takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

For Parents traveling less than 150 miles one way.

#### OPTION E

1. Weekends: Alternating weekends from Friday at 7:00 p.m. until Sunday at 7:00 p.m. This alternating schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. From time to time, one parent will have parenting time on three consecutive weekends.
2. Weekdays: Parent 1 shall have the children during the week.
3. Summer: Commencing the first Friday after the children are out of school, each parent shall exercise parenting time with the children on alternating weeks. Said weeks shall coordinate with the parties' weekend parenting schedule. The children shall transition from one parent's residence to the other every Friday at 7:00 p.m. unless the parties agree upon a different day and time. This schedule shall continue until seven (7) days before the school year resumes.
4. Vacations: Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent may arrange either two one week vacations to take place only during their scheduled week or they may arrange one two-week vacation using one week of each parent's time. The vacationing parent shall provide a general itinerary of the vacation to the other parent, including dates and locations. Vacations shall not interfere with any holiday allocated to the other parent, unless the parties agree otherwise.

With regard to any child of school age, the vacation parenting time shall be exercised between the first Sunday following the last week of school and the seventh day before commencement of the child's new school year, unless otherwise agreed by the parties or ordered by the Court. The parties shall, no later than April 1st of each year, provide written notice to the other party of the dates that they wish to exercise said vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

With regard to any child who is not of school age, vacation parenting time may be exercised any time of the year, except during the holiday time allocated to the other parent. The vacationing parent shall provide written notice to the other parent of the dates that they wish to exercise said vacation at least 60 days prior to the start of the vacation. In the event of a conflict, if one parent's vacation is based on a mandatory shut-down of their place of employment that parent's vacation time takes precedence. Otherwise, in the event of a conflict, Parent 1 shall prevail in odd-numbered years and Parent 2 shall prevail in even-numbered years.

**HOLIDAYS:** The following holidays take priority over weekly parenting time and vacation parenting time.

<b>Holiday</b>	<b>Time</b>	<b>Odd Years</b>	<b>Even Years</b>
Easter	Last day of school at 7pm to Sun at 7pm	Parent 1	Parent 2
Memorial Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Mother's Day	From 9am to 7pm	Mother	Mother
Father's Day	From 9am to 7pm	Father	Father
July 4 <sup>th</sup>	July 3 at 7pm to July 5 at 7pm	Parent 1	Parent 2
Labor Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Trick or Treat	From 9am to 8pm (if the child is in school, from after school until 8pm)	Parent 1	Parent 2
Thanksgiving	Wed at 7pm to Sun at 7pm	Parent 2	Parent 1
First ½ of Christmas	Last day of school at 7pm to Dec 26 at 7p.m.	Parent 1	Parent 2
Second ½ of Christmas	Dec 26 at 7 p.m. until 7pm the day before school resumes	Parent 2	Parent 1
Child's Birthday	From 9am to 7pm (if the child is in school, from after school to 8pm)	Parent 1	Parent 2

All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides shall be used.

### III. RULES GOVERNING PARENTING TIME

#### EXCHANGES AND TRANSPORTATION:

- A. It shall be the responsibility of the party receiving the child to begin their parenting time to provide transportation for the child. The parties may designate a licensed insured driver known to the children to provide any of this transportation, if necessary.

- B. The parent from whom the children are being picked up shall have the children ready and available at the designated time. For reasons beyond the parent's control, there will be a 15 minute grace period for having the children ready and available.
- C. If the parents live within 30 miles of each other, there will be a 15 minute grace period for pick-up and delivery of the children for parenting time. If the parents live over 30 miles apart from each other, there will be a 30 minute grace period. If the receiving parent exceeds the grace period, that parent's parenting time shall be forfeited unless the other parent has been given prior notice and arrangements made or if the receiving parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.
- D. Repeated violations of the grace period shall be cause to modify the parenting time order or to modify the order designating the residential parent.
- E. The party transporting the children must have and utilize a car seat/booster seat and must comply with all child restraint laws.

**EXTRACURRICULAR ACTIVITIES:** Regardless of where the children are staying, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related or otherwise, in which the children participate, schedules of all activities (handwritten, if no formal schedule is provided by the activity), and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.

