CHAMPAIGN COUNTY COMMON PLEAS COURT
DOMESTIC RELATIONS – JUVENILE –PROBATE

LOCAL RULES OF PRACTICE

CHAMPAIGN CO., OHIO
FAMILY COURT
2023 SEP -6 P 12:57
LORI L. MCCORMICK, JUDGE

GENERAL RULES

1) SCOPE

These Local Rules of Practice shall supplement and complement the Ohio Rules of Civil Procedure (Civ R or Civil Rules), the Ohio Rules of Criminal Procedure (Criminal Rules) the Rules of Juvenile Procedure (Juv R or Juvenile Rules) the Rules of Superintendence for the Courts of Ohio ("Sup R. or Superintendence Rules), the Ohio Revised Code (abbreviated R.C.) and any other applicable authority.

2) ADOPTION, AMENDMENT, AND REMOVAL OR VACATION OF RULES

Local Rules shall be adopted, amended, modified or repealed by order of the Court. Pursuant to Sup. R. 5, the local rules shall be adopted only after a period provided for notice and comment upon the rules, unless the Court determines that there is an immediate need for the rules, amendments, modifications or repeal thereof. If the Court determines need exists the Court shall provide notice and opportunity for comment promptly after the adoption of said rules, amendments, modification or repeal thereof.

Procedure for notice and comment shall be as follows:

1. A copy of the local rules, amendments or modifications thereto, or information regarding repeal thereof shall be posted for review by the local bar for a period of thirty days.
2. Comments may be made to the Court in writing regarding the rules.
3. Upon expiration of the thirty day period, the Court shall determine whether the proposed rules, amendments, modifications or repeal shall go into effect or should be further modified.
4. If the Court determines that the proposed rules, amendments, modifications or repeal shall go into effect, the Court shall order such through Journal Entry
5. If the Court determines that the proposed rules should be modified, the Court shall post a copy of the modified rules, amendments, modifications or repeal for a period of thirty days during which time members of the local bar may comment as described above. At the expiration of this 30-day period, the Court shall either; (1) adopt the rules amendments, modifications or repeal as amended or (2) again modify the proposed rules amendment, modifications, or repeal and repeat the process outlined in this subdivision.

3) BUSINESS HOURS

Business hours for the court are 8:00 a.m. to 4:00 p.m. Monday thru Friday unless varied by the Judges. Notice of variations in hours shall be posted in or near the Clerk's office as much in advance as possible.

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CLERK'S OFFICE

4) DRESS CODE

All persons entering the Court shall dress in appropriate clothing. No one will be permitted in the Courtroom dressed in any of the following: shorts, halter or strapless tops, midriffs, hats, bandanas, pajamas, clothing with obscene or derogatory language, or any other clothing deemed inappropriate by the Court.

5) FORMS OF PAYMENT

The Court will accept payment in cash; most debit cards in the Accel, AFFN, Jeanie, Maestro, Money Station, NYCE, Pulse Pay and Star Systems; most MasterCard, Discover or American Express credit cards; money orders, attorney checks; and checks from the public for $130.00 or less. There is a fee for debit and credit transactions based on the amount credited to the card.

Personal checks will not be accepted for marriage licenses.

6) RECORDING DEVICES

The use of any recording device in either the Courtroom or the Clerks' Office is strictly prohibited except as authorized by the Court. Cell phone use is also prohibited unless used in accordance with Local Rule 9.

7) SMOKING

Smoking is prohibited in all areas of the Family Court. This rule includes cigarettes (including clove and hand rolled), other tobacco products, alternative nicotine products or any product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, smoking, absorbing, dissolving or inhaling. It also includes electronic cigarettes or any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe.

8) CONTINUANCES

All requests for continuances must be in writing.

Once a matter is set for hearing, a continuance will generally not be granted unless a motion for a continuance is filed at least seven (7) days before the hearing date.

If a continuance is requested within seven (7) days of the hearing, a continuance will only be granted under extreme circumstances

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Lori L. Nelson, JUDGE

If a continuance is requested due to a conflict with another court, a file stamped copy of the hearing notice from the other court must be attached to the request for a continuance.

Continuances must be discussed with all other counsel or parties prior to the filing of a motion. The motion shall state that this has taken place and whether other counsel or parties agree or disagree with the motion.

9) CALENDAR ACCESS

Attorneys are required to have access to their calendars during hearings. If telephone access is necessary this may be by cell phone or by the telephone provided by the Court.

10) FAX FILINGS

The Champaign County Family Court will accept a fax filing other than for an initial filing in a matter. Eligible documents may be submitted by fax to the Court at 937-484-1026.

The Court shall receive facsimile transmissions 24 hours per day, seven days per week. The filing date and time for the document shall be the date and time the document is file-stamped by the Court. Filings received after normal business hours shall be file-stamped the following business day.

