

2.2 POST DECREE CASES

Contested Changes

In post-decree cases where there is no agreement between the parties, a Motion to reallocate the parental rights and responsibilities for the care of the minor child/ren shall be filed, along with an Affidavit. A hearing will be scheduled before the assigned Judge or Magistrate.

The Court, pursuant to O.R.C. § 3109.04(E)(1)(a), shall not modify a prior decree allocating parental rights and responsibilities unless it finds, based on facts that have arisen since the prior decree or that were unknown to the Court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the minor child/ren.

Agreed Entries

In post-decree cases where the parties agree to parenting changes, the parties shall file a Joint Motion, Agreed Entry and ancillary required documentation listed in "Forms & Procedures" Section 7: Agreed Entries-Post Decree. Agreed Entries shall be signed by all parties and counsel.

Agreed Entries shall be scheduled as a Rule No Hearing. The assigned Magistrate or Judge will determine if there is a need for a hearing. If it is determined a hearing is necessary, the Court will schedule a hearing. If the Agreed Entry is accepted as submitted, the Agreed Entry will be journalized and become an Order of the Court without a hearing. See Local Rule 1.13 for further information.