Neither parent shall unilaterally enroll a child in a new activity that infringes on the other parent's parenting time. Written consent is required for enrollment of a child in a new activity that encompasses parenting time of both parents. Scheduled periods of parenting time shall not be delayed or denied because a child has other activities (with friends, work, lessons, sports, etc.) unless both parents gave consent. **Parents need to realize the significance of these activities in their children's lives and flexibility is encouraged.**

It is the responsibility of the parents to discuss the children's extracurricular activities in advance, including times, dates and transportation needs, so that the children are not deprived of activities and maintaining friends. Both parents are encouraged to attend all of their children's activities. Both parents are encouraged to share the cost of the children's activities.

**SCHOOL WORK:** Both parents must provide time for the children to study and complete homework assignments, papers or other school assigned projects, even if the completion of this work interferes with a parent's plans with the children. If schoolwork is assigned by the school prior to the parenting time, the parent who is exercising parenting time with the children must inform the other parent of the schoolwork to be completed when exchanging the children.

**COMMUNICATION BETWEEN PARENTS AND CHILDREN:** Both parents shall encourage free communications between the children and the other parent. Neither parent shall do anything to impede or restrict communications by email, mail, text or phone calls between the children and the other parent regardless of who initiated the contact.

The non-visiting parent shall have the right to initiate at a minimum two telephone calls to the children each week. Each child shall have the right to communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means such as texting, Skype, Face Time, etc.

### **CLOTHING AND THE CHILDREN'S APPEARANCE**

A. Parties operating under option A or B: Each parent is expected to maintain suitable clothing, underwear, bottles, formula, and diapers for the children during their periods of parenting time. Each parent shall return all items that are sent with the child at the conclusion of the parenting time.

B. Parties operating under option C or D: Parent 1 is responsible for providing sufficient appropriate clean clothing and underwear for every parenting time period. Parent 2 is expected to maintain bottles, formula and diapers for the children during their periods of parenting time. If the planned parenting time activities require special or unusual clothing needs, Parent 2 must notify Parent 1 in advance. If the child does not own the type of clothing requested, Parent 1 is not obligated to comply with the request. All clothing sent by Parent 1 MUST be returned immediately after the parenting time period in good condition, reasonable wear and tear excepted.

C. Absent an agreement by both parents, the children's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to coloring of hair, tattoos and body piercing.

**ILLNESS:** Because parenting includes the responsibility to care for the children during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the children's illness. It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness. A child who is confined to bed rest pursuant to a physician's instructions is presumed too ill for parenting time exchanges to take place. The parent who is exercising parenting time with the children at the time of the illness shall notify the other parent of the illness prior to the exchange of the children. Any parenting time that is missed due to the illness of the children shall be made up within 30 days or as the parents mutually agree.

**MEDICATION:** If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the medication shall pass from one parent to the other during the exchanges of the child along with written instructions for the administration of the medication and the name and telephone number

of the medical care provider. Each parent shall administer the medication to the child pursuant to the physician's instructions.

**MEDICAL, DENTAL, AND OPTICAL CARE:**

- A. The children shall continue to be cared for by the same health care providers unless otherwise agreed to by the parties or for geographic reasons is not practical.
- B. Routine medical, dental and optical care will be arranged by and be the responsibility of Parent 1. Consulting with Parent 2 is not required before such routine care is undertaken.
- C. Either parent who has the physical custody of the children at the time, shall promptly notify the other of any illness or injury that requires the children to be seen or treated by a doctor or other health care provider.
- D. Either parent who has parenting time with the children at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consulting the other parent if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the children's treatment and condition, the name of the treating physicians and the location of the medical facility where the children have been admitted or treated.
- E. Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child without the consent of the other parent in advance. In the event that no agreement can be reached, the parties can petition the Court for a determination as to whether the procedure should occur.
- F. Both parents agree to utilize only in network providers to provide services to the minor children unless the parties mutually agree to a specific out of network provider. Any party who takes the children outside of the network without the approval of the other party will be solely responsible for all costs incurred for the service.