The filing party shall provide a cover page which contains the following information:

a. The caption of the case;
b. The case number;
c. The assigned Judge;
d. A description of the document being filed;
e. The date of transmission;
f. The transmitting fax number; and,
g. An indication of the number of pages included in the transmission, including the cover page.

If a document is sent by fax to the Court without the cover page information listed above, it may be deposited in the case file but need not be entered into the case docket and may be considered to be a nullity and thereby stricken from the record.

All documents filed by facsimile will be accepted as the effective original document in the Court file. The source document need not be filed. However, the sending party must maintain possession of the source document, until all opportunities for post-judgment relief have been exhausted, and make it available for inspection by the Court upon request.

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Documents which are filed shall be signed by the filing party. The person transmitting the document represents that the signed source document is in his/her possession.

It is the responsibility of the filing party to ensure that the fax filing was received.

Filings by electronic transmission shall not be accepted absent special permission from the Court.

This rule is effective November 7, 2019, and supersedes the previous Rule promulgated by this Court and the same is hereby repealed.

11) PERSONAL IDENTIFIERS

It is the responsibility of the filing party and counsel to remove personal and private information defined in Ohio Rule of Superintendence 45 from a document filed with the clerk's office.

The clerks and deputy clerks shall have no responsibility for the removal of any personal and private information, including but not limited to, social security numbers, filed in a public document in this Court.

Interested parties in a case have the option of submitting a request for redaction of the above information. The deputy clerks will provide such a form for use.

12) COVER SHEETS

Family Court Cover Sheets are required for all initial filings. The clerks can supply copies if you do not already have one.

13) COPIES

The Court needs the original filing plus copies for service. File stamped copies will be placed in the attorney's mailbox at the Court. If you do not have a mailbox and desire file stamped copies you must supply the court with a self-addressed stamped envelope large enough to hold the number of copies submitted. The Court requires only an original of any Entry to be signed by the judge unless otherwise noted.

14) CIVIL PROTECTION ORDERS

If a petitioner filing a Domestic Violence Civil Protection Order or Juvenile Protection Order is requesting an ex parte hearing, then the petition must be filed as early as possible in the day to be eligible for a same day ex parte hearing.

If a petition with a request for an ex parte hearing is filed after 3:00 p.m., the

ex parte hearing will be held as soon as possible on the next business day.

A Petition for Domestic Violence Civil Protection Order may be sworn to and subscribed before a Deputy Clerk of this Court.

This Rule is effective April 10, 2017, and supersedes the previous Rule promulgated by this Court and the same is hereby repealed.

15) CSEA FILINGS

A) No Contempt or Arrearage filings will be accepted unless the Obligor is more than $500.00 in arrears.

B) To bring conformity to all divisions of the Court, service of summons in all child support cases shall be in accordance with the Civil Rules.

C) In calculating a child support order, if there is another child or children born or adopted as issue of a different relationship than the obligee and obligor, that reside(s) with the obligee or obligor, the Court will deviate the obligee and/or obligor's income downward by the amount of the former tax dependency exemption ($4050) for each child or children born or adopted of the obligee and/or obligor residing in the obligee or obligor's home minus any child support received for that child or children. The deviation shall be reflected in line 8 of the Child Support Calculation Worksheet.

This Rule is effective May 7, 2018, and supersedes the previous Rule promulgated by this Court and the same is hereby repealed.

16) GUARDIANS AD LITEM

A. All Guardians Ad Litem shall have successfully completed the pre-service training course offered by the Ohio Supreme Court

Three hours of continuing education is to be completed per calendar year. Calendar year training is defined as anytime in the year not necessarily on the anniversary date.

The Court will need to see a resume or curriculum vitae specifying training, experience and expertise as well as the pre-service and all subsequent training certificates.

The Court may require a criminal and civil background check.

B. A party having a Complaint about a Guardian Ad Litem shall follow the process below:

1. A written Complaint shall be filed with the Court. Once it is filed a copy will be supplied to the Guardian Ad Litem.

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LORI L. [illegible], JUDGE

2. The original Complaint will be presented to the Administrative Judge for review. The Administrative Judge will review it and decide on a disposition in a prompt manner.
3. A written copy of the disposition will be given to the filing party and the Guardian Ad Litem.
4. The original disposition shall be placed in the Guardian Ad Litem file kept by the Court.

17) ATTORNEY FEES

A) ATTORNEY FEES FOR NON-INDIGENT CASES

The Court may award attorney fees to the prevailing party in an amount not more than $400.00 without the necessity for professional testimony regarding fees.

B) ATTORNEY FEES FOR INDIGENTS

In the case of court appointed attorneys, the attorney is responsible for filing out the Motion, Entry and Certification for appointed Counsel Fees no later than 40 days after the last day of the month of the last in-court activity. Due to the manner in which the County Auditor is reimbursed by the State Public Defender, claims filed for fees later than the deadline may be lowered by the judge by the amount that would have been reimbursed by the State Public Defender's Office.

Reimbursement is based on time claimed at the hourly rate of $50.00 out of court and $60.00 in-court.

