

Hocking County
Local Rules of Practice of the Court of Common Pleas
General Division and Domestic Relations Divisions
Judge Jason M. Despetorich
Effective 7/11/2025

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GENERAL PROVISIONS – CIVIL, CRIMINAL, AND DOMESTIC RELATIONS

RULE 1 INTRODUCTORY PROVISIONS

1.01 Term of Court; Hours of Court Session

- A. The court will be in continuous operation for the transaction of judicial business. Each calendar year, beginning in January, will constitute a separate term of court designated by the calendar year in which the term lies. Each annual term of court will be divided into three sessions, with each session continuing for a period of four months. The sessions will be designated as Part I, Part II and Part III. Part I will commence on the first day of January of each calendar year. Part II will commence on the first day of May of each calendar year. Part III will commence on the first day of September of each calendar year. This Rule is adopted pursuant to the provisions of Section 2301.05 of the Ohio Revised Code.
- B. The sessions of the court generally will be Monday through Friday from 8:30 a.m. to 4:00 p.m.
- C. The Court shall be in session at such other times and hours as the judge shall prescribe to meet special situations or conditions.
- D. Decorum. Food and beverages are prohibited in all courtrooms. smoking, vaping, and the use of e-cigarettes is prohibited throughout the Courthouse. All children must be accompanied by an adult. All individuals may not disturb court proceedings or the operation of the Court, Community Control Department, or Clerk’s Office in any fashion. Individuals are expected to treat all Court and Clerk’s Office staff with decency and respect. Any disturbance caused may subject the individual to removal from the Courthouse and possible contempt penalties. Individuals shall be properly dressed for Court. Tank tops, shorts, hats, flip-flops and sunglasses are prohibited. Anyone that is not properly dressed for Court will not be admitted into the courtroom.
- E. Weapons on Premises. No one with the exception of the judge, magistrate, prosecutor, elected officials, probation, or law enforcement officer (who is acting within the scope of his duties while in the courthouse), and individuals conveying a deadly weapon or dangerous ordnance to be used as evidence in a pending criminal action or proceedings (and who have notified the Court in advance) will be permitted to possess a deadly weapon or dangerous ordnance in the Courthouse unless prior approval is given by the Court.

1.02 Scope and Applicability of Rules

The rules apply to the General Division of the Court of Common Pleas of Hocking County, Ohio, except as otherwise provided.

1.03 Citation

These rules will be known as the “Local Rules of Practice of the Hocking County Common Pleas Court, General Division.” These rules may be cited as “Loc.R. ___.”

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RULE 2 PUBLIC ACCESS/PRIVACY

A. Public Access

- (1) Any request for copies of pleadings or other documents from a case file must be accompanied by the appropriate copying fee.
- (2) No file, deposition, or transcript may be removed from the office of the clerk of this court by any person for any reason, except (1) the clerk or any employee of the clerk; (2) the common pleas judge or any members of his staff, including the magistrates and law clerks, or as authorized by the judge.
- (3) No file may be taken apart for purposes of copying or for any other reason by any person except the clerk or any employee of the clerk, or as authorized by the judge.
- (4) The Court may restrict public access to certain documents pursuant to the Ohio Rules of Superintendence.

B. Public Method of Access to Electronically Filed Public Documents

- (1) Members of the public can obtain copies of or review electronically filed documents on the Court's website.
- (2) Public access to any electronically filed public document is available on the internet website of the clerk as soon as the clerk has processed the document.
- (3) If the internet website is unavailable or if the clerk is prohibited by the court or by law from making the document available via the internet website, the document will – absent a court order sealing or expunging it – be available for review at the office of the clerk either by computer terminal, in paper form, or on microfilm.

C. Privacy

- (1) Filing parties must omit – or, where inclusion is necessary, partially redact – the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or on paper, unless the assigned judge orders otherwise:
 - i. Social security numbers with the exception of the last four digits;
 - ii. State or federal tax identification numbers;
 - iii. Driver's license numbers or state identification numbers;
 - iv. Minors' names (initials followed by date of birth shall be used);
 - v. Employer and employee identification numbers;
 - vi. Individual financial information; and
 - vii. Proprietary or trade-secret information.
- (2) With leave of the court, a party may file under seal a document containing the unredacted personal data identifiers listed above.
 - i. The party seeking to file an unredacted document must file a motion to file the document under seal.
 - ii. In granting the motion or application to seal, the assigned judge may require the party to file a redacted copy for the public record.
- (3) The responsibility for redacting personal data identifiers rests solely with counsel and the parties.

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The clerk's office will not review the documents for compliance with this rule or redact documents, whether filed electronically or on paper.

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RULE 3 ELECTRONIC TRANSMISSIONS

A. Electronic Transmission

- (1) Facsimile Filing will not be accepted absent leave of the Court for good cause shown, once e-filing has gone live with the Court. With leave of the Court, facsimile filing will be accepted pursuant to the following:
- (2) The clerk of this court maintains a private telephone line and facsimile machine to accept documents for filing in civil, criminal, and domestic-relations cases, and as limited by this rule.
- (3) Pleadings or other documents that are filed after the original complaint or other initiating pleading and that are less than 26 pages long and do not require a security deposit under Loc.R. 4 may be tendered to the clerk for filing by facsimile transmission.
- (4) A facsimile transmission will be accepted for filing as the original, and the signature contained thereon will be accepted as the original, in conformity with Rule 5(E) of the Ohio Rules of Civil Procedure. Following the acceptance of and filing of a document by means of facsimile transmission, the original "hard copy" should not be tendered to the clerk for purposes of filing, and the clerk should not accept for filing the original "hard copy."
- (5) The clerk will immediately notify the attorney if the transmitted document cannot be filed for any reason.
- (6) The date/time of filing is not determined by the facsimile machine date/time stamp but is instead determined by the clerk's time-stamp clock. Although facsimiles may be transmitted 24 hours per day, seven days per week, regardless of whether or not the clerk's office is actually open, any facsimile received by the clerk after 4:00 p.m. on a regular business day or anytime on a weekend or holiday will be filed on the next regular business day. For purposes of any filing deadline imposed by these rules, court order, statute, or otherwise, a document will be deemed filed on the date and time when the clerk time stamps the document.
- (7) All facsimile transmissions tendered to the clerk for filing under this rule must conform to the requirements of Rules 10 and 11 of the Ohio Rules of Civil Procedure and must include a cover page that includes the following information:
 - i. Name of attorney;
 - ii. Address of attorney;
 - iii. Ohio Supreme Court registration number of attorney;
 - iv. Telephone number of attorney;
 - v. Facsimile number of attorney;
 - vi. Email address of attorney;
 - vii. Date and time of facsimile;
 - viii. Number of pages of facsimile transmission.
- (8) The clerk of this court is expressly authorized to charge a fee for this service, both for the transmission itself together with a per-page charge, in an amount determined by the clerk. Payment of fees must be arranged in advance for any facsimile transmission. The risk of facsimile filing remains with the sender, and the clerk of this court assumes no responsibility for any facsimile-related problems.
- (9) Notarized affidavits will not be accepted by facsimile filing by the clerk, unless leave of the Court is first obtained.