**EDUCATION**

- A. School District: Unless otherwise agreed, the children shall attend the public schools in the school district where Parent 1 resides. Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of the Court is first obtained, unless the children were so enrolled during the marriage or prior to the custody action.
- B. School Records, Notices, and Activities:
  - 1. Parent 1 shall make contact with the administrators of the schools that the children attend and cause the school to enter in its student records the name, residence address and telephone number of Parent 2 and any information the school may need to reach Parent 2 for routine or emergency reasons.

2. Parent 1 shall direct and authorize the school to release any and all information concerning the children to Parent 2. Parent 1 and the school shall make such arrangements necessary to timely provide to Parent 2 copies of all grade reports, notices and bulletins that Parent 1 would routinely receive from the school.
3. If for any reason, the school is unable to provide Parent 2 with the grade reports, notices and bulletins that Parent 1 routinely receives, the Parent 1 shall make copies of the same and immediately deliver them to Parent 2.
4. Parent 1 shall be responsible to provide the following information and deliver the same to Parent 2 as soon as it is available: School programs, scheduled events in which the children are participants, or have a particular interest in, including but not limited to, academic, drama, athletic, instrumental or vocal music programs, school clubs or other organized programs or events, extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including, but not limited to organized sports, scouting, 4-H, YMCA, YWCA, theater, music recitals, church pageants and programs and any other programs of events.
5. Parent 1 shall notify Parent 2 of all parent teacher meetings and said meetings shall be scheduled so that both parents can attend together whenever possible.
6. Each parent is responsible to set up his or her own online access to school records and information, if available.

## **RELOCATION**

**Notice of Intent to Relocate:** Each parent must file a notice of intent to relocate any time they change their residence from that of the residence where they resided at the time of the last parenting order. Said notice must be filed with the Court that issued the parenting order. Said notice must be filed at least thirty (30) days in advance of the relocation, absent emergency circumstances. The Court shall send a copy to the non-moving parent. The Court, on its own motion or the motion of the non-moving parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child. If neither the Court nor the non-moving parent files a motion with the Court, the moving parent is entitled to relocate at the conclusion of the thirty (30) day period.

**NONCOMPLIANCE WITH COURT ORDER:** The duties and rights of parents outlined in this Appendix may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent does not obey another order of the Court (for instance, to pay support, medical bills, etc). A parent may seek enforcement of a periodic child support order by contacting the Van Wert County Child Support Enforcement Agency. The failure of any



party to obey a Court Order may be subject the violating parent to Court imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

**RECORDS ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051 (H) and 3319.321 (B)(5)(a), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321(F), the parent who is not the residential parent is entitled to access to any record that is related to the child(ren), under the same terms and conditions as the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

**DAY CARE CENTER ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051(l), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C. Sections 5104.011, the parent who is not the residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

**SCHOOL ACTIVITIES NOTICE:** Pursuant to Ohio Revised Code Section 3109.051 (J), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321 (F), the parent who is not the residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

**Any time a Judgment Entry orders parenting time in accordance with one of the options in Appendix A, a copy of Appendix A shall be attached to and incorporated in the Judgment entry.**

***This version of the local rules is intended to be prospective in application only. All Judgment Entries that make reference to the Standard Rules of Visitation that were filed prior to 4/8/19 shall be governed by the local rules in effect as of the date of that entry.***

**APPENDIX B**

**VAN WERT COUNTY COMMON PLEAS COURT**

**JUVENILE DIVISION:**

**MODEL PARENTING TIME SCHEDULES AND ALLOCATION  
OF CERTAIN PARENTAL RIGHTS AND RESPONSIBILITIES  
FOR PARENTS TRAVELING OVER 150 MILES ONE WAY**

**(Effective 4/8/19)**

**Purpose of Appendix B:**

Most studies show and psychologists uniformly agree that the children who do best following a divorce are from families which maintain a low level of conflict. The absence of conflict is even more critical than the amount of time either parent spends with the child.