18) COPY COST

The charge for copies is .50/page.

Copies of the Local Rules can be provided at .50 per page for a hard copy or can be e-mailed at no charge.

19) SERVICE OF PROCESS

Service of summons on complaints, motions, notices or any other pleadings required to be served in the manner prescribed for service of summons in the Court shall be made in accordance with the Rules of Civil Procedure.

A request for service shall be filed by the party or party's attorney specifying the manner of service desired.

A request for service by publication shall be accompanied by the notice requested to be published and the required affidavit.

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LORI L. REISINGER, JUDGE

20) AUDIO DISCS

A) A request for an audio disc of a hearing for the purpose of obtaining a certified transcript for filing an appeal, objections to a Magistrate's Decision and/or any other authorized purpose may only be made by a certified court reporter and shall be made on the form attached as Exhibit A.

B) The Court will not make audio discs of hearings available to any party or attorney to a case, except as authorized by order of the court or by statute.

A request for a copy of an audio disc for any purpose other than obtaining a certified transcript shall be made by filing a motion for said audio disc which shall list the specific purpose of such request. The Administrative Judge will determine if the audio disc will be made available to the movant.

This Rule is effective May 7, 2018, and supersedes the previous Rule promulgated by this Court and the same is hereby repealed.

21) STANDARD ORDER OF PARENTING TIME

The Court adopts Exhibit B attached as its Standard Order of Parenting Time.

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DOMESTIC RELATIONS

22) AGREED ENTRIES

A. COURT COSTS

All agreed entries must contain a statement as to how court costs are to be allocated.

Unless stated otherwise, costs that are to be divided equally, will be divided equally beyond the initial deposit

B. CHILD SUPPORT

All agreed entries which provide for child support must state an amount for child support and an amount for cash medical, even if the amount of child support or cash medical is zero.

A child support guideline worksheet must be attached to all agreed entries providing for child support.

If there is a deviation from the guideline worksheet amount, there must be an explanation for the deviation

23) MARITAL PERSONAL PROPERTY

The Court will not divide marital personal property. If there is a dispute as to marital personal property prior to the final evidentiary hearing, the disputed items shall be put into a list. At the final evidentiary hearing a coin will be flipped and the winner of the coin toss will be allowed to choose first from the list. The parties will then alternate choosing until all of the items have been selected.

24) SUBPOENAS

Subpoenas may be obtained from the clerks at a cost of fifty cents (.50) per subpoena to cover the cost of printing by our supplier.

25) SERVICE OF PROCESS

With the exception of CSEA filings, service of summons on complaints, motions, notices or any other pleadings required to be served in the manner prescribed for service of summons in the Court shall be made in accordance with Rule 4.4(A)(2) of the Rules of Civil Procedure.

A request for service shall be filed by the party or party's attorney specifying the manner of service desired.

A request for service by publication shall be accompanied by the notice requested to be published and the required affidavit.

If there is a last known address for the person to be served, service by publication in accordance with Rule 4.4(A)(2) of the Rules of Civil Procedure shall be by posting and mail unless otherwise specified by the party requesting service. Posting shall be on the Champaign County Courthouse bulletin board, the main bulletin board at the Champaign County Community Center and the Urbana Municipal Building bulletin board. Said posting shall take place no later than seven (7) days prior to the hearing.

If there is no last known address for the person to be served, service by publication shall be by newspaper publication accordance with Rule 4.4(A)(2) of the Rules of Civil Procedure Said publication shall take place no later than seven (7) days prior to the hearing.

If the name and address of the person to be served are both unknown, service by publication shall be by newspaper publication, pursuant to Revised Code Section 2703.24. The accompanying affidavit shall state this and the publication shall be once a week for six (6) weeks.

26) COSTS/DEPOSITS

The following deposits and/or costs are due at the time of filing

Divorces	$450.00
Annulments	$450.00
Legal Separation	$450.00
Dissolutions	$350.00
Reopening of a case or the filing of an issue not currently before the court	$250.00
Counterclaim	$100.00
Conversion from Dissolution to Divorce	$100.00
Certificate of Judgment	$25.00
Answers	-0-
Domestic Violence Civil Protection Orders	-0-

This Rule is effective October 1, 2019, and supersedes the previous Rule promulgated by the Court and the same is hereby repealed.

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JUVENILE

27) PLEADINGS

The caption of all pleadings in matters of abuse/neglect/dependency, custody, support, visitation and paternity shall be "IN THE MATTER OF" and the child's name. It shall not contain Plaintiff and Defendant designations.

The only case number that shall appear in the caption shall be the Court's case number.

All original filings in these matters shall contain in the body of the pleading a statement of the basis of this Court's jurisdiction and venue; the name and address of the current custodian; and names and address of any other parties.

All initial filings for custody shall contain an Affidavit of Custody.