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B. Electronic Filing

(1) Definitions

- i. Accepted Financial Transaction Device: a credit card, debit card, or other financial transaction device electronically accepted by the clerk and EFM to process documents submitted for Electronic Filing.
- ii. Electronic filer: a person, entity, or authorized agent who e-files. Registration as an e-filer constitutes consent to accept electronic service of any pleadings filed by other registered e-filers as well as any orders issued by the Court.
- iii. Electronic Filing (e-filing): the process by which a person or entity files documents with the clerk by means of an online electronic transmission of the document through a portal operated by an electronic filing manager designated by the clerk.
- iv. Electronic filing manager (EFM): the entity hired by the clerk to provide the single interface for managing electronic filings for the Court.
- v. Electronic Signature: an electronic identifier intended by the person using it to have the same force and effect as a manual signature. An electronically submitted document issued or received by the clerk is considered signed if an electronic signature is included on the document. An electronic signature must include at least one of the following
 1. “/s/” and the name typed in the space where the signature would otherwise appear; or
 2. an electronic image or scanned image of the signature.
- vi. Original Document: the electronic document received by the clerk from the filer.
- vii. Technical failure: a malfunction of the EFM or any county-owned or leased hardware, software, or telecommunications equipment, plus any other issue under control of the clerk or the Hocking County Information Technology Department that results in the inability of an e-filer to e-file a document.

(2) Electronic Filing Policy

- i. In conformity with the Ohio Revised Code, Ohio Civil Rule 5(E), and Ohio Criminal Rule 12(B), pleadings and all other papers shall be filed with the clerk of courts electronically, subject to the provisions in this rule. The Court may address above requirements and provide further guidance on e-filing requirements by Memo Entry.
- ii. Application of Rules and Orders. Unless otherwise modified by approved stipulation or court order, all Federal Rules of Civil and Criminal Procedure, Ohio Rules of Civil and Criminal Procedure and Local Rules and orders of the court will continue to apply to all documents electronically filed.
- iii. Registration. A person or entity must first register with the EFM in order to e-file. Upon approval or denial of the request for access to the EFM, the person or entity will receive an email of approval or denial. An e-filer must provide a designated email address to the EFM.
- iv. Accepted Filings
 - a. For each electronic document filed, the filer must complete an online Document Description Form containing the following information:
 1. The title of the case;

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2. The case number, if previously assigned;
 3. The assigned judge, if previously assigned;
 4. The title of the document being filed;
 5. The date of transmission;
 6. The name, Ohio attorney-registration number, address, telephone number, fax number, and email address of the attorney or party filing the document.
- b. Signatures
1. All electronically filed pleadings must be signed by an attorney admitted to practice in the State of Ohio or by a party not represented by an attorney.
 2. Any signature on an electronically transmitted document will be considered that of the attorney or party it purports to be for all purposes in accordance with Ohio Civil Rules 5(E)(1) and 11 and Ohio Criminal Rule 12(B)(2).
 3. If an original document requires a signature of a non-attorney, the filing party or the clerk's office must scan the original document and then electronically file it.
 4. A pleading or other document requiring an attorney's signature must be signed with an Electronic Signature in substantially the following format if filed electronically:
 - i. /s/Ohio Attorney or /s/ Unrepresented Filing Party
 - ii. Ohio attorney-registration number
 - iii. Attorney for (Plaintiff/Defendant)
 - iv. Address
 - v. Telephone Number
 - vi. Facsimile Number
 - vii. Email Address
 5. Per Ohio Civil Rule 5(E)(1) and Ohio Criminal Rule 12(B)(2), if the documents were transmitted without authority, the court will strike the filing.
 6. All Entries and Orders **shall** include the required tokens.
 - i. All Filings that require a Judge's signature must include the Judge Token.
<{Judge Signature}>
 - ii. All filings that require a Magistrate's signature must include the Magistrate Token.
<{Magistrate Signature}>
- c. Complaints. Complaints, including criminal complaints, may be filed electronically. Per Ohio Criminal Rule 12(B)(1), all criminal complaints must comply with Ohio Criminal Rule 3.

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- v. Filings Not Accepted
 - a. Deposition transcripts. All deposition transcripts must be filed in hard format with the clerk, pursuant to the local rules.
 - b. Court of Appeals Cases.
 - c. Civil Protection Orders, Civil Stalking Protection Orders, and Emergency Custody Orders.
- vi. Hours of Operation
 - a. The clerk receives electronic documents 24 hours per day, seven days per week, regardless of whether or not the clerk's office is actually open.
 - b. Time at the court (Eastern time zone) governs, rather than the time zone from which the filing is made.
 - c. All electronically filed documents will receive a confirmation of receipt that includes the date and time acknowledgement displayed on the screen of the filer's computer upon successful transmission of the filing.
 - d. Any document filed electronically that requires a filing fee may be rejected by the clerk of courts unless the electronic filer has complied with the mechanism established by these rules for the payment of filing fees.
- vii. Document Format. All documents requiring a signature shall be filed in Microsoft Word format as well as proposed findings of fact and closing arguments. All other documents shall be submitted in Portable Document Format (PDF).
- viii. Fees
 - a. The clerk will assess normal filing fees. All filing fees and case deposits will be collected via an Accepted Financial Transaction Device at the time the filing is processed. Under Section 301.28(E) and (F) of the Ohio Revised Code, a surcharge for using a financial transaction device use may be assessed in an amount to be determined by the clerk.
 - b. No personal checks will be accepted.
 - c. The clerk's office will document the receipt of fees on the docket with a text-only entry.
 - d. The court will not maintain electronic billing or debit accounts for lawyers or law firms.
- ix. Filing Acceptance or Rejection Cycle
 - a. A confirmation number will be assigned by the clerk to each filing received by the clerk.
 - b. The confirmation number and the date and time of the filing will be displayed on the screen of the filer's computer upon successful transmission of the filing.
 - c. Upon successful processing by the clerk of the document submitted for filing, an electronic mail message will be sent to the filer stating that the document was accepted and filed. The email will also contain the confirmation number and case number assigned, if any.

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- d. If for any reason the document submitted for filing is not accepted and filed by the clerk, the filer will be notified via electronic mail that the document was rejected and the reason for rejection.
- e. A rejected filing will be treated by the court as having been tendered to the clerk for filing on the date of the rejection if the filing party resubmits the rejected document through the e-filing system within 24 hours after the rejection electronic mail message was sent by the clerk. That 24-hour window is a firm deadline, and it applies even on weekends and holidays. Any corrective filing submitted after the 24-hour period expires will be rejected. If a party still wishes to file the rejected document electronically after the 24-hour correction period, that party may initiate a new e-filing attempt, but the document will not be treated by the court as having been tendered to the clerk on the date of the initial rejection.
- f. Technical Failures
 1. The clerk may deem the e-filing site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or only accepts filings intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known system outages will be posted on the clerk's website, if possible.
 2. A filer who cannot file a document electronically due to problems on the filer's end must file a hard copy of or fax file the document with the clerk.
 3. A filing party whose filing is made untimely as a result of a technical failure of the clerk's system or site, or as a result of problems on the filer's end, may seek appropriate relief from the court.
 4. If a document is not filed due to technical failures and the filer wishes to have the corrective filing relate back to the date and time of the rejected filing, the filer must file a motion with the court seeking relief.
- g. Any attorney, party or other person who elects to file any document electronically will be responsible for any delay, disruption, interruption of electronic signals, and readability of the document and accepts the full risk that the document may not be properly filed with the clerk as a result.
- h. The clerk will retain rejected documents for a period of one year from the date of transmission.
- x. Electronic File Stamp
 - a. Upon acceptance by the clerk, a document will receive an electronic file stamp.
 - b. This stamp will include the date and time when the clerk originally received the transmission. A document received electronically will be considered to have been filed on the date and time in the time stamp.
 - c. A document electronically filed that is not successfully processed by the clerk will not receive an electronic file stamp, but the filer will receive a rejection email as provided in these rules.

