

TITLE II: PARENTING ALLOCATIONS

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2.0 PRE-DECREE DIVORCE CASES

Contested Parenting

In cases where both parties request to be the sole residential parent and legal custodian of the minor child/ren, the Court, pursuant to O.R.C. § 3109.04(a)(1), shall allocate the parental rights and responsibilities to one of the parents and designate that parent the residential parent and legal custodian of the minor child/ren. The Court shall divide the other rights and responsibilities including, but not limited to, support and parenting time.

In cases where at least one party files a plan for shared parenting, the Court, pursuant to O.R.C. § 3109.04(a)(2), may allocate the parental rights and responsibilities to both parents if a Shared Parenting Plan is in the best interest of the minor child/ren. The Court may require the parents to share all or some aspects of the physical and legal care of the minor child/ren.

Uncontested Parenting

In cases where the parties agree as to one or both parents is/are to be designated the residential parent and legal custodian(s) of the minor child/ren, a Parenting Plan or Shared Parenting Plan shall be filed with the Court. Parenting time must be delineated in accordance with O.R.C. § 3109.051 or O.R.C. § 3109.04.

In uncontested cases where only one party appears, the Court shall allocate parental rights to the party as the sole residential parent and legal custodian. The Court shall award specific parenting time to the other party, unless the Court determines that parenting time would not be in the best interest of the minor child/ren.

2.1 PRE-DECREE DISSOLUTION CASES

A Separation Agreement shall designate which parent is the residential parent and legal custodian of the minor child/ren and must set forth a specific parenting time schedule for the non-residential parent. Parenting time shall be delineated in accordance with O.R.C. § 3109.051. The Court will also consider a Shared Parenting Plan, which shall be submitted to the Docket Office at the time of filing for approval by the Court.

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.

2.3 EVALUATION

Definitions

- A. “Best interest” has the same meaning as in O.R.C. 3109.04 and 3109.051.
- B. “Custody Evaluation” means an expert study and analysis of the needs, the development and the best interests of a child who is the subject of an action or proceeding in which child custody or parenting time is an issue and of the comparative and relative capacities of the parties and other relevant adults to care for and meet the needs and best interest of the child. Custody Evaluation shall include full or partial evaluation, and shall include a custody evaluator’s recommendations regarding allocation of parental rights and responsibilities, companionship, and parenting time.
- C. “Custody Evaluator” means an individual meeting the requirements of Sup.R. 91.08. As used in this rule, a custody evaluator can be one of the following:
 - 1. “Court-connected Evaluator,” is a court employee who is appointed by the court to perform a custody evaluation.
 - 2. “Private Custody Evaluator,” is a person in private practice who provides custody evaluation services to the court.
- D. “Evaluation” includes an investigation and an assessment.
- E. “Full evaluation” means a comprehensive examination of the best interests of a child.
- F. “Partial evaluation” means an examination of the best interests of a child that is limited in either time or scope.

Custody Evaluation

A. Order

Upon motion of a party, guardian ad litem, counsel for a child, or on its own initiative, the Court may order a custody evaluation to aid in evaluating the best interest of a child in a contested custody or parenting time case.

B. Description of Custody Evaluation

Unless the Court order limits the appointment or the custody evaluator determines otherwise, a custody evaluation shall include but is not limited to all of the following:

- 1. Information obtained through joint or individual interviews with each party;

2. Information obtained through interviews with each child;
3. Information obtained through interviews with stepparents, significant others, or any other persons residing in the home;
4. Information obtained through interviews with step or half siblings residing in the home;
5. Information obtained from child care providers, schools, counselors, hospitals, medical professionals, social service agencies, guardians ad litem, and law enforcement agencies;
6. Information from home visits or observations of each child with the appropriate adults involved;
7. Results of clinical tests administered;
8. History of child abuse, domestic violence, substance abuse, psychiatric illness, and involvement with the legal system; and
9. Investigation into any other relevant information about the child's needs.

C. Types of Custody Evaluations

1. Full Evaluation

- a. Completed in approximately 111 days.
- b. Typically required in cases where the parents disagree as to the designation of residential parent and legal custodian and one or all of the child/ren are under ten (10) years of age. However, the Court may require only a Partial Evaluation should mitigating circumstances and limited issues exist regarding the well-being of the child/ren and/or functioning of the parents.
- c. Typically, consists of:
 - 1) One or more joint interviews with both parents;
 - 2) One more individual interviews with each parent;
 - 3) Interviews with stepparents or significant others;
 - 4) One or more interviews with each child within the family unit;
 - 5) Collateral information from schools, counselors, hospitals, physicians, social service agencies, police, and witnesses;

- 6) Drug and alcohol screenings, if determined necessary;
 - 7) Home visits performed on each parent's household, if determined necessary;
and
 - 8) Any other information the custody evaluator deems necessary.
- d. Resulting in a custody evaluator report which will include recommendations as to the child/ren's best interests.

2. Partial Evaluation

- a. Completed in approximately 65 days.
- b. Typically required in cases where one of the following is present:
 - 1) The parents disagree as to the designation of residential parent and legal custodian and the child/ren are ten (10) years of age or older;
 - 2) A parent has filed to relocate the child/ren and the other parent does not consent to the move;
 - 3) The parents have a Shared Parenting Plan and one parent has filed for a change in the Plan to which the other parent disagrees; or
 - 4) A parent has filed to modify the parenting time schedule and the other parent disagrees.

However, the Court may require a Full Evaluation should complex circumstances and issues exist regarding the well-being of the child/ren and/or functioning of the parents.

- c. Typically, consists of:
 - 1) One joint interview with both parents;
 - 2) One interview with each child within the family unit;
 - 3) Collateral information; and
 - 4) Any other information the custody evaluator deems necessary.
- d. Resulting in a custody evaluator report which will include recommendations as to the child/ren's best interests.

Custody Evaluator Requirements

A. Licensure Requirement

The Court shall appoint an individual as a custody evaluator only if the individual is one of the following:

1. An Ohio licensed psychologist or a psychologist licensed in another jurisdiction and authorized by the Ohio Board of Psychology to practice psychology in this state on a temporary basis;
2. An Ohio licensed social worker, professional clinical counselor, or marriage and family therapist or a professional with an equivalent level of licensure issued by another jurisdiction and authorized by the Ohio Counselor, Social Worker, and Marriage and Family Therapist Board to practice in this state on a temporary basis;
3. A physician licensed in any state and board-certified in psychiatry or who has completed a psychiatry residency accredited by the Accreditation Council for Graduate Medical Education or a successor to that Council; or
4. A court-connected Evaluator who has a minimum of a master's degree in a mental health field that includes formal education and training in the legal, social, familial, and cultural issues involved in custody decisions.

B. Pre-appointment training

1. Except as provided in division (B)(2) of this rule, the Court shall appoint an individual as a custody evaluator only if, at the time of appointment, the individual has completed an initial training program of forty (40) hours to qualify for appointment. The initial training course shall be provided by the Supreme Court of Ohio or other provider that has received prior approval of the Supreme Court. Approved topics for the initial training are detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.
2. An individual serving as a custody evaluator on September 1, 2022, shall have until February 1, 2024, to complete the training required under division (B)(1) of this rule.

