



Lorain County Domestic Relations Court

Judge Sherry L. Glass
Judge Frank J. Janik
Judge Lisa I. Swenski

(440) 329-5360 Phone

(440) 329-5232 Fax

NOTICE OF PROPOSED CHANGES TO LOCAL RULES

The Judges of the Lorain County Domestic Relations Court have considered and approved modifications to the Domestic Relations Court Local Rules and the Juvenile Court Local Rules. The new language of each Rule is available on the Court's website: www.lcdrc.org

Pursuant to Sup. R. 5(A), comments by the bar and any other citizen may be submitted. Comments should be submitted by email or letter no later than June 3, 2022, to:

Emily Kirsch
Court Administrator
Domestic Relations Division
225 Court Street, 4th Floor
Elyria, Ohio 44035
Emily.Kirsch@lcfct.org

All comments will be given reasonable consideration by the Judges of the Lorain County Domestic Relations Court. If there are any modifications to the proposed rules as a result of comments, the proposed rule will be made available for comment for an additional 30 days.



JUVENILE COURT PROPOSED LOCAL RULES

Amendment to Rule 16—Motion to Set Aside and Objections

Local Rule 16 was changed to reflect that a ruling on a Motion to Set Aside is a Magistrate Order. Local Rule 16 also added language to permit judicial review of a Magistrate Order ruling on a Motion to Set Aside.

Amendment to Rule 20—Ex Parte Order Practice

Local Rule 20 was amended on an emergency basis during the COVID-19 pandemic. The proposed modifications make the emergency amendments permanent.

16. MOTIONS TO SET ASIDE AND OBJECTIONS

A. Motion to Set Aside a Magistrate's Order

1. A Motion to Set Aside a Magistrate's Order shall be filed with the Clerk of Court's within ten (10) days of the filing of the Magistrate's Order. The order is not stayed unless the Judge or Magistrate grants a stay. The Magistrate may continue to enter orders while a Motion to Set Aside is pending.
2. A Motion to Set Aside a Magistrate's Order shall state with specificity the reasons for the motion. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to Set Aside a Magistrate's Order.
3. The party first filing the Motion to Set Aside shall obtain a hearing date on their motion. The hearing shall be set on the Magistrate's docket that issued the respective order. A copy of all motions shall be served upon all other parties.
4. Unless the Court orders otherwise, a Motion to Set Aside a Magistrate's Order will be determined by the Magistrate that issued the order. The Magistrate will issue an order that rules on the Motion to Set Aside in a timely manner.

B. Motion to Review Magistrate's Order that ruled on a Motion to Set Aside

1. A Motion to Review Magistrate's Order that ruled upon a motion to set aside shall be filed with the Clerk of Courts within ten (10) days of the filing of the Magistrate's Order on the Motion to Set Aside.



2. A copy of the Motion to Review Magistrate's Order that ruled upon a motion to set aside shall be provided to the respective Judge's administrative assistant or bailiff. A copy may be facsimiled, emailed, or hand delivered.
3. The order is not stayed unless the Judge grants a stay.
4. A Motion to Review Magistrate's Order shall state with specificity the reasons necessitating judicial review. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to Review Magistrate's Order that ruled on a motion to set aside.
5. A Motion to Review a Magistrate's Order that ruled on a motion to set aside shall be determined by the Judge.
6. Upon receipt of a Motion to Review Magistrate's Order that ruled on a motion to set aside, the Judge may issue a Judicial Order that does one of the following:
 - i. Summarily grants the motion;
 - ii. Summarily denies the motion;
 - iii. Sets the motion for a hearing on the Judge's docket; or
 - iv. Summarily modifies the Magistrate's Order.

C. Objections to a Magistrate's Decision

1. The party first filing objections shall obtain a hearing date on their objections before the Judge. A copy of all objections or responses shall be served upon all other parties. Failure to obtain a hearing date may result in dismissal of the objections.
2. The party filing objections shall file a praecipe for preparation of the transcript and serve a copy on the Court's Official Court Reporter. If a deposit for costs of a transcript is not made within seven (7) days of the filing of the objection, the objection may be dismissed.
3. The original transcript submitted with an objection becomes part of the official record of the case. Should preparation of a transcript result in delay of the final disposition of the case, the Court may make such temporary orders as it deems necessary and just.



20. EX PARTE ORDER PRACTICE

Any ex parte motion filed shall comply with the Ohio Revised Code and the Ohio Rules of Juvenile Procedure.



DOMESTIC RELATIONS COURT PROPOSED LOCAL RULES

Repeal of Rule 9—Matters Scheduled with Judge

Repeal Rule 10—Matters Scheduled with Magistrates

Amendment of Rule 11 – Ex Parte Order Practice

Local Rule 11 was amended on an emergency basis during the COVID-19 pandemic. The proposed modifications make the emergency amendments permanent.

Renumbering of Rule 19 to Rule 9

Amendment to Rule 9 (previously Rule 19) – Motions to Set Aside and Objections

Local Rule 9, previously Rule 19, was changed to reflect that a magistrate's ruling on a Motion to Set Aside is a Magistrate Order. Local Rule 9, previously Rule 19, also added language to permit judicial review of a Magistrate Order ruling on a Motion to Set Aside.

Addition of Rule 10—Ohio Civil Rule 75(N) Temporary Orders

Local Rule 10 was added to set forth local procedures for Civ. R. 75(N) Orders and language that permits judicial review of orders issued under Civ. R. 75(N).