However, children clearly profit by continued meaningful exposure to both parents. Children need the continuing and regular involvement of both parents to feel loved. No specific schedule will satisfy the change in needs of both children and parents over the years. Critical to the success of any schedule is that each parent be flexible based upon the changing needs of a child as the child grows.

Liberal parenting time arrangements are encouraged. These schedules do not prohibit parents from developing their own schedule based on the ages and specific needs of their families. For guidance on tailoring an age specific parenting plan, it is recommended that the parties review the Planning for Parenting Time, Ohio's Guide for parents Living Apart which can be found on the Ohio Supreme Court's website. <https://www.supremecourt.ohio.gov/Publications/JCS/parentingGuide.pdf>

This Appendix is not created to give parents legal weapons to use against each other. The Court will consider a parent's breach of an obligation first in the light of the effect that it has on the children and secondly its effect on the other parent.

**I. OBLIGATIONS IMPOSED ON BOTH PARENTS**

**Mutual respect:** Neither parent shall criticize the other or allow any other person to do so in the presence of the children.

**Communication between Parents:** Both parents will communicate directly with each other regarding any matters involving their children. Neither parent will communicate with the other through subsequent spouses, significant others, relatives or the minor children unless such communications are amicable and are of minor significance.

The children shall not be used as messengers. The children shall not have direct access to the other parent with regards to modifications of schedules, etc. Instead, any requests for changes to schedules shall occur directly between the biological parents.

All parental communication shall focus solely on the best interest of the children and both parents will refrain from making negative and disparaging comments about the other parent.

Each parent shall provide the other with his or her current residence address, mailing address, telephone number and email addresses and immediately notify the other parent of any changes in that information.

## **II. MODEL PARENTING TIME SCHEDULE**

Specific items in the Journal Entry take precedence over this schedule.

**Parent 1** is the parent designated as the residential parent. This is the parent from whose home the children attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

**Parent 2** is the parent designated as the non-residential parent.

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides.

(CHOOSE ONE OPTION)

### **OPTION 1**

1. Parent 2 shall have parenting time with the children from 7:00 p.m. two days following the last day of school before summer vacation until two weeks preceding the first day of school in the fall. If, however, the children must attend summer school in order to pass to the next grade, Parent 2 shall have parenting time from 7:00 p.m. the day after the conclusion of the summer school until one week preceding the first day of school in the fall.
2. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26<sup>th</sup> at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26<sup>th</sup> at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
3. During even numbered years, Parent 2 shall have parenting time with the children on Thanksgiving break from 7:00 p.m. on the last day of school before Thanksgiving break until the

day preceding the commencement of school at the end of Thanksgiving break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.

4. During odd years, Parent 2 shall have parenting time with the children on Spring break from 7:00 p.m. on the last day of school before Spring break until the day preceding the commencement of school at the end of Spring break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
5. At such other times as Parent 2 may visit or have business in the immediate area of Parent 1's residence, Parent 2 shall receive the equivalent of a weekend visitation. Parent 2 must give Parent 1 ten (10) days advance notice of his/her intent to exercise the same. Parent 2 shall not take advantage of this provision more than once every three calendar months.
6. Parent 2 may have a once a month weekend visit if the children's traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

## \_\_\_\_\_ OPTION 2

1. Parent 2 shall be afforded eight (8) weeks of parenting time with the children during the children's summer break from school. These visits may occur in blocks of time of four (4) weeks. Parent 2 shall provide Parent 1 with advance written notice of at least sixty (60) days. Parent 2 has priority over any vacation time of Parent 1 unless Parent 1 has vacation time during an annual mandatory shut down of their place of employment or if Parent 1, is required to give more than sixty (60) days of notice to their employer to take a vacation and Parent 2 has no similar requirement. Parent 1 shall also give Parent 2 notice of at least sixty (60) days of vacations, or special plans of the children to avoid planning conflicts. If the children must attend summer school in order to pass to the next grade, Parent 2 shall schedule the parenting time around the summer school.
2. During even numbered years, Parent 2 shall have parenting time with the children from 7:00 p.m. on the last day of school before Christmas vacation to December 26th at 7:00 p.m. During odd numbered years, Parent 2 shall have parenting time with the children from December 26th at 7:00 p.m. until the day preceding the commencement of school at the end of Christmas vacation. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
3. During even numbered years, Parent 2 shall have parenting time with the children on Thanksgiving break from 7:00 p.m. on the last day of school before Thanksgiving break until the day preceding the commencement of school at the end of Thanksgiving break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.
4. During odd years, Parent 2 shall have parenting time with the children on Spring break from 7:00 p.m. on the last day of school before Spring break until the day preceding the commencement of