C. Continuing Education

1. **Requirement:** In each succeeding year following completion of the pre-appointment educational requirements of Sup.R. 91.08(B), a custody evaluator appointed by Court shall complete a minimum of six (6) hours of continuing education that meets all of the following requirements:
 - a. Is provided by the Supreme Court of Ohio or other provider that has received prior approval of the Supreme Court; and

- b. Is comprised of approved continuing education topics detailed in the Supreme Court of Ohio's Custody Evaluator Training Guidelines.

2. Failure to comply

- a. The custody evaluator shall not be eligible for new appointments to serve as a custody evaluator until the requirement in division (C)(1) of this rule is satisfied. If the deficiency in continuing education is more than three calendar years, the custody evaluator shall complete the 40-hour pre-appointment training pursuant to Sup.R. 91.08(B) to qualify again for appointment.
- b. If the custody evaluator is currently conducting an Evaluation at the time of noncompliance, the appointing court may allow the custody evaluator to complete the evaluation and fulfill the requirements within the order of appointment.

D. Private Custody Evaluators

1. All private custody evaluators must complete and submit the Application for the Custody Evaluator Appointment List (Form 12.1) to the Director of the Dispute Resolution Department. The application shall include:
 - a. A resume stating the applicant's training, experience, and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of a custody evaluator;
 - b. Proof of compliance with the custody evaluator licensure requirements and completion of the pre-appointment training program; and
 - c. Proof of malpractice insurance.
2. A private custody evaluator shall provide copies of all reports to the Dispute Resolution Department.
3. **Annual Reporting Requirements.** On or before January 1st of each year, a private custody evaluator shall provide to the Director of the Dispute Resolution Department the following:
 - a. A list of active custody evaluation cases;
 - b. An updated resume;
 - c. Completion of Private Custody Evaluator Annual Compliance Statement (Form 12.2) certifying that he/she is unaware of any circumstances that would disqualify him/her from serving as a private custody evaluator;
 - d. Proof of malpractice insurance; and

- e. A list of continuing education completed during the previous year pursuant to division (C)(1) of this rule.

A private custody evaluator shall not be eligible for appointment until these requirements are satisfied. A custody evaluator shall immediately notify the court of any changes in contact information, changes in licensure status and disciplinary actions.

4. The Director of the Dispute Resolution Department shall complete a review of the custody evaluators on the Court's roster in January of each year. The Dispute Resolution Department will maintain a roster of private custody evaluators that are eligible for court appointment.

Appointment of a Custody Evaluator

A. Custody Evaluator Appointment

Pursuant to Sup.R. 91.04, the Court may appoint a court-connected custody evaluator or a private custody evaluator to perform the evaluation. A custody evaluator shall meet the requirements of Sup.R. 91.08 and this Local Rule. The Court shall not appoint as a custody evaluator a guardian ad litem appointed to the case pursuant to Sup.R. 48. The Court shall consider only evaluations completed by a Court appointed custody evaluator.

B. Order of Appointment

The Court's appointment order shall include the following:

1. The name, business address, licensure, and telephone number of the custody evaluator;
2. The purpose and scope of the appointment;
3. The term of the appointment;
4. A provision that a written report is required and oral testimony may be required;
5. Any deadlines pertaining to the submission of reports to the Court, including the dates of any pretrial, settlement conference, or trial associated with the furnishing of reports;
6. A provision for payment of fees, expenses, and any hourly rate or fee that will be charged;
7. Any provision the Court deems necessary to address the safety and protection of all parties, the child/ren of the parties, any other child/ren residing in the home of a party, and the person being appointed;

8. Grant the custody evaluator the right to access information as authorized with the appointment;
9. Require the parties to cooperate with the custody evaluator and provide information promptly when requested to do so; and
10. Any other provisions the Court deems necessary.

C. Selection of Custody Evaluator for Appointment

The custody evaluator who meets the requirements in this Local Rule shall be selected using one of the following:

1. Court custody evaluator;
2. Rolled selection from the Court's roster of private custody evaluators;
3. Specific appointment based on the complexity of the issues, parties, counsel, and the child/ren involved as well as the experience, expertise and demeanor of the available private custody evaluators; or
4. Parties select a custody evaluator from the Court's roster of private custody evaluators.

D. Removal

The Court may remove a custody evaluator appointed to perform a custody evaluation upon a showing of good cause.

E. Resignation

A custody evaluator appointed to perform a custody evaluation may resign prior to completing the evaluation only upon a showing of good cause, a notice to the parties, an opportunity to be heard, and the approval of the Court.

F. Fees and expenses

1. Prior to the appointment of a custody evaluator, the parties shall have a right to be heard on the issue of the allocation of reasonable fees and expenses.
2. The Court shall inquire as to the rate and the terms of compensation the custody evaluator requires and shall determine the ability of any party to pay for the reasonable fees and expenses of the custody evaluator. In making this determination, the Court shall consider all of the following:

- a. The income, assets, liabilities and financial circumstances of the parties, as demonstrated with an affidavit or statement of income and expenses, testimony to the court, or evidence of qualification for any means-tested fee waiver assistance;
 - b. The complexity of the issues; and
 - c. The anticipated fees and expenses of the custody evaluator, including any fees or expenses related to potential testimony.
3. Upon determination that the appointment of a custody evaluator should proceed, the Court shall issue an order regarding allocation of payment of the custody evaluator's reasonable fees and expenses which shall consist of both of the following:
- a. Any requirement for a party to pay fees and expenses, including an initial deposit; and
 - b. Any requirement for any other entity or individual to contribute toward fees and expenses.
4. For good cause shown, based upon a change of financial circumstances, the conduct of any party, or other unforeseen circumstances, the Court may approve additional fees or expenses, reallocate fees or expenses, or require a party to reimburse another party in part or in whole for fees or expenses paid.
5. **Court-Connected Custody Evaluator**
- a. The Court shall determine fees in the appointment order.
 - b. The Court may waive the cost of a custody evaluator with a verified Fee Waiver Affidavit (Form 1.22A).
6. A **Private Custody Evaluator** shall do the following:
- a. Execute a contract for services with the parties;
 - b. Set and collect fees for services; and
 - c. Submit billing statement(s) to the parties.

G. Custody Evaluator Comments or Complaints

1. A party to a case appointed to custody evaluation may file a comment or complaint regarding the custody evaluator within one year from the termination of the appointment. Dissatisfaction with the recommendations of the custody evaluator does not constitute misconduct.

2. The comment or complaint shall be submitted to the Director of the Dispute Resolution Department, and include all of the following:
 - a. The case caption and case number;
 - b. The name of the custody evaluator;
 - c. The name and contact information for the person making the complaint;
 - d. The nature of any alleged misconduct or violation; and
 - e. The date the alleged misconduct or violation occurred.
3. The Director of the Dispute Resolution Department shall provide a copy of the comment or complaint to the custody evaluator. The custody evaluator has fourteen (14) days from the date of the receipt of the comment or complaint to respond in writing to the Director of the Dispute Resolution Department.
4. The Director of the Dispute Resolution Department shall investigate alleged misconduct or violations and shall issue a response to the person making the comment or complaint and the custody evaluator within thirty (30) days from the date the custody evaluator's response was received.
5. The Director of the Dispute Resolution Department shall maintain a record of all comments and complaints.