All pleadings for original custody or change of custody shall contain a separate paragraph which specifically sets forth any existing support orders (administrative or court) that affect the child or children. A copy of the order shall be attached as an exhibit. There shall also be a specific statement as to any arrearages currently owing and a copy of the Obligor's account with the Champaign County CSEA.

28) SERVICE OF PROCESS

With the exception of CSEA filings, service of summons on complaints, motions, notices or any other pleadings required to be served in the manner prescribed for service of summons in the Court shall be made in accordance with Juvenile Rule 16, unless the use of the Rules of Civil Procedure are required by law.

A request for service shall be filed by the party or party's attorney specifying the manner of service desired.

A request for service by publication shall be accompanied by the notice requested to be published and the required affidavit.

If there is a last known address for the person to be served, service by publication under Juvenile Rule 16 shall be by posting and mail unless otherwise specified by the party requesting service. Posting shall be on the Champaign County Courthouse bulletin board, the main bulletin board at the Champaign County Community Center and the Urbana Municipal Building bulletin board. Said posting shall take place no later than seven (7) days prior to the hearing.

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LORI L. REIGNIER, CLERK

If there is no last known address for the person to be served, service by publication shall be by newspaper publication under Juvenile Rule 16. Said publication shall take place no later than seven (7) days prior to the hearing.

If the name and address of the person to be served are both unknown, service by publication shall be by newspaper publication, pursuant to Revised Code Section 2703.24. The accompanying affidavit shall state this and the publication shall be once a week for six (6) weeks.

29) EXPEDITION OF COMPETENCY HEARINGS

GENERAL PURPOSE

The purpose of these rules is to expedite proceedings under sections 2152.51 to 2152.59 of the Revised Code, to ensure that proper notice of competency hearings is provided to the appropriate persons, and to ensure that any proceedings on an underlying complaint are stayed pending the determinations under these sections.

EXPEDITED HEARINGS

Juvenile Competency proceedings shall be scheduled and heard on an expedited basis. Hearings in juvenile competency proceedings shall be held in strict compliance with applicable deadlines as established by statute or by this rule.

NOTICE

Upon the conclusion of each hearing, the court shall provide written notice to the prosecuting attorney, the child's attorney, the child's guardian ad litem, and the child's parents, guardian, or custodian of the date, time and place of the next scheduled hearing. Mailed notice shall not be required for any party or other individual designated in this rule to whom notice of the next hearing was provided in writing upon conclusion of the immediately preceding hearing.

STAY OF PROCEEDINGS

Upon the filing of a motion for determination regarding a child's competency or upon the court's own motion the court shall stay all delinquency proceedings pending a determination of competency. If upon a determination of competency, the court determines that the child is not competent but could likely attain competency, the court order staying the delinquency proceedings shall remain in effect until such time as the child attains competency or the proceeding is dismissed.

30) CASES RESTRICTED FROM PUBLIC ACCESS

Pursuant to Ohio Rule of Superintendence 45 (E) the Court finds that abuse, neglect, dependency cases have historically been considered nonpublic due to the sensitive nature of the proceedings. The damage to families and children due to the prejudicial nature of the proceedings outweighs the value of public access to such cases. The Court finds that the Rule recognizes these issues by specifically referring to these types of cases in its definition of Personal Identifiers. Furthermore the Court's attempt to comply with the Rule by using initials

has created confusion and an undue burden in the administration of these cases. Therefore filings will no longer be accepted with initials.

Based upon the above findings by clear and convincing evidence all abuse, neglect, dependency matters shall be restricted from access by the public. The Court may Order a specific case to be a public record upon a Motion and good cause shown.

31) COST/DEPOSITS

The following deposits and/or costs are due at the time of filing

Complaint for Custody	$250.00
Complaint for Support	$250.00
Motion for Shared Parenting	$250.00
Motion for Visitation	$250.00
Motion in Contempt	$250.00
Non-CSEA Motion to Terminate Support	$250.00
Complaint for Paternity	$250.00

If the children all have the same mother and father there is only one filing fee for all children if they are all filed at the same time.

32) JUVENILE RESTRAINTS

(A) Physical restraint shall not be utilized unless the judge or magistrate before whom the child is appearing makes an individualized determination on the record that there is no less restrictive alternative to the use of physical restraint and that the physical restraint of the child is necessary because of either of the following:

1) The child represents a current & significant threat to the safety of the child's self or other persons in the courtroom.

2) There is significant risk the child will flee the courtroom.

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(B) The judge or magistrate shall permit any party, as defined in Juv.R. 2(Y) to be heard on the issue of whether the use of physical restraint is necessary for that particular child at that particular proceeding.

(C) If physical restraint is found necessary by the judge or magistrate, 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.

PROBATE

33) COMPUTER GENERATED FORMS

Computer generated forms must comply with the specifications and format outlined by the Rules of Superintendence.

All computer forms presented for filing must be generated with the same wording as well as blank lines as appear in the uniform forms.

34) FILINGS AND JUDGMENT ENTRIES

TRANSFER OF MOTOR VEHICLES

Transfer of Motor Vehicle Applications must be filed in duplicate.