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- d. After a document receives an electronic file stamp, the document cannot be altered.
- xi. Service of Documents
 - a. Documents filed electronically with the clerk must be served in accordance with Ohio Civil Rules 4 and 5 and Ohio Criminal Rule 49.
 - b. Once a party has entered an appearance in the case, the party must furnish his or her email address that is regularly monitored, and service thereafter should be made electronically when possible.
 - c. For all documents that require service by the clerk or documents for which a party is requesting that service be made by the clerk, Instructions for Service must be filed by the filing party as a separate document.
 - d. Automated Service. When a submission is deemed filed, the clerk's eFiling system will generate a Notification of Electronic Filing to the filer and any other party to the case or their counsel who is a registered user of the clerk's eFiling system. Parties who have listed an email address on prior court filings will also receive the Notification of Electronic Filing. Parties to the case or their counsel who are not registered with the clerk's eFiling system or who have not provided an email address on court filings will not receive a Notice of Electronic Filing. As a result, any filer must serve a paper copy of the e-filed document on all parties to the case or their counsel to whom the clerk's eFiling system does not send the Notification of Electronic Filing. The automatic electronic notice, in conjunction with the required proof of service, will constitute service under Civil Rule 5 and Criminal Rule 49.
 - e. Proof of Service. Proof of service of all documents required to be served must be provided by the filing party in compliance with Civil Rule 5(B)(4) and Criminal Rule 49. A separate Certificate of Service will be automatically generated and filed by the eFiling system detailing which parties have and have not been electronically served by the eFiling system. All filing parties must also include on their documents a certificate of service signed in accordance with applicable Ohio court rules and laws, including these Local Rules. The certificate of service must contain substantially the following language:

"I hereby certify that on [date], [document title] was served through the Court's Electronic Filing Service or by ordinary U.S. mail."

- f. Service Date and Time to Respond. For parties or their counsel who receive the Notification of Electronic Filing, service is complete at the time the Notification of Electronic Filing is generated by the clerk's eFiling system. Parties who do not receive the Notification of Electronic Filing and who are served by regular U.S. mail will have additional time to respond as provided by Civ.R. 6(D). Parties who receive the Notification of Electronic Filing are not entitled to the additional time to respond provided by Civ.R. 6(D).

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- g. Failure of eService. If the clerk's eFiling system fails to generate the Notice of Electronic Filing, the party to be served may request an order extending the date for any response.
 - 1. Attachments and Exhibits
Attachments and exhibits to pleadings or motions should be included in one PDF file. If the file size is too large to upload, the attachments or exhibits can be filed in multiple parts. The attorney or party filing attachments or exhibits in multiple parts should advise the clerk as to which pleading, motion, or memorandum the attachments or exhibits belong with by stating so in the comment field of the e-filing system.

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RULE 4 DEPOSIT AND PAYMENT OF COSTS

4.01

No new or reactivated civil action or proceeding will be accepted by the clerk for filing unless the appropriate deposit has been paid.

Upon termination of the case, if costs remain unpaid, appropriate orders will be imposed to collect the costs. Except as otherwise provided by law, the cost schedule prominently displayed in the clerk's office will dictate the required cost deposit in each case.

4.02

Final judgment entries must contain a provision for payment of costs.

The clerk of courts will apply the deposit to the costs in the case, regardless of the party against whom the costs are assessed.

4.03

If any judgment entry requires the clerk of courts to file or record any judgment entry or document in any office or department other than the clerk of courts, and if a cost or fee is required and money or funds sufficient to pay that cost or fee are not on deposit, the clerk of courts will file the entry in the clerk's office but will not file or record it elsewhere.

Instead, the clerk of courts will mail a certified copy of the judgment entry or document to the party on whose behalf the judgment entry or document was to be filed or recorded. The judgment entry or document will be accompanied by a cover letter stating that the clerk of courts was unable to file or record the judgment entry or document because funds on deposit with the clerk of courts were insufficient to cover the cost to file or record the judgment entry or document. The letter will also note that due to the lack of a sufficient deposit, the judgment entry or document is being provided to the party so that the party may, on his or her own, pay the cost or fee to file or record the judgment entry or document.

4.04

Pursuant to the authority granted by R.C. 2303.201(E)(1), the General Division of the Hocking County Common Pleas Court hereby determines that for the efficient operation of the Court additional funds are necessary to acquire and pay for special projects of the Court.

The Clerk of Courts may change the fee schedule from time to time. The **2025 fee schedule** is as follows:

Answer & Counterclaim (if service required)	\$100.00
Jury Demand Deposit	\$500.00
Certificate of Judgments	\$28.00
prepare	\$5.00
release	\$5.00
State Lien Release	\$53.00
Civil Action (5 or less defendants)	\$200.00
Civil Action (6 or more defendants)	\$225.00

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Foreclosure	\$1205.00
Cognovit Action	\$105.00
Dissolution	\$300.00
Divorce with Children	\$300.00
Divorce without Children, alimony, annulment	\$300.00
Motion to Modify Parental Rights/Custody	\$250.00
Motion for Contempt	\$150.00
Sealing/Expungements	\$50.00
Foreign judgment	\$50.00
Garnishment (Bank or Payroll)	\$100.00
Notice of Appeal (Court of Appeals)	\$85.00
Proceedings in aid of execution	\$100.00
Replevin	\$155.00
Reparation Fee (criminal case)	\$45.00
Judgment Debtor Exam	\$100.00
Treatment in Lieu of Conviction	\$100.00
Writ of Possession/Partition	\$100.00
QDRO/DOPO	\$80.00

Additional Fees:

- \$1.00 per page court cost fee for most filings (i.e. complaints, affidavits, notice of hearings, notice of appearance, motions, etc.)
- \$4.00 per page for anything requiring signature from the Judge or Magistrate (Including all Magistrate’s Orders and Decisions).
- \$3.00 per page for subpoenas
- \$2.00 per document for certification
- \$10.00 per hard copy of these rules.

4.05

On cases being transferred to the Common Pleas Court in which the prayer of the counter-complaint exceeds the monetary jurisdiction of the Municipal Court, the counter-claimant shall post security for costs in a sum equal to the amount required if the case was originally filed in this Court.

4.06

In cases with multiple parties, the Clerk may require the party requesting service to advance an amount estimated by the Clerk to be sufficient to cover the cost thereof.

4.07 Indigent Filers.

- A. If the party initiating the action or proceeding is unable to pay the cost deposit, as set forth in 4.01, the party must file an affidavit, signed before a deputy clerk of court, reflecting the inability to post the required cost deposit. The affidavit shall contain both of the following:
 - a. A poverty affidavit which states that the party is without funds or assets to pay the deposit and setting forth the reasons for the inability to pay the required deposit.
 - b. A certification by the attorney, if any, that no attorney fees have been paid.

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- B. The party is not relieved from liability for court costs, only the initial deposit requirement. The Court may require, in its discretion, an indigent party to pay a lesser amount, per month, until the deposit is paid. The Court may order the party to pay the entirety of the deposit at a later date if the Court determines that the party is no longer indigent. A poverty affidavit filed in lieu of a cash deposit must state the reasons for the inability to prepay costs and is subject to court review at any time. If the trial court should determine that a cash deposit should not be waived, the party initiating the action or proceeding will be permitted an opportunity to pay the required security deposit. If the deposit is not paid as ordered, then the proceeding may be dismissed by the trial court after notice of the impending dismissal.

4.08

In cases set for jury trial a cost to offset the expense of summoning the jury and that of all jurors summoned but not seated shall be assessed against the parties. The jury shall be summoned 10 days in advance of the trial unless the assignment commissioner is notified otherwise on the weekday immediately preceding the 10th day prior to trial.