Custody Evaluator Responsibilities

- A. A court appointed custody evaluator pursuant to Sup.R. 91.04 shall do all of the following when performing a custody evaluation:
 1. Maintain objectivity, provide and gather balanced information from both parties to the case, and control for bias;
 2. Strive to minimize the potential psychological trauma to child/ren during the evaluation and report writing by performing responsibilities in a prompt and timely manner;
 3. Protect the confidentiality of the parties and child/ren with collateral contacts and not release information about the case to any individual except as authorized by the court or statute;
 4. Immediately identify self as a custody evaluator when contacting individuals in the course of a particular case and inform these individuals about the role of a custody evaluator and that documents and information obtained may become part of court proceedings;
 5. Refrain from any ex parte communications with the Court regarding the merits of the case;

6. Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;
7. Consider the health, safety, welfare, and best interest of the child/ren in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;
8. Not pressure child/ren to state a custodial preference;
9. Inform the parties of the custody evaluator's reporting requirements, including, but not limited to suspected child abuse and neglect and threats to harm one's self or another person;
10. Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;
11. Be conscious of the socioeconomic status, gender, race, ethnicity, sexual orientation, cultural values, religion, family structures, and developmental characteristics of the parties;
12. Notify the court in writing upon discovery of any conflicts of interest arising from any relationship or activity with parties or others involved in the case. A custody evaluator shall avoid self-dealing or associations from which the custody evaluator may benefit, directly or indirectly, except from services as a custody evaluator.

B. Assistance

When one party resides in another jurisdiction, a custody evaluator, upon order of the Court, may rely upon another qualified neutral professional for assistance in gathering information.

C. Communication with the Court

A custody evaluator may communicate with the Court when necessary to amend the scope or time frame of the Order of Appointment.

Custody Evaluator Report

A. General

1. A custody evaluator shall prepare and file with the Court a written report at least 30 days prior to the final hearing. The report shall provide a detailed analysis of the relative strengths and areas in need of improvement of the parties with respect to meeting the needs of the child/ren as well as a comparative analysis of different parenting or companionship plans under consideration. The report shall not be considered an investigation pursuant to Civ.R. 75(D).

2. The written report shall include the statement:

“The Custody Evaluator’s report shall be provided to the court for distribution to unrepresented parties and legal counsel. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.”

3. A custody evaluator shall provide a copy of the report to unrepresented parties and parties’ legal counsel. A private custody evaluator shall provide copies of all reports to the Dispute Resolution Department.

B. Court access to report

The Court may receive and read the written report in advance of a hearing or trial for the purpose of conducting a settlement conference in the case.

C. Record keeping

A custody evaluator shall establish and maintain a record-keeping system that shall include active control of the records and reasonable precautions to prevent the loss or destruction of records in compliance with established record retention standards.

D. Discovery and public access

1. The written report shall be subject to the Ohio Rules of Civil Procedure applicable to discovery in civil actions.
2. The written report shall not be available for public access pursuant to Sup.R. 44 through 47.

E. Copying and dissemination

A party may copy a custody evaluator’s written report but, except as permitted by the Court, shall not disseminate the report by any means, including by social media. In particular, reports or the recommendations shall not be shared with minor child/ren who are the subject of the case. Unauthorized disclosure or distribution of the report may be subject to court action, including the penalties for contempt which include fines and/or incarceration.

F. Testimony and report at hearing or trial

1. The custody evaluator’s report shall be admitted into evidence at a hearing or a trial on the Court’s motion. The report shall be admitted as the Court’s exhibit in the form of the custody evaluator’s expert direct testimony. A party challenging the report

shall subpoena the custody evaluator to appear not less than fourteen (14) days before a hearing or trial.

2. The Court shall notify the custody evaluator as soon as a hearing or trial date is set. The custody evaluator shall be available to testify on cross-examination regarding the report if subpoenaed by a party not less than fourteen (14) days prior to trial.
3. All subpoenas shall be filed with the Clerk of Courts.

2.4 RESERVED FOR SUPERVISED PARENTING TIME

2.5 STANDARD PARENTING ORDER

O.R.C. §3109.05(F)(2) requires the Court to adopt standard parenting time guidelines. The Court shall have the discretion to deviate from the guidelines set forth in the Standard Parenting Order (DR 2.7) as circumstances dictate.

2.6 CONCILIATION

Definition:

Conciliation is a process where parties determine the viability of their marriage and whether they are able to reconcile.

Conciliation is not mediation pursuant to Ohio Revised Code §§ 2710, 3109.052 or Sup.R.16.

Scope:

Conciliation shall only be initiated upon written motion pursuant to and in compliance with the provision of O.R.C. § 3105.091.

Procedure:

A party files a motion for conciliation. The other party may file and serve a written memorandum in opposition to the initial motion within ten (10) days from the date of service of the original motion.

No reply memorandum in support of the initial motion shall be permitted.

Pursuant to Civil Rule 7(B)(2), motions for conciliation shall be submitted to the Judges and shall be determined without oral hearing.

If the Court grants the motion, a copy of the Entry Granting Motion for Conciliation (DR 2.6A) shall be issued. The parties will be notified and will be referred to the Dispute Resolution Department. A Social Worker/Counselor will schedule one or two sessions and issue a brief report to the Court.

There is no fee for a Motion or Petition for Conciliation.

2.7 NOTICE OF RELOCATION

AMENDED 03/01/2010

The residential parent must notify the Court of any intent to relocate by completing a “Notice of Intent to Relocate” form (DR 2.8) and submitting it to the Court’s Docket Office. The non-residential parent must also notify the Court of any intent to relocate if there is a support Order in effect. In addition, if a Shared Parenting Plan is in effect, each parent must notify the Court as well. The Docket Office will file the original form with the Clerk of Court’s Office, and will send a copy to the non-relocating parent and to the Hamilton County Child Support Enforcement Agency.

If the non-relocating parent wishes to contest the relocation, he or she must file a motion to bring the matter before the Court for consideration. The Docket Office will schedule a hearing before the assigned Judge.

In accordance with Ohio Revised Code Section 3109.051(G), the relocating parent may request a hearing on the issue of prohibiting notification of the new address to the other parent (see DR 2.8, pg. 2). When such a hearing is requested, the relocating parent should only list an address for him/herself where notification of the hearing date can be sent. The Docket Office will schedule a hearing before the assigned Magistrate.

Neither parent may remove the child(ren) from and establish residence outside of the area specified in the Parenting Time Order, Decree or Shared Parenting Plan without the Court’s permission. Approval may be granted through an Order from this Court or an Agreed Entry signed by both parents and each parent’s attorney, if applicable. In the absence of an Agreed Entry, the parent desiring to relocate must complete DR 2.8 and file a motion requesting a hearing on the issue. The Docket Office will schedule a hearing before the assigned Judge.

The Court may require an investigation in the Dispute Resolution Department as to the best interests of the child(ren). The attorneys or self-represented parties will receive a copy of the report in the mail, sent through the Clerk of Court’s Office. The matter will be set back on the Judge’s docket by the assigned Social Worker/Counselor.

2.8 MEDIATION

AMENDED 01/01/2007; AMENDED 05/14/2020

Definitions

“Mediation” means any process in which an impartial third party facilitates communication and negotiation between parties to assist them in reaching a voluntary agreement regarding their dispute. The parties can agree to mediate or can be court ordered to mediate. Mediation can be a virtual/teleconference or an in-person session.