TAX FILINGS

All tax filings with decedent's date of death on or after 11/8/90 but before January 1, 2013 must be accompanied by Estate Tax Form 22, Certificate of Estate Tax Payment. Estate Tax Form 5 must also be filed.

All tax filings must be filed in duplicate. A copy of the will must also accompany the tax return.

Any tax payments due must be handled by the attorney or fiduciary. The Court will not be responsible for making these payments.

If the estate has real estate as an asset, an Estate Tax Return or at least Estate Tax Form 22 must be filed.

CERTIFICATES OF TRANSFER

After a Certificate of Transfer is filed in the court it is the attorney's or fiduciary's responsibility to file said Certificate in the Auditor's and Recorder's Offices.

DEATH CERTIFICATES

All estates must have a copy of the death certificate filed when the case is opened.

ESTATE RECOVERY PROGRAM

A Notice to Administrator of Estate Recovery Program or Certificate regarding estate recovery program must be filed with the Court on all Estate Administrations except Summary Releases.

35) DEPOSITS

Deposits and/or costs are required in the following matters as indicated:

a) Adoptions	$200.00
Each additional child	$125.00
b) Incompetent Guardianships	$200.00
Minor Guardianships	$200.00
c) Estates	
Full Administration	$200.00
Releases from Administration	$100.00
Summary Release	$75.00
d) Change of Name	$125.00
e) Birth Correction	$50.00
f) Birth Registration	$50.00
g) Civil Actions	$100.00
Counterclaims/Crossclaims	$25.00
h) Will Contest	$150.00
i) Wrongful Death	$100.00
j) Transfer of Structured Settlement	$150.00
Minor Settlement	$100.00
k) Conservatorship	$200.00
l) Deposit Will for Safekeeping	$50.00
m) Trusts	$150.00
n) Disinterment	$100.00
o) Right of Disposition	$50.00

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36) WILLS

When filed, the Certificate of Service of Notice of Probate of Will must be accompanied by certified mail return cards (or copies) or by waivers or other proof of service.

37) APPOINTMENT OF EXECUTOR OR ADMINISTRATOR

The attorney for the estate shall be responsible for preparing the Entry Approving Fiduciary/Letters of Authority.

38) ACCOUNTS

All Guardianship and Trust accounts must have canceled checks, copies of canceled checks (front & back) and/or signed receipts for all disbursements. The images provided by banks using imaging systems are also acceptable. The checks or receipts must be in the order listed on the Receipts and Disbursements (Form 13.1) and numbered in accordance with the numbers on that form.

Estate accounts do not have to exhibit vouchers or cancelled checks.

Partial Accounts must have a Bank Certificate signed by an official of the financial institution for any funds on hand or a bank statement showing the amount stated on the account.

All accounts will be set for hearing. The hearing dates for Guardianship and Trust accounts will be published by the Court.

Follow the steps below to file an estate account.

1) Prepare your account and send a copy by regular U.S. mail to all beneficiaries.
2) File your proposed account with the Certificate (Form 13.9).
3) If the account is returned to you for corrections, it is the attorney's responsibility to mail a copy of the corrected account to all beneficiaries and file a Certificate of Service indicating when the corrected account was mailed.
4) Once the account has been approved for hearing by the Court we will provide you with a Notice of Hearing on Account which you will need to send by regular mail to all interested parties who have not waived service.

Disbursements listed on an account must show who the disbursement went to and what it was for. (Example: DP&L - electric bill ; Joe Smith - inheritance under the will).

39) GUARDIANSHIPS

The attorney for the guardian or the guardian shall be responsible for preparing the Oath of Guardian, Fiduciary's Acceptance, Entry Appointing Guardian and Letters of Guardianship.

A guardian's account is due annually on the anniversary date of the appointment of the guardian of the estate. The Guardian's Report and Statement of Expert Evaluation and Annual Plan shall also be filed annually. The guardianship plan shall state the guardian's goals for meeting the ward's personal and financial needs.

Within three months of appointment a guardian shall file a list of all of the ward's important legal papers, including but not limited to estate planning documents, advance directives, and powers of attorney, and the location of such legal papers if know at the time of the filing.

All applications for guardianship shall be accompanied by a criminal history record check of the proposed guardian and performed by the Bureau of Criminal Identification and Investigation except in the case of immediate family members applying to be guardians. Immediate family members are spouses, parents, siblings and children. The Court reserves the right to request a criminal history record check on any individual if in the discretion of the court it is in the best interest of the proposed ward.

All applicants must supply the Court with proof of completion of the six hour guardian fundamental course provided by the Ohio Supreme Court before an appointment will be made. The Court may waive this requirement in the case of immediate family members applying to be guardians. Immediate family members are spouses, parents, siblings and children. The Court reserves the right to require such proof of completion if in the discretion of the court it is in the best interest of the proposed ward

An individual serving as guardian on June 1, 2015, who is not an immediate family member shall have until June 1, 2016, to complete the above course.