4.09

In Re: Computerization Fund for the Office of the Clerk of Common Pleas Courts and raising the Computerized Legal Research Fund.

Application is being made to establish the Computerization Fund for the Office of the Clerk of Courts as per Section 2303.201(B)(1) of the Ohio Revised Code at \$20.00 and to raise the fee established in Section 2303.201(A) to \$6.00 effective March 22, 2013. The purpose of the Computerization Fund is to procure and maintain computer systems in the office of the Clerk of Common Pleas Courts. There presently being no fund established for said purpose of procuring and/or maintaining computer system for the office of the Clerk of Common Pleas Courts and funds being necessary for the efficient operation of the courts.

_____/s/_____

Rhonda Wykle, Clerk of Courts

Upon application of the Clerk of Common Pleas Courts, the court finds that for the efficient operation of the courts, additional funds are required for the Computerized Legal Research Fund and Computerization Fund for the office of the Clerk of Common Pleas Courts.

IT IS THEREFORE ORDERED that effective March 22, 2013 the Clerk of Common Pleas Courts is authorized and directed to charge a fee of \$6.00 for the Computerized Legal Research Fund per Section 2303.201(A) and a fee of \$20.00 for the Computerization Fund for the Office of the Clerk of Common Pleas as per Section 2303.201(B)(1). It is further ORDERED that the Hocking County Auditor and Hocking County Treasurer shall establish a separate fund for the Computerization Fund for the Office of the Clerk of Common Pleas Courts and that all fees collected and interest earned thereon from both the Computerized Legal Research Fund and the Computerization Fund for the Office of the Clerk of Common Pleas Courts shall be deposited in said funds. No monies shall be disbursed from the funds without the order of the court per Section 2303.201

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RULE 5 TRIAL PROCEDURE

5.01

Trial procedure shall be in accordance with applicable statutes or Rules of the Supreme Court of Ohio.

5.02

Except with the permission of the trial judge, only one attorney for each party will be permitted to speak on any motion or upon any question arising in the trial of a case; and only one attorney for each party will be permitted to examine the same witness in any trial or proceeding before the court.

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RULE 6 ARTIFICIAL INTELLIGENCE

Parties and counsel are permitted to utilize artificial intelligence in assisting with drafting documents. Parties and counsel shall ensure that all case law and other citations exist and support the stated positions. Parties and counsel shall inform the Court in the event they utilize artificial intelligence by stating as follows: “I utilized artificial intelligence in drafting this document and I certify that the case law and other citations contained herein exist and support the stated positions.” If counsel or a party utilizes artificial intelligence and does not make the aforementioned disclaimer the document will be deemed void and sanctions may be ordered.

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RULE 7 PLEADINGS AND MOTIONS

7.01 Form & Case Caption

Every pleading, motion and memorandum filed must be legibly typed or printed using a minimum font size of 12 points on 8.5-inch by 11-inch paper, be securely bound and paginated, and have typed or printed the case name, the case number, and the name of the judge.

If the action is classified under Rule 22.02 of these Rules as an action for foreclosure or is otherwise an action requesting the sale of real property located in Hocking County, Ohio and the Hocking County Treasurer or the Hocking County Auditor is a party to the action, each pleading, motion, and memorandum must list in the case caption beneath the trial judge's name the Hocking County permanent parcel number or each of the Hocking County permanent parcel numbers of the real property or real properties that are the subject of the action.

7.02

When a new party plaintiff or defendant is added to a case after its commencement, the caption of subsequent pleadings must contain the name and address of the new party, followed by the appropriate designation.

7.03

Upon filing and where appropriate, complaints must have attached proof of assignment to the plaintiff from the original creditor or original party-in-interest to establish the plaintiff's standing and the jurisdiction of the court.

The court may dismiss the complaint without prejudice if the proof of assignment is not attached to the complaint.

7.04

All motions, where appropriate, must be accompanied by a memorandum in support of the motion, setting forth the specific grounds for the relief sought, along with citations to controlling authorities relied upon in requesting the relief.

Unless otherwise ordered, counsel should not attach copies of any cases or statutes cited. Where appropriate, all memoranda (in support of, contra, and in reply) filed regarding a pending motion must include page and document references to evidentiary material for all factual assertions.

7.05

Except as otherwise ordered by the trial judge, all motions must be accompanied by an entry.

Failure to submit an entry may delay consideration of the motion or result in the court denying the motion for failure to comply with this rule.

7.06 Form of Motions.

All motions, memoranda contra, and replies must be titled in the following manner:

- MOTION: Motion of (Plaintiff/Defendant) (party name) (to/for) (type of motion).

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- MEMORANDUM CONTRA: Memorandum Contra of (Plaintiff/Defendant) (party name) to (Plaintiff/Defendant) (party name) Motion (to/for) (type of motion) Filed (date of motion).
- REPLY: Reply of (Plaintiff/Defendant) (party name) to (Plaintiff/Defendant) (party name) Memorandum Contra to Motion Filed (date of motion).

If an oral hearing on the motion is desired, the motion must contain a request for oral hearing, with the anticipated length of the hearing, in the caption. Motions will not be set for hearing unless the court determines that a hearing is necessary.

7.07

The dates and time periods set forth in Civil Rule 6(C) may be modified by the court upon written application and for good cause shown.

A request for an extension must be filed prior to the date the proposed filing is due. A late filing may be stricken by the court if leave of court is not sought and granted to file the document outside of the time periods set forth in Civil Rule 6(C). Where appropriate, the moving party must submit separately a Judgment Entry.

7.08

No motion or memorandum may exceed 25 double-spaced pages using a 12-point font, exclusive of supporting documents, without prior leave of the court.

Reply memoranda are limited to 12 double-spaced pages using a 12-point font. The court may strike any motion or memorandum in excess of these page limits. Requests for leave to file memoranda in excess of the page limits must be made by motion. Duplicates of pleadings or documents already in the file should not be attached as supporting appendices but should be incorporated by reference.

7.09

A courtesy copy of all motions, briefs, and memoranda (in support of, contra, and reply) filed, including those filed electronically, must be submitted by the attorney or party filing the motion to the assigned Judge in person, by mail, by facsimile, or by e-mail to the Assignment Commissioner.

When appropriate, an entry should accompany the courtesy copy of the motion.

7.10

For criminal cases, once a motion has been filed, any memorandum contra to the motion must be filed and served upon the opposing counsel no later than the fourteenth day following the filing of the motion, unless the court orders otherwise.

A reply memorandum may be filed by the movant and served upon opposing counsel within seven days after the date stated in the certificate of service in the memorandum contra. Motions will not be set for hearing unless the court determines that a hearing is necessary. The dates and time periods set forth under this rule may be extended by the court upon written application and for good cause shown.

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RULE 8 FILING OF DISCOVERY MATERIALS

8.01

Pursuant to Rule 5(D) of the Ohio Rules of Civil Procedure, the clerk will not accept for filing: depositions upon oral examination, interrogatories, requests for documents, requests for admissions and answers, or responses thereto, unless (1) the court otherwise orders, (2) they are to be used as evidence, or (3) they relate to a pending motion and are attached in support.

8.02 Depositions

- A. All filings of depositions must conform to the Ohio Rules of Civil Procedure. The clerk will not accept for filing an envelope containing more than one deposition.
- B. Upon receipt of deposition, the clerk will file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. Before an interested person views the deposition, the clerk will unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has requested to view the deposition. The interested person may then view the deposition in the presence of the clerk. This rule is not intended to limit any person's access to filed depositions, but to preserve the integrity of the depositions and exhibits appended thereto.
- C. Loc.R. 8.02(B) applies unless a protective order is placed on the cover of the deposition or an order sealing the deposition is placed on the cover of the deposition.