“Mediator” means a trained impartial individual who conducts mediation and facilitates the communication between parties.

“Mediation party” means a person who participates in mediation and whose agreement is necessary to resolve the dispute.

“Non-party participant” means a person, other than a party or a mediator, who participates in a mediation session.

“Mediation communication” means a statement, whether oral, in a record, verbal or non-verbal, that occurs during a mediation or is made for the purposes of considering, conducting, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.

“Confidentiality” means all mediation communications related to or made during the mediation process that are subject to and governed under the Uniform Mediation Act (UMA) O.R.C. §§ 2710.01 to 2710.10, O.R.C. § 3109.052, the Rules of Evidence and any other pertinent judicial rules. In furtherance of the confidentiality set forth in this rule, parties and non-party participants requesting confidentiality of mediation communications shall execute a written Agreement to Mediate prior to the mediation session. If different persons attend a subsequent session, additional signatures shall be obtained prior to proceeding further in the process.

Exceptions to confidentiality include the following:

- A. Allegations of abuse or neglect of a child;
- B. Certain threats of harm to other people or oneself;
- C. Statements made during mediation to plan or to hide an ongoing crime; or
- D. Statements made during the process that reveal a felony.

“Privilege” means a mediation communication that is not subject to discovery or that is admissible as evidence in a judicial proceeding. A mediator shall not be deposed or subpoenaed to testify about any mediation communication unless an exception applies:

- A. A communication is otherwise discoverable;
- B. A communication is an imminent threat or a statement of a plan to inflict bodily injury or to commit a crime of violence;

- C. A communication is intentionally used to plan, to attempt to commit or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
- D. A communication is required to be disclosed pursuant to O.R.C. § 2921.22.

Through this local rule, the Hamilton County Court of Domestic Relations incorporates by reference O.R.C. Chapter 2710 Uniform Mediation Act (UMA), O.R.C. § 3109.052 Mediation of Differences as to Allocation of Parenting Rights and Responsibilities and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

Purpose

Mediation promotes greater efficiency and public satisfaction through the facilitation of resolutions for Domestic Relations cases. Mediation increases self-determination, improves communication, promotes the best interests of children and reduces economic and emotional costs. Mediation empowers parties to make their own decision with a lower conflict method.

Procedure

The Court's Dispute Resolution Department (DRD) conducts virtual/teleconference or in-court mediation sessions at the Hamilton County Court of Domestic Relations, 800 Broadway, Cincinnati, OH 45202 (513-946-9079). DRD is located on the third floor and is open 8:00 AM to 4:00 PM Monday through Friday.

Once a mediation order is received, DRD will await payment, if necessary, and then assign the mediation to a staff member. The mediator will send a Mediation Appointment Letter with the date and the time for the first mediation appointment. A mediator may schedule mutually agreed subsequent mediation sessions. For virtual mediations, the mediator will request electronic mail addresses from parties for communication of upcoming sessions and events.

A mediator may meet with the parties individually or in a teleconference prior to the initial session for domestic violence screening or may contact the parties for an individual session to screen for domestic violence.

The Court's DRD Director 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 for mediation.

At the conclusion of the mediation, the mediator shall inform the Court of the status of the mediation including all of the following:

- A. Whether the mediation occurred or was terminated;
- B. Whether agreement was reached on any of the issues that were the subject of mediation; and
- C. Whether all parties attended.

Continuances

The Court's policy is to determine matters in a timely fashion. Continuances of schedule mediations shall be granted only for good cause shown. The party requesting the continuance shall contact the other party to continue a mediation and shall contact the mediator who will select another date. The existence of pending motions is not a reason to continue mediation.

Types of Court Mediation

Parenting Mediation for the Allocation of Parental Rights and Responsibilities

Parenting mediation is defined as a process with issues regarding parental rights and responsibilities including but not limited to custody, parenting time schedule, medical decisions, religion, schools, transportation, extended families or extracurricular activities.

Financial Mediation

Financial mediation is defined as a process with issues including but not limited to spousal support, real estate, retirement plans, banks accounts, debts, and assets.

Pre-Decree Mediation

Prior to the Final Decree of Divorce, the Court may order parties to parenting or to financial mediation. The mediator may be either a community-based or a Court mediator. The Court or the parties may select a community-based mediator. The community-based mediator may be selected from the Court's list of mediators. If the parties select the Court program, the parties are responsible for providing contact information to DRD. The Court will forward the Mediation Order(s) to DRD.

Post-Decree Mediation

Court-Ordered: Following the Entry of a Decree of Divorce or Dissolution, the Court on its own motion or on the motion of the parties may order disputed post-decree parenting or financial issues to mediation in whole or in part. The mediator may be either a community-based mediator from the Court's list of mediators or a Court mediator from the Court's list of mediators.

Agreed: The parties may agree to mediation to resolve disputes related to their parenting or financial issues. If the parties agree to mediation to resolve parenting or financial issues either as a result of a stipulation in their divorce decree or because they desire an alternative to litigation, either party may contact DRD to initiate mediation. DRD will secure an agreement as to whether the parties will attend mediation with a community-based mediator or with a Court mediator.

The Court shall utilize mediation procedures for all cases that will:

- A. 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;
- B. Screen for domestic violence before and during mediation;
- C. Encourage appropriate referrals to legal counsel and other support services for all parties, including victims of and suspected victims of domestic violence. A brochure is displayed in public areas, which is available to mediators and other staff to distribute to clients as appropriate; or
- D. Prohibit the use of mediation in any of the following:
 - 1. Determination of whether to grant, to modify or to terminate a protection Order;
 - 2. Alternative to the prosecution or to the adjudication of domestic violence;
 - 3. Determination of the terms and the conditions of a protection Order; or
 - 4. Determination of the penalty for violation of a protection Order.

Mediator Qualifications

General Qualifications and Training

A community-based or in-Court mediator shall satisfy the following:

- A. Possess a bachelor's degree, or equivalent education or experience as is satisfactory to the Department, 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 Department;
- B. Complete Fundamentals of Mediation training with the additional online education the Dispute Resolution Section of the Supreme Court has approved;
- C. Complete Specialized Domestic Abuse Issues and Mediation Training with the additional online education the Dispute Resolution Section of the Supreme Court of Ohio has approved;
- D. Complete the Specialized Family or Divorce Mediation training with the additional online education the Dispute Resolution Section of the Supreme Court of Ohio has approved; and
- E. Complete 20 hours of co-mediation with an existing mediator, who has completed the above-cited training and who has mediated for at least two years.

Community-based mediators must also:

- A. Complete three-hours of continuing legal education (CLE) each year to remain on the Court's mediator list;
- B. Provide proof of annual CLE by January 1 to the Director of DRD to remain on the Court's mediator list. Proof includes a copy of the education certificate, signed compliance statement and resume; and
- C. Maintain appropriate liability insurance coverage.