All guardians, after the initial 6 hours of training referenced above shall successfully complete a continuing education course annually that meets all of the following requirements,

1) Is at least three hours in length
2) Is provided by the Supreme Court
3) Is specifically designed for continuing education needs of guardians and consists of advanced education relating to establishing guardianships, the ongoing duties and responsibilities of a guardian, record keeping and reporting duties of a guardian, any other topic that concerns improving the quality of the life of a ward.

Any request for exemption of any of the educational requirements shall be in the form of a motion to the Court.

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Any Guardian failing to comply with any of the requirements listed above will be required to appear before a judge and will be subject to possible penalties.

As a general rule the Court will not accept an application for the guardianship of the person of a minor. Such matters should be filed in the Juvenile Court as an action for custody. Exceptions will only be made for good cause demonstrated to the Court upon hearing.

EMERGENCY GUARDIANSHIPS

An applicant for emergency guardianship shall file the following Court provided forms:

1) Application for Appointment of Emergency Guardian
2) Affidavit in Support of Emergency Application
3) Statement of Expert Evaluation
4) Supplemental For Emergency Guardian of Person
5) Next of Kin of Proposed Ward

All forms shall state with specificity what the emergency is and what harm will come to the proposed ward if an emergency guardian is not appointed.

If an emergency guardian will be needed for more than 72 hours the applicant, at the time of the filing of the initial motion, shall file a motion to extend the guardianship for an additional 30 days.

The Court will consider the initial motion ex-parte. If the additional 30 days appointment is requested, the Court will set a hearing within the 72 hour period to determine the necessity of an extension. Prior to said hearing, the Court will appoint counsel for the proposed ward and serve notice of the hearing on the appointed counsel.

COMMENTS OR COMPLAINTS CONCERNING THE PERFORMANCE OF GUARDIANS

Comments or Complaints concerning the performance of guardians shall be submitted to the Champaign County Family Court, Attention Probate Clerk either in person or by mail.

The Clerk will promptly submit the Comment or Complaint to the Judge of Record. The Clerk will also supply a copy of the comment or complaint to the Guardian. The Court will promptly consider the comment or complaint. If, in the opinion of the Judge of Record, a hearing is necessary the judge shall schedule a hearing time as soon as practicable. The guardian shall be notified of the hearing date and time as well as the person making the comment or complaint. If the judge determines that a hearing is unnecessary, he/she will notify the person making the comment or complaint and the guardian of the disposition of said comment or complaint.

The Clerk will enter the comment or complaint in the docket of the guardianship in question. The original Comment or Complaint will become part of the record.

40) CONTINGENT FEES IN WRONGFUL DEATH AND MINOR SETTLEMENTS

Contingent fee agreements in wrongful death actions and minor settlements will be accepted and approved by the Court where the fee does not exceed one-third (1/3) of the settlement. Contingent fee arrangements in excess of that must be submitted to the Court for approval prior to the fiduciary entering into the contingent fee contract. See Superintendent Rule 71.

41) ATTORNEY FEES IN PROBATE MATTERS

The attorney and fiduciary (if not the same person) may agree in writing to the attorney's fee. No application for fees will be required in such case as the Court presumptively assumes that agreed fees are fair and reasonable. The agreement shall be filed with the Court at the same time the inventory is filed. Objections to the agreement may be by motion to the court or exception taken to the account in which the fees are reflected.

Except as provided above, attorney fees will only be allowed upon application and a hearing after notice to all parties who may be affected by the payment of the fees. The criteria for the establishment of the fees shall be as set forth in DR 2-106 of the Code of Professional Responsibility. The application shall be filed with the Court prior to the filing of the account in which the fees are to be taken.

If an attorney is also the fiduciary and is taking a fiduciary fee, the attorney will only be awarded an attorney fee upon application before the Court.

Unless agreed to by the fiduciary or upon application to the Court, attorney fees in estates shall not be paid until the final account is prepared for filing. In guardianships and trusts, attorney fees shall not be paid until the applicable current account is prepared for filing.

Attorney fees for indigent guardianship matters will be allowed at the same rate as approved by the county for court appointed attorneys in other matters.

Rule 71 of the Rules of Superintendence adopted by the Ohio Supreme Court shall also apply to the allowance and payment of attorney fees in probate matters unless altered by this local rule.

The Court may award attorney fees to the prevailing party in a contested matter in an amount not more than $400.00 without the necessity for professional testimony regarding fees.

42) ESTATE FIDUCIARY FEES

4% of the first $100,000.00
3% above $100,000 but not exceeding $400,000.00
2% above $400,000.00
1% of the value of real estate not sold
1% of non-probate assets, except joint & survivorship

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43) GUARDIAN FEES

The Court will not require a written application and hearing for the allowance of guardian fees if the fees do not exceed the following guidelines:

Income and Disbursements
3% of Income
3% of Disbursements

PRINCIPAL VALUATION (market value)
$3.00 per $1,000 of value on first $100,000
$2.00 per $1,000 of value on next $200,000
$1.00 per $1,000 of value on value in excess of $300,000

Fees in excess of the guidelines shall be requested by written application and will only be awarded after a hearing.