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RULE 9 DUE DATES AND EXTENSIONS

9.01

By agreement of opposing counsel, any party may be permitted two leaves to plead, provided that the total extension of time does not exceed 28 days. The agreement of counsel should be evidenced by a "Consent to Plead" that has been signed by all parties to the action.

9.02

Except as otherwise provided by these Local Rules, where a party needs additional time, beyond that provided in Loc.R. 9.01, or where the parties cannot agree upon an extension of time, the party desiring the extension must file a written motion, supported by an affidavit that demonstrates good cause for another extension. The motion and affidavit should be filed on or before the expiration of the time to move or plead. The motion and affidavit must be served upon opposing counsel. The motion and affidavit will be required even though consent of opposing counsel is obtained if the extension is for a period of time beyond that permitted by Loc.R. 9.01. The moving party must submit separately a proposed judgment entry.

9.03

In all cases where the time for the filing of pleadings or amended pleadings is not fixed by law or other rule, the pleadings or amended pleadings must be filed on or before the seventh day after the date of the entry requiring or granting leave for the filing of pleadings or amended pleadings, unless otherwise specified in the entry. The opposing party must move or plead to the pleadings or amended pleadings so filed on or before the fourteenth day after the pleadings or amended pleadings are filed.

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RULE 10 PROCEEDINGS REFERRED TO MAGISTRATE

10.01 Routine Referrals

As a matter of course, certain types of cases as noted in this subsection will be referred to the Court's magistrate. All divorces (with and without children), dissolutions, annulments, initial allocations and reallocations of parental rights and responsibilities cases, ex parte Civil protection order hearings, and all matters concerning child support will be referred to the Magistrate without separate order.

10.02 Specific Referrals

The judge has discretion to refer any proceedings, or a portion thereof, to the Court's magistrate for hearing that is within this Court's jurisdiction. These specific referrals may be made with or without a formal order referring the proceedings, or a portion thereof, to the magistrate, so long as the magistrate has authority to hear the case pursuant to Civ.R. 53 and Civ.R. 65.1.

10.03 Motions to Set Aside Magistrate's Orders

All Motions to Set Aside the Magistrate's Orders shall be accompanied by a transcript of the proceedings that occurred with the magistrate, or a request for a transcript of the proceedings that occurred with the magistrate, if any, unless the motion is purely based on an error of law. All Motions to Set Aside Magistrate Orders shall comply with the requirements set forth in Civ.R. 53.

10.04 Objections to Magistrate's Decision

All Objections to the Magistrate's Decision shall be accompanied by a transcript of the proceedings that occurred with the magistrate, or a request for a transcript of the proceedings that occurred with the magistrate, if any, unless the objection is purely based on an error of law. All Objections to the Magistrate's Decision shall comply with the requirements set forth in Civ.R. 53.

10.05 Civil Protection Order Proceedings

All proceedings referred to the magistrate by the Court regarding civil protection orders are governed by Civ.R. 65.1(F). Any objections to the Magistrate's Decision shall be accompanied by a transcript unless the objection is purely based on an error of law.

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RULE 11 GENERAL PROVISIONS FOR ATTORNEYS AND PRO SE LITIGANTS

11.01

All pleadings and motions served and filed on behalf of any party represented by counsel must be signed by one attorney in that attorney's individual name as required by Rule 11 of the Ohio Rules of Civil Procedure. The signer should be the attorney who is to try the case. Following that attorney's signature, office address, telephone number, facsimile number, email address, and Supreme Court registration number, there must be set forth the designation "Attorney for Plaintiff" (or Defendant). Firm names and the names of co-counsel or associate counsel may appear on the pleadings and motions. If filing by fax or electronically, refer to Loc.R. 3.

11.02

All pleadings and motions served and filed by an unrepresented party on behalf of himself or herself must be signed by that party, and the signature block should contain the following information, either typed or printed: the party's name, the designation that the party is pro se, the party's address, a telephone number where the party can be reached, and a valid email address.

11.03

No separate notice of appearance is required.

11.04

If the trial attorney designated in accordance with Loc.R. 11.01 withdraws from the case, as provided in Loc.R. 13, and a new attorney is substituted in his place, a written notice of substitution of counsel must be filed.

11.05

Failure of any attorney or pro se litigant to comply with these rules or the Civil or Criminal Rules of Procedure regarding the proper filing of pleadings may result in the pleading being rejected by the clerk or being stricken by the court.

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RULE 12 ADMISSION OF OUT-OF-STATE ATTORNEYS

12.01

An attorney not licensed to practice law in the State of Ohio, but who is licensed to practice law in any other state or in the District of Columbia, may, at the discretion of the trial judge, be permitted to represent a party or parties in any pending action or in any action to be filed in Hocking County, provided that the out-of-state attorney has done all of the following:

- A. Provided proof that the out-of-state attorney has registered with the Supreme Court Office of Attorney Services in accordance with Gov.Bar R. XII;
- B. Certified in writing that he or she has familiarized himself or herself with these local rules and will familiarize himself or herself with the appropriate Ohio Rules of Criminal or Civil Procedure, the Ohio Rules of Evidence, and the Ohio Rules of Professional Conduct;
- C. Found an attorney licensed to practice law in Ohio to act as his or her sponsor. The sponsoring attorney must provide written notice of his or her sponsorship to the court and certify the out-of-state attorney's compliance with this rule and the Rules for the Government of the Bar;
- D. The sponsoring attorney submits with the motion and certification an entry authorizing the approval of the motion;
- E. The sponsoring attorney, or any other attorney licensed to practice law in the state of Ohio, must be co-counsel with the attorney admitted pro hac vice.

12.02

The continuance of any scheduled trial or hearing date will not be permitted solely because of the unavailability of or inconvenience to the out-of-state attorney.

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RULE 13 WITHDRAWAL OF COUNSEL

13.01

An attorney desiring to withdraw from representation of a client must file a motion to withdraw stating the reasons for the withdrawal. The motion must also include the last current address and phone number of the client and certification by the attorney that the following conditions have been met:

- A. Notice has been given to the client advising the client of all orders and all upcoming assignment dates affecting the client;
- B. Notice has been given to all counsel, or if unrepresented, notice has been given to the parties.

13.02

No attorney will be permitted to withdraw from a case later than 20 days prior to a trial or dispositive hearing except for extraordinary circumstances.

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RULE 14 [RESERVED]

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RULE 15 MOTION TO CONTINUE OR MODIFY TRIAL DATE

15.01

If a party seeks a continuance of a trial or hearing, the party must file a written motion and submit a proposed entry. All motions to continue in criminal cases must include the number of previous continuances and who sought the continuances, whether opposing counsel consents, if time is waived or not, the “try-by” date, and dates counsel and witnesses are available for trial. The proposed entry must contain language for both granting and denying the motion, a box to check if the motion is granted or denied, and a place for the new trial date.

15.02 Conflicts

- A. Unless otherwise provided in these rules, when a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in the same or another trial court of this state, the case that was first set for trial will have priority and will be tried on the date assigned. The court will not consider any motion for continuance due to conflict of a trial assignment date unless a copy of the conflicting assignment is attached to the motion and the motion is filed not less than 21 days prior to trial. When an attorney becomes aware of any assignment that might create a conflict, the attorney must advise the court and opposing counsel as soon as practicable.
- B. Criminal cases assigned for trial have priority over civil cases assigned for trial.
- C. Appellate proceedings take precedence over trial-court proceedings.