Mediator Responsibilities

Mediation of allocation of parental rights and responsibilities or the care of, or parenting time with, minor children shall comply with all provisions set forth in this rule. Mediation may then proceed, when violence or fear of violence is alleged, suspected, or present, only if the mediator has specialized training as set forth in Mediator Qualifications of this rule and all of the following conditions are satisfied:

- A. 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 the mediation sessions.
- B. The parties have the capacity to mediate without fear of coercion or control.
- C. 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.
- D. Procedures are in place for the mediator to terminate mediation if he or she believes there is a continued threat of domestic violence or coercion between the parties. The Court requires all mediators to whom it refers cases to use established procedures to terminate mediation if the mediator believes there is a continued threat of domestic violence or coercion between the parties. Each party must be informed of the termination of the mediation, safety planning, and next steps separately in caucus.
- E. Procedures are in place for issuing written findings of fact, as required by O.R.C. § 3109.052, to refer certain cases involving domestic violence to mediation.

Mediators shall not offer legal advice.

Mediators shall comply with the “Core Values of Mediation” which the Supreme Court of Ohio Dispute Resolution Section Commission on Dispute Resolution established and approved.

Mediator Conflicts of Interest

The mediator assigned to conduct an in-court mediation shall disclose to the mediation parties, counsel, if applicable, and any non-party 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 shall withdraw and request that DRD re-assign the case. The parties shall be free to retain the mediator with an informed, written waiver of the conflict(s) of interest.

Termination

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, the mediator shall inform all interested parties and the Court that the mediation is terminated using the Court’s procedure.

Stay of Proceedings

All remaining Court Orders shall continue in effect. Mediation shall not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless the judicial officers and the parties agree. A stay is ordered for statistical reporting to the Supreme Court of Ohio.

List of Qualified Mediators

The Director of DRD maintains a list of qualified mediators and shall distribute that list to all Judges and Magistrates of the Court.

The Director of DRD shall review applications of persons seeking to be added to the list of qualified mediators in accordance with the adopted Court procedures. The Director shall conduct an annual review of each mediator's qualifications and shall remove from the Court's list those mediators who are no longer qualified. To remain on the Court's list, community-based mediators shall provide annual compliance statements by January 1 with a copy of the continuing education certificates to the DRD Director.

Fees and Costs

Pre-decree parenting mediation is at no cost.

Post-decree mediation is \$150.00.

Pre-decree or post-decree financial mediation is \$300.00.

The parties may agree to the allocation of the costs for mediation. Unless the parties agree, the mediation costs will be shared equally or as allocated in the Court's Order.

The Court may waive costs if the parties are indigent and have filed a poverty affidavit.

DRD mediation shall not commence until any applicable fees are paid to the Clerk of Court.

Community based mediators shall set their own fees, contracts and retainers.

Sanctions

If any individual ordered to attend mediation fails to attend mediation without good cause, the Court may impose sanctions

Model Standards

Mediators providing services for the Court shall comply with the AFCC Model Standards of Practice for Family and Divorce Mediations, the Special Policy Considerations for State

Regulation of Family Mediators and Court Affiliated Programs and Rule 16 of the Supreme Court of Ohio Rules of Superintendence.

2.9 MANDATORY PARENTING EDUCATION CLASS

UPDATED 08/30/2022

Order for Mandatory Parenting Education Class

Pursuant to O.R.C. § 3109.053, in any action for divorce, dissolution of marriage, legal separation, or annulment in which there are any minor children of the marriage, the parties must successfully complete a court-approved parenting class.

Three classes will satisfy the requirement:

"Parenting Through Transitions" a 2 1/2 hour, in-person class;

"Children in Between" a 4 hour, online class; and

"Two Families Now" a 4-6 hour, online class.

The online courses are offered in English and Spanish. For the in-person class, an interpreter will be assigned for a party who has limited English proficiency.

The Court will issue and serve upon both parties an Order requiring both parties to register for, to pay for, and to complete one of the classes. The Order will include a registration form for the in-person class and information for the online classes. Parties who choose to use one of the online classes shall register with the online provider and follow the program's instructions.

"Children In Between": <https://online.divorce-education.com/locale/ohio/hamilton>

"Two Families Now": <http://www.twofamiliesnow.com/?affiliate=hamilton>

Time Limits for Completion of the Class

Plaintiffs in actions for divorce, legal separation and annulment, shall successfully complete the class within forty-two (42) days of the filing of the action. Defendants in actions for divorce, legal separation and annulment, shall successfully complete the class within forty-two (42) days of completion of service of process. Both petitioners in actions for dissolution of marriage shall provide proof of attendance at the time of filing the petition for dissolution.

Registration and Payment of Cost for the Class

Each party will be responsible for his/her prompt registration and payment of the cost for the class. A verified affidavit of indigency will be accepted for those parties with limited means.

"Parenting Through Transitions" costs \$35.00 payable to the Hamilton County Clerk of Court.

"Children In Between" and "Two Families Now" are payable to the online provider.

Waiver of Class Attendance Requirement

The Court may waive attendance and successful completion of the class on a case-by-case basis for good cause shown. All such requests must be submitted to the Dispute Resolution Department.

Proof of Attendance

Upon attending and successfully completing a class, each participant shall receive a certificate of attendance and completion. Each participant is responsible for providing the Court a copy of the certificate as proof of class attendance. Certification from the parenting education class is valid for two years. Parties must retake the class if certification has expired.

Failure to Attend

With regard to any party who has not successfully completed the class within the time limits set forth above, the Court may, or may refuse to, any of the following:

- 1) allocate or modify parental rights and responsibilities, pre or post decree;
- 2) grant shared parenting;
- 3) grant, modify and/or enforce parenting time; or
- 4) dismiss the complaint or the counterclaim.

In cases of willful failure to complete or to delay completing the class, the Court may also elect to take such other additional actions as it deems appropriate, including actions for contempt. Notwithstanding the foregoing, no action shall be delayed because the non-filing or non-moving party's failure to complete the class.

Evaluation

Each participant will be asked to complete a class evaluation prior to receiving the certificate mentioned above.

Additional Education

When it appears to be in the best interests of the minor child(ren), the Court may order appropriate additional parenting education for either party and may order that the parents' child(ren) attend classes or counseling with the parents.

2.10 NEUTRAL EVALUATION

(REVISED 06/01/2020)

Definitions

“Neutral Evaluation” (NE) is a court-ordered dispute resolution process in which the Early Neutral Evaluators provide an evaluation of the probable outcome of any dispute. NE is not mediation.

“Neutral Evaluator” (Evaluator) means a court-appointed individual who conducts the NE session and who meets all of the following qualifications:

- A. Has basic mediation training with the online course the Supreme Court of Ohio approves;
- B. Has specialized family or divorce mediation training with the online course the Supreme Court of Ohio approves;
- C. Has specialized training in domestic abuse issues with the online course the Supreme Court of Ohio approves; and
- D. Will not later be assigned to decide the pending action if the NE process does not result in its resolution.

“NE Communication” means a statement, whether oral, in a record, verbal or nonverbal, that occurs during an NE session or is made for purposes of considering, conducting, participating in, initiating, continuing, or reconvening an NE session.

"Confidentiality" means Neutral Evaluation communications are confidential. Any notes taken at the session shall be shredded upon completion of the session.

Exceptions to confidentiality include the following:

- A. Parties may share all NE communications with their attorneys;
- B. Allegations of abuse or neglect of a child;
- C. Certain threats of harm to other people or oneself;
- D. Statements made during the NE process to plan or to hide an ongoing crime;
- E. Statements made during the NE process that reveal a felony.