Fees shall only be taken when an account is ready to be filed and shall only relate to the period of the account.

Corporate guardians may charge their published and customary fees as guardian or, if none, those charged as trustee for living trusts.

44) TRUSTEE FEES

The Court will not require a written application and hearing for the allowance of trustee fees if the fees do not exceed the following guidelines:

Income and Disbursements
3% of Income
3% of Disbursements

PRINCIPAL VALUATION (market value)
$3.00 per $1,000 of value on first $100,000
$2.00 per $1,000 of value on next $200,000
$1.00 per $1,000 of value on value in excess of $300,000

Fees in excess of the guidelines shall be requested by written application and will only be awarded after a hearing.

Corporate fiduciaries will be permitted to charge their published and customary fees charged as a trustee for living trusts.

Fees shall only be taken when an account is ready to be filed and shall only relate to the period of the account.

45) RELEASE FROM ADMINISTRATION

Notice of the application for release must be given to all next of kin in the case of intestacy. If there is a will notice must be given to all beneficiaries and next of kin.

If not everyone will waive notice, the Release will be set for hearing and the attorney is responsible for sending out notice of the hearing by certified mail return receipt requested. The certified mail return cards must be filed with the court on or before the date of hearing.

A death certificate and a paid funeral receipt shall accompany all Applications for Release.

46) NEWLY DISCOVERED ASSETS

The value of all newly discovered assets coming into a fiduciary's hands after the filing of the inventory shall be appraised and valued in the same manner as inventoried assets.

47) INVENTORY

If the decedent died testate, notice of the hearing on the inventory shall be given to or waived by the surviving spouse and all beneficiaries under the will.

If the decedent died intestate, notice of the hearing on the inventory shall be given to or waived by the surviving spouse and all next of kin.

Notice is not required for the persons entitled to notice whose addresses are unknown and cannot with reasonable diligence be ascertained. An affidavit shall be filed in the Court for such persons.

If the inventory is filed with all the necessary waivers, the inventory will be approved as soon as practicable by the Court without the necessity of a formal hearing.

Notice that is not waived shall be given as provided in Civil Rule 73 (E)(1),(2),(3),(4), or (5). The fiduciary shall be responsible for giving the notices and shall provide verification to the Court.

The auditor's values for real estate may be used for inventory purposes unless the fiduciary desires an appraisal. If desired blue book values may be used for automobiles. If used, a copy of said valuation sheet must be attached.

Cash, bank accounts, certificates of deposits and other evidences of bank deposits need not be appraised by the court appointed appraiser. The fiduciary may rely upon values provided by the bank. Also other estate assets which have a readily ascertainable value by reference to published indices need not be appraised by the court appointed appraiser. The fiduciary may rely upon the published indices and their established methods of valuation.

Estate property shall not be transferred until after the inventory has been approved, unless the fiduciary secures prior court approval.

48) RELATIONSHIP TO DECEDENT

Any person filing an application to be appointed administrator of an estate or to relieve an estate from administration of an intestate who is not a next of kin listed on the form 1.0 shall file a statement identifying his/her relationship to the decedent and a statement of why he/she is suitable.

49) CITATIONS

If a citation is issued to file an account or inventory, or for any other reason, the fiduciary and attorney must appear personally before the court unless given prior approval by the court to not appear.

50) TRANSFER OF STRUCTURED SETTLEMENT

The Court will not approve an application for Transfer of Structured Settlement if the transferor is to receive less than fifty percent (50%) of the discounted present value of the payments being transferred.

51) SERVICE OF NOTICE

Service of Notice made in accordance with Civil Rule 73(E)(7) shall be as follows

If there is a last known address for the person to be served, service of notice by publication shall be by posting and mail unless otherwise specified by the party requesting service. Posting shall be on the Champaign County Courthouse bulletin board, the main bulletin board at the Champaign County Community Center and the Urbana Municipal Building bulletin board. Said posting shall take place no later than seven (7) days prior to the hearing.

If there is no last known address for the person to be served, service by publication shall be by newspaper publication. Said publication shall take place no later than seven (7) days prior to the hearing.

CHAMPAIGN CO. OHIO FAMILY COURT 2023 SEP -6 P 1:00 LORI LENSINGER JUDGE

52) FORM OF PROBATE FILINGS

The Court will only accept one original of each probate filing. Once the Judge has signed the filing, one copy will be made for and returned to counsel unless multiple certified copies of a document are required. Any additional copies submitted at the time of filing will be returned to counsel.

The Court will only accept single-sided filings. All double-sided documents presented to the Court for filing will not be accepted.