15.03

Any motion to continue or modify a trial date must be accompanied by a proposed entry. Failure to comply with this rule may result in denial of the motion.

15.04

If a party seeking affirmative relief fails to appear for trial, the trial judge may enter an order dismissing the claim for relief for want of prosecution. If a defendant fails to appear for trial, and the party seeking affirmative relief does appear, the court may order the party to proceed with the case and may decide and determine all matters ex parte.

15.05

If a party or counsel appears for trial but indicates that the party or counsel is not ready for trial, the court may:

- A. enter an order dismissing the claim for want of prosecution if the unprepared party is the party seeking affirmative relief; or
- B. order the party seeking relief to proceed with the case, determining all matters.

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RULE 16 NOTICE OF SETTLEMENT AND DISMISSAL

16.01 Settlement

As soon as the parties have reached a settlement agreement prior to the trial date, Plaintiff's counsel must immediately notify the trial judge by telephone and file written notice of the settlement with the court. Failure to do so may result in sanctions, including jury costs if notice of settlement is not given at least 24 hours prior to the trial date. If settlement is reached by mediation, the mediator shall provide written notice to the court as soon as practicable following the successful mediation.

16.02 Dismissal

- A. Notice must be provided to the court of a partial dismissal. The notice must indicate which parties have settled, which parties remain, and which claims are still pending.
- B. If a settled case is not dismissed within 30 days of notification to the court, the court may administratively dismiss the case.
- C. In the event a case becomes stale for a significant period of time the Court will send a notice to the parties that the Court will dismiss the case pursuant to Civ.R. 41(B) within 30 days.

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RULE 17 (RESERVED)

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RULE 18 ENTRIES

18.01

If requested by the trial judge, counsel for the party in whose favor a decision, order, decree, or judgment is rendered, should submit to the trial judge a proposed entry that has been reviewed by all counsel. If counsel are unable to agree upon the entry, the entry should be submitted to the judge for review, but shall also note the lack of agreement on the same.

18.02

If counsel fails to present any entry within the time prescribed after the decision, order, decree, or judgment is rendered, the trial judge may prepare and file the entry. The judge may impose sanctions for failure to comply with this rule.

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RULE 19 [RESERVED]

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RULE 20 JURIES AND JURORS

20.01 Jury Service

- A. The Jury Commissioners shall annually, prior to August 1, select at random by use of automated data processing from the records of the County Board of Elections a list of not less than fifteen hundred (1,500) prospective jurors for each calendar year.
- B. Not less than twenty-five (25) prospective Grand Jurors and not less than one hundred (100) prospective Petit Jurors shall be selected in the same manner set out above once every three months during the calendar year.
- C. All jury drawings will be in accordance with the provisions of Chapter 2313 of the Ohio Revised Code.
- D. The Ohio Trial Court Jury Use and Management Standards as set forth in Appendix B to the Rules of Superintendence are incorporated by reference.

20.02 Statutory Excuse

- A. Except as provided by Sections 2313.14 and 2313.15 of the Ohio Revised Code, the Court of Common Pleas or the Commissioners of Jurors will not excuse a person who is eligible to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the Judge or Commissioners of Jurors by either the juror or another person acquainted with the facts that one or more of the following applies:
 - (1) The interests of the public will be materially injured by the juror's attendance.
 - (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
 - (3) The juror is a cloistered member of a religious organization.
 - (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The court or commissioners may require the prospective juror to provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for the remainder of the jury year.
 - (5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service will make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
 - (6) The juror is over age 75 and the juror requests to be excused.
 - (7) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial manner.
- B. (B)
 - (1) A prospective juror who requests to be excused from jury service under this section must take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.
 - (2) A prospective juror who requests to be excused as provided in division (A)(6) of this section must inform the appropriate court employee appointed by the court of the prospective juror's

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request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror must inform that court employee of the request to be so excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

- C. (C)
- (1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:
 - (a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.
 - (b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.
 - (c) The prospective juror would suffer physical hardship that would result in illness or disease.
 - (2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.
- D. (D) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship must provide the judge with documentation that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.
- E. (E) An excuse, whether permanent or not, approved pursuant to this section will not extend beyond that jury year. Every approved excuse will be recorded and filed with the Commissioners of Jurors. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.
- F. (F) No person will be exempted or excused from jury service or be granted a postponement of jury service by reason of any financial contribution to any public or private organization.
- G. (G) The commissioners will keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or postponement, and of the time of and reasons for each excuse. A juror may request a postponement of the initial appearance for jury duty at least 2 business days before the jury trial date if the juror has not been previously granted a postponement and the jury office and juror agree on a specified date to appear under R.C. 2313.15.

20.03 Juror Questionnaires

- A. The juror questionnaire will be phrased and organized so as to facilitate quick and accurate screening and will request only that information essential for: (1) determining whether a person meets the criteria for eligibility; (2) providing basic background information ordinarily sought during voir dire examination; and (3) efficiently managing the jury system.
- B. A numerical list of prospective jurors and copies of prospective jurors' questionnaires will be provided to counsel, upon request, one week prior to trial.

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- C. Questionnaires must be returned to the court immediately following trial; no copying of questionnaires is permitted.

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CASE FLOW MANAGEMENT

RULE 21 CASE-FLOW MANAGEMENT

21.01

These case-flow management rules will apply to all civil cases filed in the General Division of the Common Pleas Court, unless (1) the case by its very nature requires a more rapid adjudication such as in equity matters, habeas corpus, etc.; (2) the case, because of court-imposed stays, interlocutory appeals, removal to federal court, and remand, etc., requires a different schedule; or (3) the trial judge, by written order, places the case on a different schedule for resolution based on good cause shown. Wherever possible, cases will be resolved on the shortest time track under these rules. The suggested deadlines set by the Ohio Rules of Superintendence for the Courts of Common Pleas will be construed as maximums and will not preclude the more rapid resolution of cases under these rules.

21.02

It will be the goal of the case-flow rules and the overall management of the docket by the Common Pleas Court that 90% of all civil cases should be settled, tried, or otherwise concluded within 12 months of filing; 98% within 18 months of filing; and 100% within 24 months of filing, except for individual cases where the court determines exceptional circumstances exist.

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RULE 22 CLASSIFICATION OF CASES, DEADLINES, TIMING

22.01

The time limits in these case-flow management rules will be calculated from the date of filing of the initial document invoking the jurisdiction of the Common Pleas Court.

22.02

In conformity with the Supreme Court Rules of Superintendence, categories of civil and criminal cases filed in the General Division of the Court of Common Pleas of Hocking County, Ohio will be as follows:

- A. PROFESSIONAL TORT
- B. PRODUCT LIABILITY
- C. OTHER TORTS
- D. WORKERS' COMPENSATION
- E. FORECLOSURES
- F. ADMINISTRATIVE APPEAL
- G. COMPLEX LITIGATION
- H. OTHER CIVIL
- I. CRIMINAL
- J. DIVORCE
- K. DISSOLUTION
- L. MARRIED CUSTODY

22.03

The initial determination of the category of the case being filed will be made by the party filing the case at the time of filing and will be indicated on the face of the complaint in the appropriate designated space in the case number, and will remain as a part of the case number unless otherwise changed by the assigned trial judge. The category appearing in the case number will continue in all subsequent filings. The classification form maintained by the clerk's office must be fully completed by counsel or the party at the time of filing any new civil case and must be file-stamped and contained in the Official Court File. (See Form F22.02 appended.) Copies of the classification form will be made available, without cost, at the Office of the clerk of this court.