school at the end of Spring break. The parents shall schedule the children's return so that the children will be back in Parent 1's home by 7:00 p.m.

5. At such other times as Parent 2 may visit or have business in the immediate area of Parent 1's residence, Parent 2 shall receive the equivalent of a weekend visitation. Parent 2 must give Parent 1 ten (10) days advance notice of his/her intent to exercise the same. Parent 2 shall not take advantage of this provision more than once every three calendar months.
6. Parent 2 may have a once a month weekend visit if the children's traveling time does not exceed three hours one way. Parent 2 must notify Parent 1 of the intent to exercise this visit at least thirty (30) days in advance.

### **III. RULES GOVERNING PARENTING TIME**

#### **EXCHANGES AND TRANSPORTATION:**

- A. It shall be the responsibility of the party receiving the children to begin their parenting time to provide transportation for the children. The parties may designate a licensed insured driver known to the children to provide any of this transportation, if necessary. If either parent elects to use public transportation such as airline, train or bus, it shall be the responsibility of the parent then having parenting time with the children to timely deliver the children to the terminal to connect with their transportation.
- B. The parent from whom the children are being picked up shall have the children ready and available at the designated time. For reasons beyond the parent's control, there will be a 15 minute grace period for having the children ready and available.
- C. There will be a 30 minute grace period for picking up the children. If the receiving parent exceeds the grace period, that parent's parenting time shall be forfeited unless the other parent has been given prior notice and arrangements made or if the receiving parent has experienced vehicle breakdown or traffic congestion enroute and calls the other parent advising of the delay.
- D. Repeated violations of the grace period shall be cause to modify the parenting time order or to modify the order designating the residential parent.
- E. The party transporting the children must have and utilize a car seat/booster seat and must comply with all child restraint laws.

#### **COMMUNICATION BETWEEN PARENTS AND CHILDREN:**

Both parents shall encourage free communications between the children and the other parent. Neither parent shall do anything to impede or restrict communications by email, mail, text or phone calls between the children and the other parent regardless of who initiated the contact.

The non-visiting parent shall have the right to initiate at a minimum two telephone calls to the children each week. If the children are unavailable for conversation, each parent shall take the responsibility of seeing that the children timely return the call.

Each child shall have the right to communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means such as texting, Skype, Face Time, etc.

### **CLOTHING AND THE CHILDREN'S APPEARANCE**

A. Parent 1 is responsible for providing sufficient appropriate clean clothing and outerwear for every parenting time period. If the planned parenting time activities require special or unusual clothing needs, Parent 2 must notify Parent 1 in advance. If the child does not own the type of clothing requested, Parent 1 is not obligated to comply with the request. All clothing sent by Parent 1 **MUST** be returned immediately after the parenting time period in good condition, reasonable wear and tear excepted.

For all visits with the exception of summer visitation, if the children are infants, Parent 1 shall send sufficient bottles, formula and diapers to last the duration of the parenting time. For summer visitation, Parent 1 shall send sufficient bottles, formula and diapers to last one week, then Parent 2 is responsible for same for the remaining parenting time.

B. Absent an agreement by both parents, the children's physical appearance shall not be altered during parenting time periods. Examples of this include, but are not limited to cutting/coloring of hair, tattoos and body piercing.

**ILLNESS:** Because parenting includes the responsibility to care for the children during periods of illness, as well as during periods of health, parenting time should not ordinarily be canceled because of the children's illness. It is expected that the parents will follow the parenting time schedule despite any illness of the children, unless both parents agree that this would not be advisable due to the children's condition or contagiousness. A child who is confined to bed rest pursuant to a physician's instructions is presumed too ill for parenting time exchanges to take place. The parent who is exercising parenting time with the children at the time of the illness shall notify the other parent of the illness prior to the exchange of the children. Any parenting time that is missed due to the illness of the children shall be made up within 30 days or as the parents mutually agree.