"Privilege" means a NE communication is not subject to discovery or admissible as evidence in a judicial proceeding. A Neutral Evaluator shall not be deposed or subpoenaed to testify about any NE communication unless an exception applies.

Exceptions to privilege include the following:

- A. The NE communication is otherwise discoverable;
- B. The NE communication is an imminent threat or statement of a plan to inflict bodily injury or commit a crime of violence;

- C. The NE communication is intentionally used to plan, to attempt to commit, or to commit a crime or to conceal an ongoing crime or ongoing criminal activity;
- D. The NE communication is required to be disclosed pursuant to Ohio Revised Code §2921.22.

Purpose

NE promotes greater efficiency through the facilitation of resolutions for cases. NE increases self-determination, improves communication and promotes the best interests of the children. Each party presents what his or her position is for the final outcome of parenting or financial matters. The Neutral Evaluators are able to give advice on the strength and the weakness of the case and assist with unrealistic positions.

Case Selection and Referral

The parties can request NE through a motion to the Court. Also, the Court, on its own motion, may order disputes to NE in whole or in part, by completing an Entry Ordering NE or Magistrate's Order for NE. Once a case is referred for NE, the Court will randomly assign two Evaluators and select a date, time, and location for the NE session.

For Parenting NE sessions, the Evaluators will consist of a Domestic Relations Social Worker/Counselor and a Magistrate.

For Financial NE sessions, the Evaluators will consist of two Magistrates.

Participation

The NE session shall require the participation of each party and their respective attorneys, if applicable. Child(ren) may be interviewed at the discretion of the Evaluators. No other person will be permitted to participate without prior approval of the Court.

Scheduling Procedure

Upon approval of an Agreed Entry or issuance of an Entry Ordering NE or Magistrate's Order for Parenting NE, all parties shall proceed directly to the Docket office to schedule the NE session.

Upon approval of an Agreed Entry or issuance of an Entry Ordering NE or Magistrate's Order for Financial NE, all parties shall proceed directly to the Dispute Resolution Department to schedule the NE session.

NE sessions will be scheduled Monday through Friday, during court hours. The sessions will be scheduled for 3 - 4 hours. If additional sessions are necessary, they will be scheduled after the first NE session.

Pre-Session Procedure

Two weeks prior to the NE session, each attorney or self-represented party is required to submit a Parenting Perspective Brief (DR 2.32) or Financial Perspective Brief (DR 2.42). One copy of the Brief is to be submitted to the Dispute Resolution Department (Room 3-001; cdrENE@cms.hamilton-co.org; or fax 513-946-9077), and one copy of the Brief is to be submitted to the other attorney or self-represented party. The Brief must arrive at the Court and at the office of the opposing counsel (if applicable) or at the residence of the other party (if self-represented), no later than the 14th day before the NE session. The Brief may be submitted through ordinary mail, hand-delivery, facsimile or e-mail.

The Evaluators will review the Briefs to gain a preliminary understanding of the concerns, interests and issues currently present within the family.

The Briefs will not be filed at the Clerk's office nor placed in the Court's family file. The Court's copies of the Briefs will be shredded upon completion of the NE process.

If an attorney or self-represented party fails to timely submit the Brief, the NE session may be canceled or parties/attorneys may be sanctioned.

Session Procedure

At the NE session, the Evaluators will oversee the discussion to allow each party and attorney the opportunity to be heard in an atmosphere of cooperation and respect. The Evaluators will seek additional information from the parties, if necessary.

Once the information is gathered, the Evaluators will meet privately to discuss the strengths and weaknesses of each party's position and to discuss probable outcomes for the parties. The Evaluators will then present this feedback and options to all parties present at the session.

The parties will be given an opportunity to consult privately with their attorneys to review and discuss the Evaluators' feedback. The parties will reconvene and discuss results. If the parties come to a full or partial agreement, the Evaluators will require the agreement be reduced to written form and submitted to the assigned Judge/Magistrate at a future date.

A follow-up report or phone conference with the Judicial Officer is scheduled for two weeks after the NE.

Continuances

It is the policy of this Court to determine matters in a timely manner. A motion seeking a continuance of a scheduled NE will be required, with proper notice provided and pursuant to Local Rule 1.2. A continuance of a scheduled NE session shall be granted only for good cause shown. Oral requests are not acceptable.

Fees and Costs

The fee for Parenting NE is \$200.00.

The fee for Financial NE is \$600.00.

Fees shall be paid a minimum of 14 days before a scheduled NE session. Failure to submit the fee 14 days in advance may result in cancellation of the NE session or sanctions.

Refunds

A refund of the NE fee shall be issued only when a signed agreement of the issues is submitted to the assigned Judge/Magistrate fourteen (14) days prior to the NE session.

Sanctions

Any party or attorney who violates these rules may be subject to appropriate sanctions, including but not limited to, additional fees, forfeiture of paid NE fee, contempt of court, attorney fees, or costs.

2.11 PARENTING COORDINATION

NEW 01/01/2016; UPDATED 01/29/2020; UPDATED 08/29/2022

Definitions

“Parenting coordination” is a court ordered child-focused dispute resolution process established to assist parties in implementing a parental rights and responsibilities order or companionship time order using assessment, education, case management, conflict management, coaching, or decision-making.

“Parenting coordination” is not mediation subject to O.R.C. Chapter 2710, O.R.C. § 3109.052, or Sup.R. 16. Parenting Coordination is governed by Sup.R. 16.60-16.66.

“Parenting coordinator” is a court ordered individual who conducts parenting coordination. The parenting coordinator may work in the community or in the court.

Ordering of Parenting Coordination

A. Reasons to Order Parenting Coordination

The Court may order parenting coordination, sua sponte or upon written motion of one or both parties, when one or more of the following factors are present:

1. The parties have ongoing disagreements about the implementation of a parental rights and responsibilities or companionship time order and need assistance;
2. There is a history of extreme or ongoing parental conflict that previous litigation or other interventions has not resolved and from which a child of the parties is adversely affected;
3. The parties have a child whose parenting time schedule requires frequent adjustments, specified in a court order, to maintain age-appropriate contact with both parties, and the parties are unable to reach agreement on the parenting time schedule without Court intervention;
4. The parties have a child with a medical or psychological condition or disability that requires frequent decisions regarding treatment or frequent adjustments in the parenting time schedule, and the parties are unable to reach agreement without Court intervention;
5. One or both parties suffer from a medical or a psychological condition or disability that results in an inability to reach agreements or adjustments in the parenting time schedule without assistance, even when minor in nature; or
6. Any other factor the Court determines.

B. Reasons Not to Order Parenting Coordination

A Court shall not order parenting coordination to determine the following:

1. Changes in the designation of the residential parent or legal custodian;
2. Change in school placement of a child, in the case of shared parenting;
3. Substantive changes in parenting time;
4. Modification of child support, allocation of tax exemptions or benefits or division of uncovered medical expenses; or
5. Grant, modify, or terminate a protection order or penalty for violation of a protection order.

