

Local Rules
Cuyahoga County Court of Common Pleas:
Rules of the Juvenile Division

Child Support and Custody

Rule 27. Child Support Schedule

- (A) In all cases resulting in a child support order, R.C. 3119.021 and 3119.022 must be applied, both at the time of an initial award of support and of any subsequent modifications. A Child Support Computation Worksheet shall be completed prior to the time of any hearing where child support is an issue. A Child Support Computation Worksheet shall be attached to and incorporated by reference in every judgment entry in which child support is ordered.
- (B) In all cases where child support is ordered there shall be an order for health insurance for the child. The order shall divide between the parties all extraordinary medical, dental, including orthodontia, and optical expenses incurred on behalf the child, as defined in ORC 3119.01(C)(4).

Rule 28. Custody Actions

- (A) All private actions seeking custody of a child shall be initiated by a sworn application, or in preexisting cases, by motion, accompanied by a child custody affidavit pursuant to R.C. 3109.27, a copy of the child's birth certificate, the child's social security information and proof of paternity.
- (B) Custody actions filed under section (A) of this rule, unless exempted from mediation pursuant to section (C) of Local Rule 8, shall be referred to mediation.
- (C) As a condition of obtaining custody, an individual may be required to sign a waiver for a background check.
- (D) **Child Custody Affidavit**
A uniform child custody affidavit shall be filed in all child custody proceedings (excluding complaints for neglect, dependent and abused children). The affidavit must be on a form supplied by the Court or must be in compliance with R.C. 3109.27.

Rule 29. Parenting Time/Shared Parenting

- (A) **Standard Parenting Time Guidelines**
The following Standard Parenting Time Guidelines are to be applied in all cases subject to deviation based upon consideration of the factors set forth in R.C. 3109.051(D). The Court recognizes that the parenting time of a parent who is not the residential parent, for a child under the age of two (2), shall take into consideration the child's age and relationship with that parent in fashioning an appropriate parenting time order. All parenting time orders shall include a finding by the Court that it is in the best interest of the child to order such parenting time.
- (B) **Shared Parenting**
If the parties are filing for shared parenting as that term is defined in R.C. 3109.04(J), the plan that the parties are required to submit to the Court shall include provisions covering all factors that are relevant to the care of the child, including, but not limited to, provisions covering factors such as physical living arrangements, child support obligations, provision for the child's medical and dental care, school placement and parenting time.
- (C) **Specific Parenting Time**
Subject to this rule, parenting time for the parent who is not the residential parent shall be implemented progressively in accordance with the following schedule:
- (1) Where the child who is subject of the action is over the age of two (2) and there is little or no evidence of a relationship between the child and the parent who is not the residential parent, parenting time for that parent shall be in accordance with the following four-week cycle:
 - (a) The first and third weekends on Saturday from noon until 7:00 p.m
 - (b) There shall be no parenting time on the second and fourth weekends.
 - (c) There shall be no midweek parenting time.
 - (2) Where there is some evidence of a relationship between the child and the parent who is not the residential parent, parenting time for that parent shall be in accordance with the following four-week cycle:
 - (a) The first weekend from Friday night at 7:00 p.m. to Sunday night at 7:00 p.m.

- (b) The second and third weekends on Saturday from noon to 7:00 p.m.
 - (c) There shall be no parenting time on the fourth weekend.
 - (d) There shall be no midweek parenting time.
- (3) Where there is evidence of a substantial relationship between the child and the parent who is not the residential parent, parenting time for that parent shall be in accordance with the following schedule:
- (a) Weekends
 - (i) The first and third weekends from Friday night at 7:00 p.m. to Sunday night at 7:00 p.m.
 - (ii) The second weekend on Friday from 5:00 p.m. to 9:00 p.m.
 - (iii) There shall be no parenting time on the fourth weekend. This four (4) week cycle shall continue to repeat itself until further Order of Court
 - (b) Midweek

In addition to weekend parenting time, the child shall spend a minimum of one (1) day parenting time as follows

 - (i) For a child not yet in mandatory education, 5:00 p.m. to 7:30 p.m.
 - (ii) For a child in grades kindergarten to 8th grade, 5:00 p.m. to 8:00 p.m.
 - (iii) For a high school student, 5:00 p.m. to 9:00 p.m.