**MEDICATION:** If the child is taking medication (prescription or non-prescription) upon the advice of a physician, the medication shall pass from one parent to the other during the exchanges of the child along with written instructions for the administration of the medication and the name and telephone number of the medical care provider. Each parent shall administer the medication to the child pursuant to the physician's instructions.

## **MEDICAL, DENTAL, AND OPTICAL CARE:**

- A. The children shall continue to be cared for by the same health care providers unless otherwise agreed to by the parties or for geographic reasons is not practical.
- B. Routine medical, dental and optical care will be arranged by and be the responsibility of Parent 1. Consulting with Parent 2 is not required before such routine care is undertaken.
- C. Either parent who has the physical custody of the children at the time, shall promptly notify the other of any illness or injury that requires the children to be seen or treated by a doctor or other health care provider.
- D. Either parent who has parenting time with the children at the time can authorize emergency care or surgery necessary for the preservation of life or to prevent a further serious injury or condition and the same may be performed without consulting the other parent if time does not permit. In such event, as soon as possible, the other parent shall be notified of the occurrence and given full details of the children's treatment and condition, the name of the treating physicians and the location of the medical facility where the children have been admitted or treated.
- E. Neither parent shall contract for or schedule any elective surgery or orthodontic treatments for the child without the consent of the other parent in advance. In the event that no agreement can be reached, the parties can petition the Court for a determination as to whether the procedure should occur.
- F. Both parties agree to utilize only in network providers to provide services to the minor children unless the parties mutually agree to a specific out of network provider. Any party who takes the children outside of the network without the approval of the other party will be solely responsible for all costs incurred for the service.

## **EDUCATION**

- A. School District: Unless otherwise agreed, the children shall attend the public schools in the school district where Parent 1 resides. Neither parent shall enroll the children in a private or parochial school without the consent of the other or an order of the Court first obtained, unless the children were so enrolled during the marriage or custody action.
- B. School Records, Notices, and Activities:
  - 1. Parent 1 shall make contact with the administrators of the schools that the children attend and cause the school to enter in its student records the name, residence address and telephone number of Parent 2 and any information the school may need to reach Parent 2 for routine or emergency reasons.

2. Parent 1 shall direct and authorize the school to release any and all information concerning the children to Parent 2. Parent 1 and the school shall make such arrangements necessary to timely provide to Parent 2 copies of all grade reports, notices and bulletins that Parent 1 would routinely receive from the school.
3. If for any reason, the school is unable to provide Parent 2 with the grade reports, notices and bulletins that Parent 1 routinely receives, the Parent 1 shall make copies of the same and immediately deliver them to Parent 2.
4. Parent 1 shall be responsible to provide the following information and deliver the same to Parent 2 as soon as it is available: School programs, scheduled events in which the children are participants, or have a particular interest in, including but not limited to, academic, drama, athletic, instrumental or vocal music programs, school clubs or other organized programs or events, extra-curricular programs and all scheduled events in which the children are participants or have a particular interest in, including, but not limited to organized sports, scouting, 4-H, YMCA, YWCA, theater, music recitals, church pageants and programs and any other programs of events.
5. Parent 1 shall notify Parent 2 of all parent teacher meetings and said meetings shall be scheduled so that both parents can attend together, if possible.
6. Each parent is responsible to set up his or her own online access to school records and information, if available.

**NOTICE OF INTENT TO RELOCATE:** Each parent must file a notice of intent to relocate any time they change their residence from that of the residence where they resided at the time of the last parenting order. Said notice must be filed with the Court that issued the parenting order. Said notice must be filed at least thirty (30) days in advance of the relocation, absent emergency circumstances. The Court shall send a copy of the notice to the non-moving parent. The Court, on its own motion or the motion of the non-moving parent may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child. If neither the Court nor the non-moving parent files a motion with the Court, the moving parent is entitled to relocate at the conclusion of the thirty (30) day period.