Parenting Coordinator Requirements

A. General Education and Training

Prior to a Court appointment, a parenting coordinator shall meet all of the following qualifications:

1. A master's degree or higher, a law degree, or education and experience satisfactory to the Court;
2. At least three years of professional experience with situations involving children, including, counseling, casework, legal representation in complex family law matters, serving as a guardian ad litem or mediator, or other equivalent experience satisfactory to the Court;
3. Complete the Supreme Court of Ohio approved training:
 - a. Fundamentals of Mediation Training;
 - b. Specialized Family or Divorce Mediation Training;
 - c. Specialized Domestic Abuse Issues in Mediation Training; and
 - d. Parenting Coordination Training.

B. Continuing Education

To maintain eligibility for appointment, a parenting coordinator shall complete at least six hours per calendar year of education related to children, families, mediation or diversity.

1. Diversity training may include awareness and responsiveness, cultural and racial diversity, and the effects of a parenting coordinator's personal biases, values and styles on the parenting coordination process.
2. The continuing education may include continuing education for lawyers, social workers, or other licensed mental health professionals and professional development events that are acceptable to the Court.

C. Community Parenting Coordinators

1. All Community parenting coordinators must complete and submit the Application for The Parenting Coordinator Appointment List (Form DR 2.50) to the Director of the Dispute Resolution Department. The application shall include:
 - a. A resume stating the applicant's training, experience and expertise demonstrating the applicant's ability to successfully perform the duties and responsibilities of the parenting coordinator;
 - b. Background Disclosure Statement (Form DR 2.51);
 - c. Proof of malpractice insurance;
 - d. Complete a Court orientation; and
 - e. The Court may assign a mentor as deemed necessary;
2. If a community parenting coordinator is appointed to a case for which the parenting coordinator is paid, the parenting coordinator must agree to accept one reduced fee assignment per year. If a parenting coordinator refuses the Court's assignment of one reduced fee case a year, the Court may remove the parenting coordinator from the list of eligible parenting coordinators.

D. Parenting Coordinator Annual Reporting and Review:

1. A parenting coordinator shall provide copies of all reports and decisions to the Dispute Resolution Department;
2. On or before January 1st of each year, a parenting coordinator shall provide to the Director of the Dispute Resolution Department:
 - a. A list of active parenting coordination cases;
 - b. An updated resume;
 - c. Certification that he/she is unaware of any circumstances that would disqualify him/her from serving as a parenting coordinator; and

- d. A list of continuing education completed during the previous year, including the sponsor, title, date, and location of each training.

A parenting coordinator shall not be eligible for appointment until these requirements are satisfied.

3. The Court shall conduct an annual review of each parenting coordinator's qualifications each January and shall remove from the Court's list those parenting coordinators who are no longer qualified.

E. Court Reporting Requirements:

On or before February 1st of each year, the Court shall file with the Dispute Resolution Section of the Supreme Court of Ohio all of the following:

1. A copy of this Local Rule;
2. A copy of the Court's current roster of parenting coordinators;
3. A copy of new or updated resume for each parenting coordinator submitted to the Court during the previous year; and
4. A copy of continuing education training for each parenting coordinator.

Parenting Coordinator Appointment

A. Parenting Coordinator Appointment Order

The Court's appointment order shall include the following:

1. The name and contact information of the parenting coordinator and the definition and purpose of the parenting coordinator;
2. The scope of authority of the parenting coordinator;
3. The term of the appointment:
 - a. Court PC: not to exceed 6 months, and is renewable after one 6 months period;
 - b. Community PC: not to exceed 12 months, and is renewable after each 12 months period;
4. The scope of confidentiality;
5. Allocation for payment of the parenting coordinator's fees and expenses;

6. Procedures for decision-making of the parenting coordinator;
7. Procedures for objections to parenting coordinator decisions;
8. Other provisions the Court considers necessary and appropriate; and
9. An order requiring the parties to contact the parenting coordinator within a time period.

B. Selection of Parenting Coordinator for Appointment

The parenting coordinator who meets the qualifications in this Local Rule shall be selected using one of the following:

1. Court employee;
2. Random selection from the Court's roster of parenting coordinators;
3. Specific appointment based on the type of case and the qualifications and caseload of the parenting coordinator; or
4. Parties select a parenting coordinator from the Court's roster of parenting coordinators.

If a party objects to the appointment of a particular parenting coordinator, the party shall file a motion supported with an affidavit that states the objections with specificity. The Court will conduct a hearing.

C. Prohibited Parenting Coordinator Appointments

The Court shall not appoint a parenting coordinator who does not possess the qualifications in this Local Rule, or who is serving in a role that creates a professional conflict including, but not limited to: a child's attorney or child advocate; guardian ad litem; custody evaluator; therapist, consultant, coach, or other mental health role to any family member; mediator; or attorney for either party. Parties shall not waive this prohibition.

D. Termination or Modification of Parenting Coordinator Appointment

Upon motion of a party, for good cause shown, or at the parenting coordinator's request in a written decision, or sua sponte, the Court may terminate or modify the parenting coordinator appointment.

Parenting Coordinator Responsibilities:

A. Model Standards

A parenting coordinator shall comply with the "2019 Revised Guidelines for Parenting Coordination" the Association of Family and Conciliation Courts Task Force on Parenting

Coordination developed. Wherever a conflict exists between the guidelines and this Local Rule, this Rule shall control.

B. Satisfaction of Education and Training Requirements

A parenting coordinator shall meet the qualifications and comply with all education and training requirements of Sup.R. 16.64 and Local Rule.

C. Competence or Ability to Perform Duties

A parenting coordinator shall report to the Court any activity that would adversely affect the parenting coordinator's ability to perform the functions as parenting coordinator. A parenting coordinator shall decline or withdraw from an appointment or request appropriate assistance in either of the following situations:

1. The facts and circumstances of the case are beyond the skill or expertise of the parenting coordinator; or
2. Personal circumstances, including but not limited to medical, mental health, or substance misuse or dependence, exist that compromise the ability of the parenting coordinator to perform his or her role.

D. Compliance with Appointment Order

A parenting coordinator shall comply with the requirements of and act in accordance with the Court's appointment order.

E. Independence, Objectivity, and Impartiality

A parenting coordinator shall maintain independence, objectivity, and impartiality, including avoiding the appearance of partiality, in dealings with parties and professionals, both in and out of the courtroom.

F. Conflicts of Interest

1. A parenting coordinator shall avoid any actual or apparent conflicts of interest arising from any relationship activity, including but not limited to those of employment or business or from professional or personal contacts with parties or others involved in the case. A parenting coordinator shall avoid self-dealing or associations from which a parenting coordinator may directly or indirectly benefit except from compensation for services as a parenting coordinator.
2. Upon becoming aware of any actual or apparent conflict of interest, a parenting coordinator shall notify the Court and the parties of the action taken to resolve the conflict, and, if unable to do so, seek the direction of the Court.

3. A parenting coordinator shall avoid serving in multiple roles with the same family, even with the consent of the parties.

G. Ex parte Communications

A parenting coordinator shall have no ex parte communications with the Court regarding substantive matters or issues on the merits of the case.

H. Legal Advice

A parenting coordinator shall not offer legal advice.

I. Confidentiality, Privilege and Public Access

1. Confidentiality: Except as provided by law, communications made between parenting coordinator, parties, other relevant parties and the court shall not be confidential.
2. Privilege: Except as provided by law, parenting coordination communications shall not be privileged.
3. Public Access to parenting coordinator files: Parenting coordinator files not filed with the Clerk of Court or submitted to the Court are unavailable for public access pursuant to Sup.R. 44 through 47.