CHAMPAIGN CO., OHIO
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ROBERT A. GILBERT, JUDGE
LORI L. REISINGER, JUDGE

EXHIBIT A

IN THE COURT OF COMMON PLEAS, CHAMPAIGN COUNTY OHIO
DOMESTIC RELATIONS- JUVENILE- PROBATE

IN THE MATTER OF

REQUEST FOR AUDIO CD

_____
Minor child

CASE NO. _____

APPEAL NO._____
DATE OF REQUEST _____

OR

_____
Plaintiff/Petitioner
-vs.-

_____
Defendant/Respondent

Name and Title of person requesting CD:

_____

Reason for Requesting CD:

_____
_____
_____

Hearing Date(s):

_____
_____

CHAMPAIGN CO., OHIO
FAMILY COURT
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CHRIS L. KLINGER, JUDGE

☐ Judge Reisinger
☐ Judge Gilbert
☐ Magistrate Scott

Requestor's Signature

_____
Requestor's Printed Name

_____
Phone number

EXHIBIT B

CHAMPAIGN COUNTY FAMILY COURT
STANDARD ORDER OF PARENTING TIME

Liberal parenting time between a non-custodial parent and their child(ren) is encouraged. It is hoped that the parties can voluntarily arrive at mutually agreeable schedules. In the event they cannot, the Court has established the following Standard Order of Parenting Time:

Parenting times between the non-custodial parent and the child(ren) shall not be less than:

1. Alternate weekends beginning Friday at 6:00 p.m. and ending Sunday at 6:00 p.m., beginning on the first Friday following the filing date of the Judgment Entry.

2. On weeks when there is no weekend parenting time, Tuesday from 5:00 p.m. to 8:00 p.m.

3. Parenting times which cannot take place because of illness of the child(ren) will be made up the following week.

4. The Court allows a fifteen minute leeway period of time on either side of the pickup and return times of parenting time for the parties to appear.

5. Holidays:
In odd-numbered years (example: 2019, 2021, etc.), the mother shall have the child(ren) on:

- **Easter** - from 9:00 a.m. to 7:00 p.m.
- **July 4th** - from 9:00 a.m. to 7:00 p.m.
- **Thanksgiving** - from 9:00 a.m. to 7:00 p.m.

In odd-numbered years (example: 2019, 2021, etc.), the father shall have the child(ren) on:

- **Memorial Day** - from 9:00 a.m. to 7:00 p.m.
- **Labor Day** - from 9:00 a.m. to 7:00 p.m.
- **New Year's Day** - from 9:00 a.m. to 7:00 p.m.

In even-numbered years (example: 2018, 2020, etc.) this schedule will be reversed: Father to have Easter, July 4th, and Thanksgiving; Mother to have Memorial Day, Labor Day, and New Year's Day.

Christmas - In even-numbered years, the mother shall have parenting time on December 24th from 12:00 noon to December 25th at 12:00 noon. The father shall have parenting time from 12:00 noon on December 25th to 12:00 noon on December 26th. In odd-numbered years, this schedule will be reversed.

Mother's Day will be spent with the mother from 9:00 a.m. to 7:00 p.m.

Father's Day will be spent with father from 9:00 a.m. to 7:00 p.m.

The child(ren)'s birthdays shall be celebrated in the home of the mother in odd-numbered years and in the home of the father in even-numbered years.

If holiday parenting time of the non-custodial parent falls on a Monday following that parent's regular weekend parenting time, then the parenting time will be continuous until Monday at 6:00 p.m.

When a conflict occurs between the holiday parenting time schedule and the alternate weekend/Monday night schedule, the holiday parenting time schedule will take precedence.

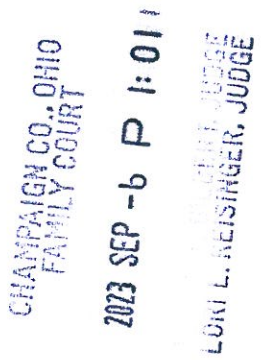
6. Summer Vacation:
Each parent shall have extended parenting time with the child(ren) for a period of four (4) weeks during the summer. The four week period shall be divided into two, two-week periods at a date to be agreed upon by the parties.

   If the parties fail to agree on summer parenting times, then summer parenting times shall be the third (3rd) and fourth (4th) weeks of June and the third (3rd) and fourth (4th) weeks of July for the father and for the mother it shall be the first (1st) and second (2nd) weeks of July and the first (1st) and second (2nd) weeks of August.

7. Moving: Neither parent shall permanently remove the child(ren) from the jurisdiction of this Court without first obtaining a hearing to adjust parenting times.

8. Transportation: The parent receiving parenting time shall be responsible for the pick-up of the child(ren).

9. Communication: Neither party will impede telephone communication between a parent and the child(ren).

   If either party feels the standard parenting schedule cannot be complied with due to the particular circumstances of the parties, said party may file an appropriate motion of relief.

LORI L. REISINGER, JUDGE
BRETT A. GILBERT, JUDGE