If there is more than one (1) child, the hour of return shall be the hour for the youngest child. If the parents cannot agree on a day, the day of the midweek visit is Wednesday. If a child is in a child care arrangement, the parent who is not the residential parent may not pick up the child from the caretaker without the prior permission of the residential parent, preferably in writing.
 - (c) Days of Special Meaning

- (i) Mother's Day shall be spent with the mother; Father's Day shall be spent with the father, regardless of which parent is entitled to the weekend parenting time. If the parties cannot agree on times, the time is 10:00 a.m. to 7:00 p.m. Then the child shall spend the rest of the weekend with the parent who has the child according to the regular schedule.
- (ii) The mother's birthday shall be spent with the mother; the father's birthday shall be spent with the father regardless of which parent is entitled to the parenting time. If the parties cannot agree, the time is 10:00 a.m. to 8:00 p.m. for a child not in school on the birthday, and 5:00 p.m. to 8:00 p.m. for a child in school on the birthday .
- (iii) The child's birthday shall be spent with the mother in the even-numbered years, and shall be spent with the father in the odd-numbered years. The parent who is not the residential parent must provide one week's notice of his/her intent to have parenting time for a birthday. If the parties cannot agree, the time is 10:00 a.m. to 8:00 p.m. for a child not in school on the birthday, and 5:00 p.m. to 8:00 p.m. for a child in school on the birthday. The child's birthday is to be spent with the designated parent, even if the other parent is entitled to weekend, midweek, holiday, or vacation with the child. Brothers and sisters shall attend the birthday event.

(d) Holidays

Parents may wish to change by agreement a holiday at least one (1) week in advance in order to observe family or religious traditions. If not changed by agreement, holiday times are as follows:

Easter: Father—even numbered years; mother—odd numbered years as agreed or, from Sunday, 10:00 a.m. to 7:00 p.m.

Should the school age child's spring vacation occur in the week after Easter, the Easter parenting time shall extend to Wednesday 7:00 p.m. If spring vacation occurs during another time, the parent having Easter shall have the first three(3) weekdays of the spring vacation.

Memorial Day: Mother—even numbered years; father—odd numbered years as agreed or, Sunday 7:00 p.m. through Monday 8:00 p.m.

July 4th: Father—even numbered years; mother—odd numbered years as agreed or, 7/4 9:00 a.m. through 7/5 9:00 a.m.

Labor Day: Mother—even numbered years; father—odd numbered years as agreed or, Sunday 7:00 p.m. through Monday 8:00 p.m.

Halloween: Father—even numbered years; mother—odd numbered years as agreed or, 10/31 5:00 p.m. through 8:00 p.m.

Thanksgiving: Mother—even numbered years; father—odd numbered years as agreed or, Thursday 9:00 a.m. through Friday 9:00 a.m.

Christmas Eve: Father—even numbered years; mother—odd numbered years as agreed or, 12/23 9:00 p.m. through 12/25 10:00 a.m.

Christmas Day: Mother—even numbered years; father—odd numbered years as agreed or, 12/25 10:00 a.m. through 12/31 5:00 p.m.

New Years Eve/Day: Father—even numbered years; mother—odd numbered years as agreed or, 12/31 5:00 p.m. through 1/1 9:00 p.m.

A holiday that falls on a weekend shall be spent with the parent who is designated to have the child for that holiday, and the other parent shall have the child for the rest of the weekend. This time does not have to be made up.