J. Recordkeeping of Fees and Costs

A parenting coordinator shall maintain records necessary to document charges for services and expenses. A parenting coordinator shall issue invoices for services and expenses to parties no less than once per month.

K. Disclosure of Abuse, Neglect, and Harm

1. A parenting coordinator shall report any suspected child abuse or neglect and any apparent serious risk of harm to another family member, third party protective services, law enforcement, or other appropriate authority; and
2. A parenting coordinator shall report child abuse or neglect pursuant to the procedures in O.R.C. § 2151.421.

Parenting Coordination Procedures:

A. Screening for Domestic Abuse and Domestic Violence

Parenting coordination is prohibited when domestic abuse or domestic violence is alleged, suspected, or present unless all of the following conditions are satisfied:

1. Screening is conducted, both before and during parenting coordination, for domestic abuse and domestic violence and for the capacity of the parties to engage in parenting coordination;
2. The person who is or may be the victim of domestic abuse or domestic violence is fully informed about the parenting coordination process; the right to decline participation in the parenting coordination process; and, at the discretion of the parenting coordinator, the right to have any other individuals attend and participate in the parenting coordination sessions;
3. The parties have the capacity to participate in the parenting coordination process without fear of coercion or control;
4. The parenting coordinator takes reasonable precautions to create a safe environment for the parties and all other persons involved in the parenting coordination process; and
5. Procedures are in place for the parenting coordinator to terminate a parenting coordination session if there is a threat of domestic abuse, domestic violence or coercion between the parties.

B. Fees

Court Parenting Coordinator

1. The Court shall determine fees in the appointment order.
2. The Court shall waive the cost of a court parenting coordinator with a verified Affidavit of Indigency.

Community Parenting Coordinator

1. Submit information annually regarding his/her fee structure to the Court for inclusion on the Court's roster of parenting coordinators. Court's Referral List, Form DR 2.53, lists community parenting coordinators and their fees.
2. Execute a contract for services with the parties.
3. Set and collect fees for services. The community parenting coordinator and the parties must agree upon the compensation for the billable time of a community parenting coordinator.
4. Submit a monthly billing statement to the parties.

C. Stay of Proceeding

Referral of a case to parenting coordination stays a case until further notice. The Clerk of Court shall not accept for filing any documents while a case is in parenting coordination with the following exceptions:

1. An objection to a parenting coordinator's decision;
2. A motion to lift the stay;
3. A response to a motion to lift the stay;
4. An application to dismiss the case;
5. A notice related to counsel;
6. A motion for changes in the designation of the primary residential parent or legal guardian;
7. A motion for changes in the primary placement of a child;
8. A motion regarding matters unrelated to the issues referred to the parenting coordinator;
or
9. A motion to remove a parenting coordinator.

D. Parties' Attendance and Participation

1. Parties shall contact and meet with the parenting coordinator within thirty (30) days of the appointment order.
2. Parties shall attend scheduled parenting coordination sessions. The parenting coordinator has the authority to approve or to disapprove any request to reschedule parenting coordination sessions.
3. A parenting coordinator shall allow attendance and participation of the parties and, if the parties request, their attorneys and any other individuals the parties designate. A party shall notify the parenting coordinator at least one week before the session should a party want his/her attorney or other designated individual to attend.
4. Parties shall notify the parenting coordinator and the Court of any changes to address, telephone number, and electronic mail address.
5. The parenting coordinator may notify the Court of noncompliance and request that sanctions be levied against offending parties.

E. Access to Court Proceedings and Documents

The parenting coordinator shall be given notice of all hearings and proceedings and shall be provided a copy of all pleadings, motions, notices and other documents filed in the case.

F. Release of Records

The parties shall allow the parenting coordinator access to any records that the parenting coordinator deems necessary to adequately perform his/her role. Upon request of the parenting coordinator, parties shall sign any and all necessary authorizations to release records and information to the parenting coordinator.

G. Referrals to Support Services

1. A parenting coordinator may provide the parties information regarding appropriate referrals to community resources, such as legal counsel, counseling, parenting courses or education.
2. The parenting coordinator shall provide necessary support services to the parties concerning victims and suspected victims of domestic abuse and domestic violence.

H. Parenting Coordination Agreements and Decisions

1. **Agreements.** Parties shall sign and comply with agreements reached during a parenting coordination session, which shall be maintained in the parenting coordinator's file. The parenting coordinator shall provide a copy to each party and their attorneys, if applicable.
2. **Decisions** (Form DR 2.57). The parenting coordinator shall first attempt to assist the parties in reaching an agreement that resolves the dispute. If the parties are unable to reach an agreement, the parenting coordinator shall issue a written decision that is effective immediately and remains effective until further order of the Court. The parenting coordinator shall provide copies to the Dispute Resolution Department, the parties and their attorneys, if applicable. The decision shall be immediately filed with the Clerk of Court pursuant to the Ohio Rules of Civil Procedure Rule 4 to 4.6. All filing fees shall be waived for the parenting coordinator. The decision shall include all of the following:
 - a. Case caption, including the case number;
 - b. Date of the decision;
 - c. The decision of the parenting coordinator;
 - d. Facts of the dispute and facts upon which the decision is based;
 - e. Reasons supporting the decision;

- f. The manner in which the decision was provided to the parties; and
- g. Any other necessary information.

A party may file written objections to a parenting coordinator's decision with the Clerk of Court and serve all other parties to the action within fourteen (14) days of the filing date of the decision. If a party files objections timely, the other party may also file objections with the Clerk of Court and serve all other parties to the action, not later than ten (10) days after the first objections are filed. A hearing will be scheduled, upon request, or at the discretion of the Court. A judge or magistrate shall issue a ruling.

I. Parenting Coordinator Review and Complaints

1. The Director of the Dispute Resolution Department shall complete a review of the parenting coordinators on the Court's roster in January of each year.
2. A party to a case appointed to parenting coordination may file a complaint regarding the parenting coordinator within one year from the termination of the appointment. The complaint shall be submitted to the Director of the Dispute Resolution Department, and include all of the following:
 - a. The case caption and case number;
 - b. The name of the parenting coordinator;
 - c. The name and contact information for the person making the complaint;
 - d. The nature of any alleged misconduct or violation; and
 - e. The date the alleged misconduct or violation occurred.
3. The Director of the Dispute Resolution Department shall provide a copy of a complaint to the parenting coordinator. The parenting coordinator has fourteen (14) days from the date of the receipt of the complaint to respond in writing to the Director of the Dispute Resolution Department.
4. The Director of the Dispute Resolution Department shall investigate alleged misconduct or violations and shall issue a response within thirty (30) days from the date the complaint was received.
5. Dissatisfaction with the decisions of the parenting coordinator does not constitute misconduct.

J. Sanctions

Any party who violates these rules may be subject to sanctions, including but not limited to, additional fees, forfeiture of paid fees, contempt of court, attorney fees, or costs. The parenting coordinator may recommend sanctions to the Court. The parenting coordinator may also file a motion for contempt for failure to pay. All filing fees shall be waived for the parenting coordinator.