9. MOTIONS TO SET ASIDE AND OBJECTIONS

A. Motion to Set Aside a Magistrate's Order

1. A Motion to Set Aside a Magistrate's Order shall be filed with the Clerk of Courts within ten (10) days of the filing of the order. The order is not stayed unless the Judge or Magistrate grants a stay. The Magistrate may continue to enter orders while a Motion to Set Aside is pending.
2. Motions to Set Aside a Magistrate's Order shall state with specificity the reasons for the motion. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to Set Aside a Magistrate's Order.
3. The party first filing the Motion to Set Aside shall obtain a hearing date on their motion. A copy of all motions shall be served upon all other parties.
4. Unless the Court orders otherwise, a Motion to Set Aside a Magistrate's Order will be determined by the Magistrate that issued the order. The Magistrate will issue an order that rules on the Motion to Set Aside in a timely manner.

B. Motion to Review Magistrate's Order that ruled on a Motion to Set Aside



1. A Motion to Review Magistrate's Order that ruled upon a motion to set aside shall be filed with the Clerk of Courts within ten (10) days of the filing of the Magistrate's Order on the Motion to Set Aside.
2. A copy of the Motion to Review Magistrate's Order that ruled upon a motion to set aside shall be provided to the respective Judge's administrative assistant or bailiff. A copy may be facsimiled, emailed, or hand delivered.
3. The order is not stayed unless the Judge grants a stay.
4. The Motion to Review shall state with specificity the reasons necessitating judicial review. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to Review Magistrate's Order that ruled on a motion to set aside.
5. A Motion to Review a Magistrate's Order that ruled on a motion to set aside shall be determined by the Judge.
6. Upon receipt of a Motion to Review Magistrate's Order that ruled on a motion to set aside, the Judge may issue a Judicial Order that does one of the following:
 - i. Summarily grants the motion;
 - ii. Summarily denies the motion;
 - iii. Sets the motion for a hearing on the Judge's docket; or
 - iv. Summarily modifies the Magistrate's Order

C. Objections to a Magistrate's Decision

1. Objections to a Magistrate's Decision shall be filed with the Clerk of Courts within fourteen (14) days of the filing of the decision. The opposing party may file an objection or response within ten (10) days of the filing of the first objection. All objections shall be in compliance with the provisions of Civil Rule 53(D).
2. All objections shall be specific and state the grounds of objection with particularity. Any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the Magistrate or an affidavit of that evidence if a transcript is not available.



3. The party first filing objections shall obtain a hearing date on their objections. A copy of all objections or responses shall be served upon all other parties.
4. The party filing objections shall file a praecipe for preparation of the transcript and serve a copy on the Court's Official Court Reporter. If a deposit for costs of a transcript is not made within seven (7) days of the filing of the objection, the objection may be dismissed.
5. The original transcript submitted with an objection becomes part of the official record of the case. Should preparation of a transcript result in delay of the final disposition of the case, the Court may make such temporary orders as it deems necessary and just.

10. OHIO CIVIL RULE 75(N) TEMPORARY ORDERS

A. Temporary Order

1. During a divorce, annulment, legal separation, and related proceedings, a Court may issue a temporary order that awards temporary spousal support, temporary child support, and/or awards a temporary allocation of parental rights and responsibilities for the care of the minor child(ren).
2. Said order(s) are interlocutory and remain in effect during the pendency of the underlying cause of action.

B. Oral Hearing Request

1. Upon request, in writing, after any temporary spousal support, child support, or order allocating parental rights and responsibilities for the care of children is journalized, the court shall grant the party so requesting an oral hearing within twenty-eight days to modify the temporary order. A request for an oral hearing shall not suspend or delay the commencement of spousal support or other support payments previously ordered or change the allocation of parental rights and responsibilities until the order is modified by journal entry after the oral hearing.



2. The order is not stayed unless the Judge or Magistrate grants a stay. The Magistrate may continue to enter orders while an oral hearing request is pending.
3. Any oral hearing request shall state with specificity the reasons for the oral hearing. Unless otherwise ordered, a transcript of the proceedings is not necessary for an oral argument hearing.
4. The party first filing the request for an oral hearing shall obtain a hearing date on the Magistrate's docket that issued the temporary order. A copy of all oral hearing requests shall be served upon all other parties.
5. Unless the Court orders otherwise, an oral hearing request will be determined by the Magistrate that issued the temporary order.
6. The Magistrate shall conduct an oral hearing on the temporary order.
7. After conclusion of the oral hearing, the Magistrate will issue an order that either continues, modifies, terminates, or vacates the original temporary order.

C. Motion to Review a Magistrate's Order that ruled on an Oral Hearing Request

1. A Motion to Review a Magistrate's Order after the oral hearing shall be filed with the Clerk of Courts within ten (10) days of the filing of the Magistrate's Order.
2. A copy of any Motion to Review a Magistrate's Order after the oral hearing shall be provided to the respective Judge's administrative assistant or bailiff. A copy may be facsimiled, emailed, or hand delivered.
3. The order is not stayed unless the Judge grants a stay.
4. A Motion to Review a Magistrate's Order after the oral hearing shall state with specificity the reasons necessitating judicial review. Unless otherwise ordered, a transcript of the proceedings is not necessary for a Motion to Review a Magistrate's Order after the oral hearing.
5. A Motion to Review a Magistrate's Order after the oral hearing shall be determined by the Judge.
6. Upon receipt of a Motion to Review a Magistrate's Order after the oral hearing, the Judge may issue a Judicial Order that does one of the following:



- i. Summarily grants the motion
- ii. Summarily denies the motion
- iii. Sets the motion for a hearing on the Judge's docket
- iv. Summarily modifies the Magistrate's Order.

11. EX PARTE ORDER PRACTICE

Any ex parte motion filed shall comply with the Ohio Revised Code and the Ohio Rules of Civil Procedure.