(e) Vacation

(i) Two (2) weeks of parenting time each year are to be arranged by the parent who is not the residential parent with not less than sixty (60) days advance notice. The parent who is not the residential parent's choice of vacation has priority over the residential parent's choice unless the residential parent's vacation is an annual mandatory shutdown of the

place of employment. Likewise, the residential parent must give the other parent not less than sixty (60) days advance notice of vacations or special plans for the child to avoid planning conflicts. Parents who cannot resolve vacation-scheduling conflicts may file a motion in the Court. The residential parent's parenting time shall not exceed fourteen (14) days without parenting time with the parent who is not the residential parent. Parenting time with the parent who is not the residential parent shall not exceed fourteen (14) days without parenting time with the residential parent

- (ii) Summer school necessary for the child to pass to the next attended. Either parent may schedule extended parenting time (vacation) during a mandatory summer school period, but the child must attend all classes.
- (iii) Each parent must provide the other parent with destination, times of arrival and departure, method of travel and telephone numbers if the vacation will be outside the parent's community
- (iv) Vacation parenting time may not exceed two (2) weeks in duration unless the parents agree otherwise. The parent who is not the residential parent must provide no less than 60 days notice to the residential parent of that parent's intention to exercise vacation parenting time.
- (v) Weekends which normally would be spent with the residential parent which fall during the parent who is not the residential parent's vacation must be given the residential parent or made up at another time. Weekends which normally would be spent with the parent who is not the residential parent that fall during the residential parent's vacation must be given to the parent who is not the residential parent or made up within ninety (90) days.

(D) Parenting Time Presumption

The following presumptions apply to all parenting time orders:

- (1) Child's Response to Parenting Time

If a child indicates strong opposition to being with the other parent, it is the responsibility of each parent to deal appropriately with the situation by calmly talking to the child as to the child's reasons, and to work with the other parent to do what is in the child's best interests, and particularly to avoid confrontation or unpleasant scenes. If the matter is not settled, either parent should seek the immediate assistance of a mental health professional or file a motion. As uncomfortable as this issue may be for a parent, this issue should not go unresolved. It is the absolute affirmative duty of the residential parent to make certain that his/her child goes for the parenting time period.

- (2) **Exercise of Parenting Time**
This schedule presumes that the parent who is not the residential parent shall be there promptly for all the parenting time times and days for weekends, midweeks, days of special meaning, and holidays, and that no advance notice to the residential parent is necessary. The residential parent shall have the child ready.
- (3) **Cancellation of Parenting Time by Parent who is not the Residential Parent**
The parent who is not the residential parent must give notice of intent not to have parenting time not less than twenty-four (24) hours in advance, unless a last minute emergency occurs. A parent who does not exercise parenting time forfeits the time. A parent who continually fails to keep his or her commitment to parenting time may have parenting time rights modified, and may be subject to other legal remedies as well, upon motion by the residential parent.
- (4) **Keeping the Children Together**
This schedule presumes that if the parents have more than one (1) child, the parenting time will be exercised with all children together.
- (5) **Returning the Child after Exercising Parenting Time**
This schedule presumes that the parent who is not the residential parent will not return the child prior to the end of the parenting time stated (not early, not on a different day), unless the parties agree in advance, and that the residential parent or a responsible adult well known to the child will be present when the child is returned.
- (6) **Promptness**
This schedule presumes that each parent will be prompt for pickup and return of the child, that the residential parent will ready the child emotionally and physically for the parenting time. The residential parent has no duty to wait longer than thirty (30) minutes for the

parent who is not the residential parent to pick up the child, unless that parent notifies the residential parent that he/she will be late, and the residential parent agrees to remain available after the thirty (30) minute waiting period. A parent who is more than thirty (30) minutes late loses the parenting time. A parent who has a pattern of lateness for pickup and/or return is subject to penalties under the law.

