



Lorain County Domestic Relations Court

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

NOTICE OF PROPOSED CHANGES TO LOCAL RULES

The Judges of the Lorain County Domestic Relations Court published modifications to the Domestic Relations Court Local Rules and Juvenile Court Local Rules, with the request for comments to be submitted by June 3, 2022. Comments were received for the proposed Ex-Parte Order Practice. (See Domestic Relations Court Local Rule 11 and Juvenile Court Local Rule 20)

The Judges gave the comments reasonable consideration, and based upon the comments, the Judges approved modifications to the proposed 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 **October 14, 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.



DOMESTIC RELATIONS COURT PROPOSED LOCAL RULES

Amendment of Rule 11 – Ex Parte Order Practice

Local Rule 11 was amended on an emergency basis during the COVID-19 pandemic. The Rule provides procedures specific to the Lorain County Domestic Relations Court.

11. EX PARTE ORDER PRACTICE

- A. Any ex parte motion filed shall comply with the Ohio Revised Code and the Ohio Rules of Civil Procedure.
- B. General Procedures
 - 1. Unless otherwise specified by law, all Motions for ex parte relief shall be accompanied by an affidavit. Any request for ex parte relief shall also be accompanied by a Complaint or a Motion for Allocation or Modification of Parental Rights unless such matter is currently pending before the Court. The bond for service shall be paid at the time of filing.
 - 2. Ex parte requests shall take preference on the docket. Upon the filing of an ex parte request, the request and accompanying affidavit will be reviewed by the Court as soon as reasonably possible on the day it is filed. Upon review, the judicial officer will determine if an immediate hearing is warranted, unless otherwise required to hold a hearing by law. No ex parte motion for a change of custody will be granted without a hearing.
 - 3. After the Court reviews the ex parte motion and affidavit, the Court has discretion to do any of the following:
 - i. Summarily dismiss the ex parte motion;
 - ii. Hold the ex parte hearing the day the motion is filed;
 - iii. Continue the ex parte hearing for another date; or
 - iv. Take any other action authorized by statutes or rules.
 - 4. After the review, if the Court does not hold an immediate hearing, the Court will provide the moving party or attorney with an entry, which will include any future hearing date.



C. Ex Parte Hearing

1. If the Court conducts an immediate hearing or sets the matter for a hearing in the future, the party seeking the ex parte immediate relief shall appear and testify at the hearing.
2. After the Court conducts an ex parte hearing, the Court may do any of the following:
 - i. Deny the motion and dismiss the motion;
 - ii. Deny the motion and set the matter for a review;
 - iii. Grant the motion, in whole or part, and set for a review hearing.

D. Review Hearing

1. If an ex parte order is granted, service of process of the request, affidavit and entry with notice of hearing, shall be made by the Sheriff's service or personal process server. The bond for service, paid at the time of the filing, shall not be waived, and it is non-refundable until final judgment, as outlined in Local Rules.
2. The Court shall hold a review hearing as soon as possible, but no later than 10 court days, unless required to hold the hearing sooner by law. This requirement may be waived by the responding party.



JUVENILE COURT PROPOSED LOCAL RULES

Amendment to Rule 20—Ex Parte Order Practice

Local Rule 20 was amended on an emergency basis during the COVID-19 pandemic. The Rule provides procedures specific to the Lorain County Juvenile Court.

20. EX PARTE ORDER PRACTICE

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

B. General Procedures

1. Unless otherwise specified by law, all Motions for ex parte relief shall be accompanied by an affidavit. Any request for ex parte relief shall be accompanied by a Complaint or a Motion for Allocation or Modification of Parental Rights unless such matter is currently pending before the Court. The bond for service shall be paid at the time of filing.
2. Ex parte requests shall take preference on the docket. Upon the filing of an ex parte request, the request and accompanying affidavit will be reviewed by the Court as soon as reasonably possible on the day it is filed. Upon review, the judicial officer will determine if an immediate hearing is warranted, unless otherwise required to hold a hearing by law. No ex parte motion for a change of custody will be granted without a hearing.
3. After the Court reviews the ex parte motion and affidavit, the Court has discretion to do any of the following:
 - a. Summarily dismiss the ex parte motion;
 - b. Hold the ex parte hearing the day the motion is filed;
 - c. Continue the ex parte hearing for another date; or
 - d. Take any other action authorized by statutes or rules.
4. After the review, if the Court does not hold an immediate hearing, the Court will provide the moving party or attorney with an entry of the outcome.

C. Ex Parte Hearing



1. If the Court conducts an immediate hearing or sets the motion for a hearing in the future, the party seeking the ex parte immediate relief shall appear and testify at the hearing.
2. After the Court conducts an ex parte hearing, the Court may do any of the following:
 - a. Deny the motion and dismiss the motion;
 - b. Deny the motion and set the matter for a review;
 - c. Grant the motion, in whole or part, and set for a review hearing.

D. Review Hearing

1. If an ex parte order is granted, service of process of the request, affidavit and entry with notice of hearing, shall be made by the Sheriff's service or personal process server. The bond for service, paid at the time of the filing, shall not be waived, and it is non-refundable until final judgment, as outlined in Local Rules.
2. The Court shall hold a review hearing as soon as possible, but no later than 10 court days, unless required to hold the hearing sooner by law. This requirement may be waived by the responding party.
3. On child-welfare cases, if a statute or rule requires the Court hold a shelter care hearing within 72 hours or the next business day, and the Court is closed, the shelter care hearing shall be scheduled for a day and time as determined by the Court. The moving party shall notify the parties and legal counsel as soon as practicable.