

38.11 Both parents shall cooperate in the preparation of insurance forms to obtain reimbursement or payment of said expenses; and each parent shall provide a current address to the other.

RULE 39 - GUIDELINES FOR CUSTODY AND VISITATION

39.01 Visitation and Companionship is an opportunity for the non-custodial parent to spend time with and be involved in the activities of the child(ren). Parents should not involve their child(ren) in their disputes with each other, nor use them as a "messenger service". Visitation should be a rewarding experience for both the child(ren) and the parent, and the Court therefore encourages liberal visitation arrangements.

39.02 Remember, your child(ren) make plans for visitation the same as each of you make your own plans; therefore, if something occurs which will interfere with visitation, notify each other and your child(ren) as soon as possible.

39.03 The residential parent shall take the necessary action with school authorities of the schools in which the child(ren) are enrolled to:

1. List the non-residential parent as a parent of the child(ren).
2. To authorize the school to release to the non-residential parent any and all information concerning the child(ren).
3. To insure that the non-residential parent receives copies of any notice regarding the child(ren).

39.04 The residential parent shall promptly transmit to the non-residential parent any information received concerning parent-teacher meetings, school club meetings, school programs, athletic schedules, and any other school activities in which the child(ren) may be engaged or interested.

39.05 The residential parent shall promptly, after receipt of same, furnish to the non-residential parent, a photocopy of the child's grade or report card and copies of any other reports concerning the child's status or progress.

39.06 The residential parent shall promptly inform the non-residential parent of any illness of the child(ren) which shall require medical attention. Elective surgery shall only be performed after consultation with the non-residential parent. Emergency surgery necessary for the preservation of life or to prevent a further serious injury or condition may be performed without consultation provided, however, if time permits, the non-residential parent shall be consulted and in any event the non-residential parent shall be informed as soon as possible.

39.07 Notice of Intent: Failure to give notice by the non-residential parent that a scheduled visitation will not occur is a waiver of that visitation.

39.08 Visitation shall not terminate support for that period, unless by specific order, since the weekly rate is adjusted for those periods of visitation and vacation visitation at the non-residential residence. Visitation rights are not terminated by the non-payment or underpayment of child

support or spousal support.

- 39.09 Both parties shall be diligent in having the child(ren) ready and available at the appointed times and the transporting party shall be prompt in picking up and delivering the child(ren) at their residence, provided however, that the transporting parent for visitations shall have a grace period of thirty (30) minutes for pick-up and delivery if both parties live within a distance of thirty (30) miles of each other. If the one way distance to be traveled is in excess of thirty (30) miles, the grace period shall be one (1) hour. In the event the visiting parent exceeds the grace period, the visitation for the weekend is forfeited unless prior notification and arrangements have been made and except in cases where the visiting parent lives in excess of thirty (30) miles away and suffers an unavoidable breakdown or delay en route, and the visiting parent promptly notifies the residential parent by phone of the delay. Repeated violations by either parent shall be cause for granting a modification of the custody order by changing custody or curtailing visitation as the case may be.
- 39.10 The residential parent shall send with the child(ren) on visitation sufficient clothing and outer wear appropriate for the season to last the period of the visitation. For a weekend visitation, this shall consist of a minimum of two (2) extra sets of play clothes and one (1) dress outfit in addition to the clothes the child(ren) are wearing at the time of the start of visitation. In the case of infants, the residential parent shall send with the child(ren) sufficient bottles, formula and diapers to last the visitation period. Violations of this requirement may be deemed sufficient cause for a change of custody or curtailing visitation as the case may be.
- 39.11 Visitation does not include picking up the child(ren) and leaving them with a non-family member while the visiting parent pursues his/her own pleasure nor does it include taking the child(ren) to a bar. Violations may be deemed to be cause for curtailment of visitation.
- 39.12 The residential parent shall encourage free communication between the child(ren) and the non-residential parent, and shall not do anything to impede or restrict communications between the child(ren) and the non-residential parent whether initiated by the child(ren) or the non-residential parent. The mail between the child(ren) and parent shall be strictly confidential between them and that parent, and shall not be opened or read by the other parent. This rule applies equally to the non-residential parent when the child(ren) are on extended visitation with the non-residential parent.
- 39.13 Both parents shall refrain from criticizing the other parent in the presence of the child(ren).
- 39.14 These are guidelines concerning custody and visitation, and they may be changed or modified by the Court if shown that there is a need for such a change.

RULE 40 - MINIMUM GUIDELINES FOR CUSTODY AND VISITATION WHEN DISPUTES ARISE BETWEEN PARTIES

- 40.01 Whenever "reasonable visitation" for a non-residential parent appears in an entry, and a dispute arises between the parties, it shall be defined as providing visitation at a minimum, as follows:

(All orders filed prior to the effective date of this Rule which refer to Rules 64 & 65 shall use this schedule).

1. Visitation by the non-residential parent on alternate weekends from Friday at 7:00 p.m. to Sunday at 7:00 p.m. (the beginning and ending times may be varied to accommodate the work schedule of the parties).
2. Mother's Day the children shall be with the mother and Father's Day the children shall be with the father. In the event this provision requires the child to be with the residential parent when it is in the non-residential parent's normal weekend visitation, the non-residential parent shall return the children by 9:00 a.m. on Mother's Day or Father's Day. In the event that this provision requires the children to be with the non-residential parent on a day not falling within the non-residential parent's visitation weekend, said non-residential parent shall receive the children at 9:00 a.m. on that day and shall return them at 7:00 p.m. on said day.
3. The parents shall have the children on holidays as follows:

EVEN YEARS

RESIDENTIAL PARENT

President's Day (Friday night at 7:00 p.m. to Monday night at 7:00 p.m.)
Memorial Day (Friday night at 7:00 p.m. to Monday night at 7:00 p.m.)
Labor Day (Friday night at 7:00 p.m. to Monday night at 7:00 p.m.)
Christmas Eve at 5:00 p.m. and Christmas Day until 2:00 p.m.