- (7) **Transportation**
The parent who is not the residential parent has responsibility for picking up and returning the child. That parent, if unavailable for the pickup or delivery of the child, must use an adult well known to the child for this purpose. Any person driving the child must comply with all child restraint laws. No person transporting the child may be under the influence of drugs or alcohol. Only licensed drivers may transport the child.
- (8) **Clothing**
The residential parent is responsible for providing sufficient, appropriate, and clean clothing for every parenting time period, based on the lifestyle of the residential parent and child. If the planned parenting time activities require special or unusual clothing needs, the parent who is not the residential parent must notify the residential parent at least two (2) days in advance of the parenting time period. If the child does not have the type of clothing requested, the residential parent is under no obligation to comply with the request. All clothing sent by the residential parent must be returned immediately after the parenting time period.
- (9) **Schoolwork**
A parent must provide time for the child to study, complete homework assignments, papers, or other school assigned projects, even if the completion of this work interferes with the parent's plans with the child. If schoolwork is assigned by the school prior to the parenting time, the residential parent must inform the other parent of the work to be done, and it must be completed during parenting time.
- (10) **Address and Telephone Numbers**
Unless the Court orders otherwise, each parent must keep the other informed of his or her current address and telephone number, and an alternate telephone number in the event of an emergency.
- (11) **Illness or Injury of a Child**

If a child becomes ill or injured, requiring medication or consultation with a doctor or dentist, each parent must notify the other parent as soon as possible. If a child becomes ill while with the residential parent prior to a scheduled parenting time, the parent must contact the other parent and discuss the advisability of whether the parenting time should take place with the best interests of the child as the primary consideration. Parents should consider the nature of the illness (whether it may be contagious, or the child is physically uncomfortable, etc.), the care necessary, the ability to provide the care, exposure of the illness to others, parenting time plans, and any other important issue.

If the parents agree that the child should go for the parenting time, then the residential parent must provide written instructions and sufficient medication to last during the parenting time to the other parent. The parent who is not the residential parent must care for the child as directed, notifying the other parent if the child's condition worsens, or does not improve as might reasonably be expected.

If the parents cannot agree that the child should go for the parenting time period, then the parent who is not the residential parent has the right to visit the child for not more than one (1) hour at the time scheduled for the parenting time to begin. This does not apply if any court order or consent agreement prohibits that parent from being at the home. If another child is scheduled to have parenting time and the regular parenting time is canceled due to the child's illness or injury, then the time must be made up within sixty (60) days to that parent at a time of his/her choice.

If the child becomes ill or injured during the parenting time requiring medication or medical or dental consultation, the parent who is not the residential parent must secure appropriate emergency treatment.

No schedule can adequately spell out what should be common sense when dealing with an ill or injured child.

The existence of any allergy or chronic condition suffered by a child must be communicated in writing from the residential parent to the parent who is not the residential parent, including medication or treatment recommended for the illness or condition.

If a child often misses a parenting time due to illness or injury, then the parent who is not the residential parent may require the child to be examined by the child's usual physician. The examination shall

be at the expense of that parent. The examination of the child may be in the presence of that parent, subject to the discretion of the treating physician. If the residential parent refuses to schedule a medical appointment as requested, the parent who is not the residential parent may file a motion.

(12) Children's Activities

Scheduled periods of parenting time shall not be delayed or denied because a child has other scheduled activities (with friends, work, lessons, sports, etc.). It is the responsibility of the parents to discuss activities important to the child in advance, including time, dates, and transportation needs, so that the child is not deprived of activities and maintaining friends. The parent who has the child during the time of scheduled activities is responsible for transportation, attendance and/or other arrangements. If the activities are regularly scheduled, they should be agreed upon in advance and written into the judgment entry or decree. Both parents are encouraged to attend all their child's activities.

