



Lorain County Court of Common Pleas

Domestic Relations Court

Domestic Relations Division

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

NOTICE OF CHANGE TO DOMESTIC RELATIONS LOCAL RULES

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

Pursuant to Sup. R. 5(A)(2), there is an immediate need for these rules; therefore, the Court will adopt these rules immediately but will still afford the opportunity for public comment. Comments by members of the bar and any other citizen may be submitted by letter or email, no later than March 4, 2024, to:

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

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

DOMESTIC RELATIONS LOCAL RULES

Amendment to Rule 11. Ex Parte Order Practice: When the Rules were amended during COVID and then again in 2022, the language regarding Mutual Restraining Orders was inadvertently left out of the Rule. This amendment adds the Mutual Restraining Orders section back into the local Rule.

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.

E. Mutual Ex Parte Restraining Orders

- 1. Upon request of counsel or an unrepresented party, the Court may grant mutual restraining orders in new actions for Divorce, which shall then be served upon the opposing party.**
- 2. The order shall be consistent with the Court's form, as set forth in Exhibit 1.**
- 3. The restraining orders shall take effect against the moving party upon filing, and against the responding party upon perfection of service, and shall remain in effect during the pendency of the case.**
- 4. No bond shall be required.**

New Rule: The Court has a Rule regarding Court interpreters in the Juvenile Rules, but the Domestic Relations Rules do not have a similar rule. This language mirrors the language in Juvenile Rule 15.

33. REQUESTS FOR INTERPRETER

- A. When interpretive services are needed, the attorney or party requesting an interpreter shall complete the REQUEST FOR INTERPRETER form, available from the Domestic Relations Clerks, Juvenile Clerks or from the Assignment Commissioners, and submit it to the hearing officer to whom the case is assigned, no later than ten days prior to the scheduled hearing.**
- B. The Court will arrange for an appropriate interpreter to be present at the hearing.**
- C. It is the responsibility of the requesting party to immediately notify the hearing officer if there is any change in the date or time of the hearing. Failure to do so may result in the requesting party being held responsible for payment of the interpreter's fee for time spent attempting to attend the hearing.**