**NONCOMPLIANCE WITH COURT ORDER:** The duties and rights of parents outlined in this Appendix may be enforced by the Court upon the filing of the appropriate motion by either party. Under Ohio Law, a parent may not withhold parenting time because the other parent does not obey another order of the Court (for instance, to pay support, medical bills, etc). A parent may seek enforcement of a periodic child support order by contacting the Van Wert County Child Support Enforcement Agency. The failure of any party to obey a Court order may be subject the violating parent to Court imposed sanctions or penalties, including fines, jail, payment of attorney fees and costs and other appropriate relief.

**RECORDS ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051 (H) and 3319.321 (B)(5)(a), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321(F), the parent who is not the residential parent is



entitled to access to any record that is related to the child(ren), under the same terms and conditions as the residential parent, and to which said residential parent is legally provided access. Any keeper of a record who knowingly fails to comply with this order is in contempt of court.

**DAY CARE CENTER ACCESS NOTICE:** Pursuant to Ohio Revised Code Sections 3109.051(I), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and in accordance with R.C. Sections 5104.011, the parent who is not the residential parent is entitled to access to any day care center that is or will be attended by the child(ren) with whom visitation is granted, to the same extent that the residential parent is granted access to the center.

**SCHOOL ACTIVITIES NOTICE:** Pursuant to Ohio Revised Code Section 3109.051 (J), the parties are notified as follows: Excepting as specifically modified or otherwise limited by court order, and subject to R.C. Section 3319.321 (F), the parent who is not the residential parent is entitled to access, under the same terms and conditions as the residential parent, to any student activity that is related to the child(ren) and to which the residential parent of the child(ren) legally is provided access. Any school employee or official who knowingly fails to comply with this order is in contempt of court.

**Any time a Judgment Entry orders parenting time in accordance with one of the options in Appendix B, a copy of Appendix B shall be attached to and incorporated in the Judgment entry.**

***This version of the local rules is intended to be prospective in application only. All Judgment Entries that make reference to the Standard Rules of Visitation that were filed prior to 4/8/19 shall be governed by the local rules in effect as of the date of that entry.***

**APPENDIX C**

**HOLIDAY SCHEDULE**

**(Effective 4/8/19)**

**Parent 1** is the parent designated as the residential parent (primary residential parent for shared parenting plans). This is the parent from whose home the child(ren) attend/will attend school. Unless otherwise noted, this is the parent designated as the residential parent for school purposes.

**Parent 2** is the parent designated as the non-residential parent (secondary residential parent for shared parenting plans).

Nothing in this Appendix shall prohibit the parents from mutually agreeing to deviate or change times of visitation without court approval.

**HOLIDAYS:** The following holidays take priority over weekly parenting time and vacation parenting time.

<b>Holiday</b>	<b>Time</b>	<b>Odd Years</b>	<b>Even Years</b>
Easter	Last day of school at 7pm to Sun at 7pm	Parent 1	Parent 2
Memorial Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Mother's Day	From 9am to 7pm	Mother	Mother
Father's Day	From 9am to 7pm	Father	Father
July 4 <sup>th</sup>	July 3 at 7pm to July 5 at 7pm	Parent 1	Parent 2
Labor Day	Fri at 7pm to Mon at 7pm	Parent 2	Parent 1
Trick or Treat	From 9am to 8pm (if the child is in school, from after school until 8pm)	Parent 1	Parent 2
Thanksgiving	Wed at 7pm to Sun at 7pm	Parent 2	Parent 1
First ½ of Christmas	Last day of school at 7pm to Dec 26 at 7p.m.	Parent 1	Parent 2
Second ½ of Christmas	Dec 26 at 7 p.m. until 7pm the day before school resumes	Parent 2	Parent 1
Child's Birthday	From 9am to 7pm (if the child is in school, from after school to 8pm)	Parent 1	Parent 2

All references to "school" refer to the schedule of the school that the children attend. If the children are not yet attending school, the public school schedule for the district where Parent 1 resides shall be used.