22.04

Complex Litigation - G - will not be designated at the time of filing, and this classification will be made only by the trial judge at the appropriate time and as suggested by Rule 42 of the Rules of Superintendence.

22.05

Other changes in categories may be made only by the trial judge, sua sponte, or otherwise upon appropriate motion and judgment entry. The party requesting and receiving a change of category must notify all parties in the case by providing them with a copy of the signed judgment entry allowing the change of category.

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RULE 23 GENERAL TIME LIMITS

23.01 Case Tracks

At the discretion of the trial judge, all civil cases, except Administrative Appeals (F), mandamus, habeas corpus, equity matters, or any other case which, by its nature, requires a more rapid adjudication as determined by the assigned trial judge, will be placed on the 12-month primary time track or the 24-month time track. Each time track consists of a planned sequence of events leading from filing to trial, assuming the case is not terminated earlier.

23.02 Primary Track

The 12-month time track is the primary, standard track for the resolution of nearly all of the cases in the General Division of the Court of Common Pleas. It will be presumed that the typical Personal Injury (C), Workers' Compensation Appeal (D), Other Civil (H), and Foreclosure (E) cases will be suitable for pleading, discovery, motions practice, and disposition within this time frame. A longer time track will be the exception to this procedure and will be used only for out-of-the-ordinary cases within these classifications.

23.03 Longer Tracks

The 24-month time track is for the Professional Tort (A) and Products Liability (B) cases. Cases filed which may later be designated as Complex will be assigned to a track and given a case schedule based on their subject-matter classification. These cases will have an initial status conference as specified in the case schedule, or upon request of counsel. The trial judge will order a specific amended case schedule appropriate to that particular case, and may use the 12 month and 24-month tracks as models for a proportionately longer track.

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RULE 24 CASE SCHEDULE

24.01 Case Schedule

Upon completion of service, the trial judge may either conduct a case scheduling conference or issue a scheduling entry.

24.02 Scheduling Conference

- A. If the trial judge orders the scheduling conference to be conducted in court, all parties named in the lawsuit or persons with settlement authority must be present at the scheduling conference unless their presence is excused, in advance, by the trial judge or magistrate.
- B. It will be the duty of all counsel to attend the scheduling conference fully prepared and authorized to enter into a binding scheduling conference order and to begin negotiation toward settlement of the case. Counsel must have their calendars available to set deadlines. Failure to be prepared may result in dismissal of the case for want of prosecution, default judgment, or other sanctions as the trial judge deems appropriate.

24.03 Service on Additional Parties Upon Joinder

A party who joins an additional party or parties will be responsible for serving the additional party or parties with the case schedule.

24.04 Time Limits

- A. At the discretion of the trial judge, all civil cases, except Professional Tort and Product Liability, will be placed on the primary track of 12 months with event and time intervals included in the original case schedule as follows (measured in weeks from the date of filing):
- B. At the discretion of the trial judge, all Professional Tort (A) and Product Liability (B) civil cases will be placed on the 24-month track with event and time intervals included in the original case schedule as follows (measured in weeks from date of filing):
- C. Enforcement and Monitoring. The trial judge, upon motion of a party or sua sponte, may impose sanctions for failure to comply with the local rules and/or a case schedule and/or the Civil Rules. If the trial judge finds that a party or attorney has failed to comply with the local rules and/or a case schedule and/or the Civil Rules without reasonable excuse or legal justification, the trial judge may impose sanctions proportional to the extent or frequency of the violation(s). The trial judge and civil administrator may monitor cases on an ongoing basis to determine compliance with the case schedule and these local rules.

24.05 Amended Case Schedule

The trial judge, either on motion of a party or sua sponte, may modify any date in the case schedule for good cause and on terms as are just. If the case schedule is modified on motion of a party, that party must prepare and present to the trial judge for signature an "Amended Case Schedule," which must be promptly filed and served on all other parties.

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RULE 25 PRETRIAL PROCEDURE

25.01

A final pretrial conference will be held at the date and time specified in the case schedule, unless no date appears or the trial judge orders otherwise. Any party may move, in writing, for a final pretrial. If the trial judge determines that a case warrants a final pretrial, a date and time will be set. All parties named in the lawsuit must be present at the pretrial unless their presence is excused, in advance, by the trial judge. In that event, the parties must be available by telephone.

25.02

It will be the duty of counsel to come to the pretrial fully prepared and authorized to negotiate toward settlement of the case. If the real party in interest is an insurance company, common carrier, corporation, or other legal entity, then the representative appearing must have full authority to negotiate the claim or claims to the full extent of plaintiff's demand. Failure to be prepared may result in dismissal of the case for want of prosecution, a default judgment, or other sanctions as the trial judge deems appropriate.

25.03 Pretrial Statements

The pretrial brief or statement must be filed in accordance with the court's scheduling entry or upon order of the court. This Rule does not apply in criminal cases. The pretrial statement must include the following:

- A. A concise statement of the claims and defenses of the parties;
- B. Those facts established by admissions in the pleadings, admissions by discovery, and stipulations of counsel;
- C. The contested issues of fact;
- D. The contested issues of law, together with counsel's citations of authority for his/her position;
- E. The names and addresses of witnesses, together with a brief statement of the subject matter of each witness's testimony and a brief summary of each witness's expected testimony;
- F. The names, addresses, and qualification of the expert witnesses expected to testify at trial, together with a brief statement of the subject matter of each expert witness's testimony;
- G. A list of exhibits that counsel intends to offer into evidence;
- H. Motions in limine not previously filed;
- I. A list of all special damages being requested;
- J. Counsel's expectation of the trial time needed to present his/her side of the case;
- K. The status of settlement negotiations, including specific demands and/or offers;
- L. A complete set of balanced jury instructions (other than boilerplate) with authority, interrogatories, and verdict forms. The instructions must be presented in a format suitable for submission to the jury.

25.04 Jury Deposit

If a party is seeking a jury trial in a civil case, the party must submit a deposit to the clerk in accordance with the fee schedule. If the case is resolved after the jury has been assembled, the deposit will be retained by the court. Failure to make the jury deposit will be deemed as a waiver of the jury demand.

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25.05 Enforcement

The trial judge has the power to impose sanctions for violations of this rule, including the failure of an attorney or party to appear on time without a valid excuse.

25.06 Case Management Schedule

The trial judge has discretion on enforcement of the case management schedule. The trial judge has the discretion to accept and make modifications to the case management schedule. The standard case management schedule is as follows:

Initial Disclosure of the Parties [Civ R. 26(B)(3)]	1 day
Plaintiff Identification of Witness	30 days
Defendant Identification of Witness	60 days
Discovery Conference [Civ R. 26(F)]	90 days
Joint Discovery Plan to be filed	120 days
Status Conference/Case Management Conference (In person or by zoom) (Contact the Court)	150 days
Expert Witness [Civ R. 16(B)(7)]	180 days
Disclosure Identity-Party w/Burden	
Disclosure Identity-Party w/o Burden	30 days after disclosure by opposition
Expert Report & CV Due-Party w/Burden	210 days
Expert Report & CV Due-Party w/o Burden	No later than 45 days after opposing reports
Dispositive Motion Cutoff Date	250 days
Discovery Cutoff Date	250 days
Final Pre-Trial (in person)	330 days
Trial Date	365 days

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RULE 26 DISCLOSURE OF POSSIBLE LAY AND EXPERT WITNESSES

26.01 Initial Joint Disclosure of All Witnesses

Each party must, not later than the date for disclosure designated in the case schedule, disclose the names of all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

26.02 Supplemental Joint Disclosure of All Witnesses

Each party must, no later than the date for disclosure in the case schedule, disclose the names of all persons, whose factual or expert knowledge did not appear relevant at the time of the initial disclosure, whom the party reserves the option to call as witnesses at trial.