(13) Telephone Calls

Each parent has the right to talk over the telephone with the child as often as the parents agree. If the parents do not agree, then the parent who is not the residential parent should not normally have telephone privileges more than twice per week. In addition, a parent may call a child once during a scheduled or agreed parenting time that is missed. Also, the residential parent has the right to call a child when on vacation with the other parent as the parties can agree; if no agreement, then the residential parent has telephone privileges twice per week if the vacation period takes place at the other parent's home. Telephone calls should be during the normal hours a child is awake and if the child is unavailable for conversation, each parent shall take the responsibility of seeing that the child timely returns the call.

The child is permitted to call a parent.

(14) Employment of Parents

This schedule presumes that the parents are available for parenting time purposes for full weekends and midweek parenting time. If the parent who is not the residential parent is regularly employed every weekend or chooses not to exercise parenting time on the weekend, the parents should agree in advance about the day and time for parenting time. If the parties cannot agree, either may file a motion.

- (15) **Non-Compliance with Court Order**
Upon the filing of the appropriate motion by either party, the Court may enforce any of the responsibilities or rights outlined in this schedule. A parent may not withhold the parenting time rights because the other parent does not obey a Court Order, for instance, to pay support or medical bills. Penalties for willful denial of parenting time include jail sentence and/or changes in custody. A parent may seek enforcement of a periodic child or spousal support order by calling the Cuyahoga Support Enforcement Agency.
- (16) The Court reserves the right to modify the parenting time order upon the motion of either party.
- (E) **Notice of Relocation**
In all instances of Court ordered parenting time, pursuant to the determination made under R.C. 3109.051(G)(2), the parent who is not the residential parent shall be sent a copy of any notice of relocation filed with the Clerk of Court.
- (F) **Access to Records, Day Care, Student Activities**
In all instances of Court ordered parenting time, pursuant to R.C. 3109.051 (H), (I), and (J), the parent who is not the residential parent is entitled to access under the same terms and conditions under which access is provided to the residential parent to any record related to the child, any student activity related to the child, or any day care attended by the child.

Rule 30. Witness Lists

- (A) Each party shall submit to the opposing party or counsel a list with the names and addresses of all witnesses, including expert witnesses, expected to be called during trial. A copy of each list shall be filed with the Clerk of Court. Unless otherwise ordered by the Court, the witness lists shall be exchanged no later than fourteen (14) days prior to the trial date or three (3) days after receipt of notice of the trial date, whichever is later. A witness list may be supplemented anytime prior to two (2) business days before the trial date.
- (B) No party shall be permitted to call any witness, except rebuttal witnesses, whose name was not included on the witness list or any supplemental list, unless good cause can be shown as to why the need for such witness was not known to the party until after the time for supplementing his/her witness list expired, or unless the identity of the witness was otherwise known to the opposing party. The Court may, however, in its discretion

allow any party to call any witness whose name is not on a witness list, when doing so will serve the interest of justice.

- (C) This rule shall apply to motion hearings as well as trials.

Rule 31. Exhibits

(A) Marking of Exhibits

- (1) All exhibits must bear the official case number and shall be marked before trial with official exhibit stickers. The plaintiff shall mark exhibits with "Pl. _____" with numbers, and the defendant shall mark exhibits with "Def. _____" with letters. The guardian ad litem shall mark exhibits with "GAL _____" with letters. Unless otherwise ordered by the Court, joint exhibits shall be marked with "Joint Exhibit _____" with numbers. If there are multiple plaintiffs and/or defendants, numbers and/or letters shall be used followed by the party's first initial and last name. If the defendant has more than twenty-six (26) exhibits, double letters shall be used. If there are multiple plaintiffs, numbers shall be used followed by the plaintiff's first initial and last name.

- (2) Where a multiple-page exhibit is introduced, multiple pages should be numbered consecutively

- (B) An index of the exhibits to be used at trial, along with a brief description of such exhibits, shall be filed and served upon opposing counsel no later than one week before the final pretrial and updated no less than one week before the trial.

- (C) Exhibits introduced become part of the record. Exhibits are retained by the Court for a period of two (2) years except as otherwise ordered by the Court.

Rule 32. Reserved