NON-RESIDENTIAL PARENT

Easter (Thursday night at 7:00 p.m. to Sunday night at 7:00 p.m.)
Fourth of July (Night before at 7:00 p.m. to morning after at 11:00 a.m. except when the 4th falls on Friday, Saturday or Sunday, or Monday, when the visitation shall commence on Friday night and continue to the end of the weekend or end of holiday, whichever is later)
Thanksgiving Day (Wednesday night at 7:00 p.m. to Sunday night at 7:00 p.m.)
Christmas Vacation and New Year's Day (Christmas Day at 2:00 p.m. until New Year's Day at 7:00 p.m.)

ODD YEARS

The above schedule shall be reversed as to the Residential Parent and the Non-Residential Parent.

Unless otherwise indicated, said holiday visitations shall commence at the regular hour as set for the commencement of weekend visitation and shall end at the regular hour set for the ending of

the weekend visitation. Said holiday visitations shall have precedence over the regular visitation schedule but shall not otherwise modify it (for example, if the holiday granted in any particular year to a non-residential parent falls between the regular weekend visitation, the non-residential parent will have visitations three weekends in a row at that particular time).

4. The non-residential parent shall have an extended visitation each summer not to exceed two (2) months in duration. The non-residential parent shall notify the residential parent of the time thereof at least thirty (30) days before said visitation shall begin. If said period is continuous, the residential parent shall have alternate weekend visitation with the child(ren).

40.02 Whenever the Entry shall incorporate these standard Guidelines for Custody and Visitation, reference is made to Rule 39 and 40, inclusive, which shall be the visitation granted by the Court.

40.03 These are guidelines concerning custody and visitation and they will be changed or modified by the Court if it is shown that there is need for such change.

RULE 41 - LONG DISTANCE PARENTING PLAN AND COMPANIONSHIP CALENDAR (for parents who live more than 150 miles apart)

COMPANIONSHIP SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES CAN AGREE (these are the most important words).

THIS SHALL NOT NORMALLY BE LESS THAN:

The non-residential parent must give the residential parent thirty days notice IN WRITING, to exercise the following:

Summer Vacation - June 15 through and including August 15 each year, and in the

Even-Numbered Years

Odd-Numbered Years

Christmas Vacation

Christmas Vacation

(From day vacation starts
to December 26)

(From December 26 to January 2)

Spring Vacation Break

Additional Companionship Times:

A. Weekend: Third Friday at 7 p.m. through the following Sunday at 7 p.m. every month if travel time between homes is less than four (4) hours. Advance notice must be given to the residential parent of one (1) week to exercise this additional companionship time.

B. Father's Day to the father and Mother's Day to the mother if there is one (1) week advance

notice to exercise this additional companionship time.

C. If the non-residential parent travels to the community where the residential parent lives, and gives two (2) days notice of intent to exercise companionship, companionship must occur.

RULE 42 - OBJECTIONS TO THE DECISION AND ORDERS OF A MAGISTRATE

- 42.01 All objections to the decisions and orders of a magistrate shall be in accordance with Civil Rule 53 and these rules.
- 42.02 All decisions and orders of a magistrate shall be filed and copies mailed to counsel or unrepresented parties.
- 42.03 **Journal Entries:** All decisions of a magistrate pursuant to Civil Rules 53 (C)(1) must be countersigned by the Judge of the Court. Orders signed by a magistrate pursuant to Civil Rule 53(C)(3)(a) need not be countersigned by the Judge of the Court. This shall include an ex parte civil protection order (C.P.O.). All appeals to a Magistrate's order shall be perfected in accordance with Civil Rule 53(C)(3)(b) within ten days of the entering of the order.
- 42.04 **Waiver of Fourteen (14) Days to File Objections to Report.** At the time of hearing with the Magistrate, the parties may waive the fourteen (14) day period to file objections to the decision of the Magistrate and consent to its immediate adoption by the Court. This shall be in writing, signed by the parties and filed in the case.
- 42.05 **Objections to Magistrate's Decision:**
1. Objections to a Magistrate's Decision shall be accompanied by a memorandum in support which shall be filed in the office of the Clerk of Courts by any party within fourteen (14) days of the filing of the decision with a copy served upon the opposing party or his/her attorney. All objections filed by a party pursuant to Ohio Civil Rule 53(D)(3) shall be specific and state with particularity the grounds therefore. Such objections shall specify whether the objection is directed to a finding of fact or a conclusion of law.
 2. **Brief in Progress.** A party may file a brief in opposition to the objections within seven (7) days of the filing of such objections, and a copy served on the moving party or his/her attorney.
 3. **Extension of Time.** Time for filing objections and filing opposition briefs may be extended for good cause shown upon written motion filed prior to the expiration of the required time period supported by facts indicating a practical impossibility of compliance.
 4. **Transcripts:**
 - A. A transcript of the trial or hearing is necessary to support objections to a Magistrate's finding of fact. The transcript must be filed with the Court by the