

Attention Domestic Relation Litigants and Counsel:

In an effort to improve Court processes, expedite hearings, promote fairness and reduce litigant costs, the Court announces new procedures regarding the establishment and modification of Temporary Support orders. The new procedures and specific requirements are detailed in new Local Rule 23, but please note the following significant changes:

- * The Court will address allocation of parental rights and responsibilities for minor children of the parties during the initial pretrial with the Judge or Trial magistrate.
- * Motion for Temporary Support with Affidavit and Notice and Counter-Affidavit with Notice are revised and will be on the Court's website. The parties shall include the nature and amount of the relief requested in their motion.
- * The Court shall allow, upon Civ.R. 75(N) request, oral argument challenging temporary support orders; however, the oral hearing shall **not** include witnesses and testimony.
- * The Court may order payment of debt and household expenses, but not temporary spousal support or temporary child support if the parties are residing together.
- * Discovery remains permitted in accordance with Court Rules; however, the issuance of support orders shall not be delayed to permit discovery specifically related to temporary support orders.

The Court appreciates your patience and cooperation as the new processes are implemented.

NOTE:

The Court will receive comments concerning Proposed Rule 23 until January 21, 2013

TITLE VI: SUPPORT

Rule 23. Temporary Support

(A) A request for a temporary support order may be filed with the pleadings or at a later time. The Court will not address allocation of parental rights and responsibilities for minor children of the parties as part of a request for temporary support.

(B) Content of Motion.

(1) A request for a temporary support order must be made by written motion stating the nature and amount of the relief requested (child support, spousal support, payment of specific debts and/or expenses), together with an affidavit showing the parties' gross and net disposable income(s) and those expenses which the movant is actually paying. The motion must be filed with the Clerk of Courts. **A Motion for Temporary Support with Affidavit and Notice is available on the Court's website.**

(2) A copy of the motion and affidavit must be served on the opposing party or his/her counsel either with the pleading by the Clerk of Courts or by U.S. mail by the movant.

(C) Opposing a Motion. A party opposing a motion for temporary support must file and serve a counter-affidavit within fourteen (14) days after receipt of the temporary support motion. **A Counter-Affidavit with Notice is available on the Court's website.**

(D) Procedure.

(1) At the Court's discretion, a motion for temporary support will be scheduled before the assigned Judge or a Magistrate. Parties and counsel, if any, must attend the temporary support hearing. *No testimony will be taken at the temporary support hearing.*

(2) Prior to or at the temporary support hearing each party must submit documents verifying earnings and other income, including the prior year's federal income tax return, with all supporting W-2's, 1099's, schedules and other attachments. If there are minor children, each party must submit copies of existing administrative or court support orders, a Health Insurance Affidavit, a completed child support computation worksheet and verification of the following: work-, employment-training-, or education-related child care expenses, mandatory work-related deductions, and

overtime, bonuses and commissions for the prior three years. Other relevant documents may be submitted.

(3) Copies of all documents submitted to the Court must be exchanged with the opposing party or counsel, if represented.

(4) After the temporary support hearing, the Court shall issue a temporary support order upon the motion, affidavits and documents submitted. The order will be mailed to all parties and counsel, and may be effective as of the filing date of the motion or any other date the Court deems appropriate.

(5) Upon issuance of an order, either party may file a request for oral hearing to modify or change the support order pursuant to Civ.R. 75(N).

(E) Oral Hearing.

(1) The purpose of the oral hearing required under Civ.R. 75(N) shall be to permit each party to argue why the order issued upon the motion, documents and affidavits should or should not be modified, and to submit additional documents for the Court's consideration. The oral hearing shall not include witnesses or testimony. Each party will be allotted no more than 30 minutes for argument. Additional time may be allowed in the Court's discretion only upon a showing of good cause.

(2) Requests for leave to submit additional documents for consideration after the oral hearing will not be granted, absent special circumstances.

(3) Parties, if represented, shall attend the oral hearing unless, for good cause shown, their attendance is excused by the Court.

(4) Any modification of a temporary support order following oral hearing may be effective as of the date of the original order or any other date the Court deems appropriate.

(5) Oral hearings set pursuant to Civ.R. 75(N) shall not be passed to final hearing.

(F) Parties Residing Together. When the parties are in the same household, the Court may order payment of debt and household expenses. Temporary spousal support or temporary child support will not be granted when the parties reside in the same household, absent special circumstances.

(G) Continuances. No more than one continuance of a temporary support hearing or oral hearing will be granted. No hearing or issuance of a temporary support order will be delayed to permit parties to conduct discovery specifically related to a temporary support order.

- (H) Failure to Appear at Hearing. Failure of a party, or counsel if represented, to appear at a temporary support hearing or oral hearing without prior leave of Court may result in dismissal of a party's motion or issuance of a temporary support order based upon the affidavits and documents of the party present.

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