26.03 Scope of Disclosure

Disclosure of witnesses under this rule must include the following information:

- A. All Witnesses. Name, address, and business phone number (or home phone number, if no business number is available).
- B. Lay Witnesses. A brief description of the witness's relevant knowledge.
- C. Experts. A brief description of the expert's qualifications and summary of the expert's opinions and the basis or theory of that opinion.

26.04 Exclusion of Testimony

Any witnesses not disclosed in compliance with this rule may not be called to testify at trial, unless the trial judge orders otherwise for good cause and subject to conditions as justice requires.

26.05 Cases Without a Case Schedule

In the event the trial judge does not specify a date, the parties must jointly disclose all their witnesses on or before a final pretrial, or 14 days before trial, whichever is later.

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RULE 27 (RESERVED)

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RULE 28 DISCOVERY

28.01 Informal Discovery

Counsel will participate in discovery conferences with opposing counsel and freely exchange discoverable information and documents upon informal request. Counsel should make every effort to resolve discovery disputes by agreement prior to filing motions with the court.

28.02 Discovery Motions

Motions for protective orders or to compel discovery must be accompanied by a statement reciting efforts made to resolve the matter and must contain a request for a hearing in the caption, if a hearing is desired.

28.03 Discovery Cutoff

The discovery cutoff date specified in the case schedule will be the last date for any party to seek the involvement of the trial judge in the discovery process by way of motion seeking a ruling, an order, sanctions, or other court action, absent extraordinary circumstances. Voluntary, mutually agreed-upon discovery, including perpetuation of trial testimony by video recording or otherwise, may continue after the discovery cutoff in a manner that does not delay any other event on the case schedule.

28.04 Discovery Documents

Discovery documents shall not be filed with the court, unless leave is obtained for good cause shown. Only a notice of response to discovery requests need be filed.

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RULE 29 (RESERVED)

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RULE 30 DISPOSITIVE MOTIONS

All motions that ask the court to determine the merits of any claim or defense as to any or all parties will be considered a dispositive motion. All dispositive motions must be filed no later than the date specified in the case schedule or court order. Counsel should file any dispositive motions at the earliest practical date in the course of litigation.

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RULE 31 DEFAULT JUDGMENTS

31.01

When a party against whom a judgment is sought has been served and has failed to plead or otherwise defend as provided by the Civil Rules, the party entitled to a judgment by default should promptly apply in writing to the trial judge within 30 days after the date upon which the defaulting party should have pleaded or otherwise defended. Service of the motion upon the defendant(s) is required even if the defendant(s) has not made an appearance in the case. The written motion must include where appropriate, if not previously submitted to the court, the following documents: proof of assignment from the original creditor or original party in interest to the plaintiff and the last billing statement from the original creditor sent to the defendant(s), or an affidavit explaining why the required documents are not available.

31.02

In seeking a default judgment against a party, the moving party must certify by affidavit that the party against whom judgment is sought is not incompetent, a minor, or currently serving on active duty in the military. The affidavit must be filed no later than the day of filing the motion for default judgment.

31.03

The court may deny the motion for default judgment and dismiss the complaint without prejudice for failure to comply with the requirements of this section.

31.04

Under Civ.R. 55, if the party against whom judgment by default is sought has appeared in the action, written notice of the hearing on the motion will be served upon all parties.

31.05

The Court has discretion to dismiss the motion for default judgment if the non-moving party appears and defends the Complaint prior to the default motion hearing date.

31.06

If a party is defaulted from the case they must have leave of the court to file subsequent motions.

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RULE 32 SUMMARY JUDGMENT MOTIONS

32.01

The briefing schedule for all motions for summary judgment filed pursuant to Civil Rule 56 will be as provided in Civ.R. 6(C). Any party seeking to alter that schedule must file a motion.

32.02

All affidavits, depositions, and other evidentiary material permitted by Civ. R. 56(C) in support of or in opposition to the motion for summary judgment must be filed with the motion or response that those materials support.

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RULE 33 ADMINISTRATIVE APPEALS

- A. At the discretion of the trial judge, all Administrative Appeals will be placed on the appeals track.
- B. After receipt of an administrative appeal, the Court will issue a scheduling order, which may be extended upon written motion of a party or sua sponte for good cause shown, such as the complexity of the case or the length of the record. Unless the trial judge otherwise orders, the appeal will be deemed ripe for decision on the date set for the filing of the Reply Brief. The trial judge may set a shorter schedule for expedited appeals.

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RULE 34 TRIAL PROCEDURE

34.01

In all civil actions that are tried to the court or to a jury, at a time that will be specifically designated in the court's trial or pretrial order, or if not specified, at least 14 days prior to trial, the following matters shall be accomplished:

- A. All exhibits shall be exchanged by counsel or unrepresented parties.
- B. All stipulations, except those necessarily arising in the course of the trial, must be in writing, approved by the parties and counsel, and filed with the clerk.
- C. If there are objections interposed during stenographic or audio-visual depositions to be offered at trial, the party offering the deposition shall request a ruling upon each objection to allow its timely editing reflecting the rulings prior to trial. Counsel's objections, if any, shall be indexed, and the grounds for the objections shall be set forth clearly.
- D. Counsel shall file and serve upon opposing counsel a trial brief. The trial brief should contain at least the following material:
 - (1) A succinct statement of the kind of action;
 - (2) A clear statement of the issues involved;
 - (3) A summary of the factual situation in regard to each claim or defense;
 - (4) An itemized list of the claimed special damages;
 - (5) A statement of the principles of law involved in the case supported by the citation of appropriate legal authority;
- E. Counsel shall file and serve upon opposing counsel proposed jury instructions, which contain at least the following material:
 - (1) If applicable, the specific section(s) of Ohio Jury Instructions upon which the party requests the court to instruct, the complete text of the section(s) together with appropriate legal authority to support the instruction;
 - (2) The complete text of any special jury instruction, together with appropriate legal authority to support the instruction.
- F. Counsel shall file and serve upon opposing counsel proposed verdict forms, and, if applicable, proposed jury interrogatories.

34.02

All counsel and all parties shall be present in the courtroom at least 15 minutes prior to the time the trial is scheduled to commence.

34.03 Pre-recorded Depositions

- A. Any pre-recorded deposition filed with the clerk of courts shall be accompanied by a written transcript.
- B. The judge may require a deposit when filing a pre-recorded deposition.
- C. In the event a party wishes to present at trial a pre-recorded deposition as trial testimony, counsel shall arrange with the court to have the court's audio-visual playback system available for trial.

34.04

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All exhibits shall be pre-marked by the parties or counsel; Plaintiff's exhibits will be marked numerically and Defendant's exhibits will be marked alphabetically. The court reporter will be the official custodian of all exhibits offered during the trial of any case, and will retain the exhibits until otherwise ordered by the court.

34.05

After judgment and appeal, or after appeal time has expired without appeal, counsel shall file a motion for the release of exhibits and provide a proposed entry to the judge. The court reporter will provide a receipt for the exhibits upon their release.

34.06

In all criminal cases a jury shall be called (14) days before the scheduled jury trial.

- A. The parties shall be prepared to move forward with the trial once a jury is called. It is the obligation of the parties to convey all plea offers prior to the jury being called.
- B. Parties shall provide proposed written jury instructions, via email, no later than (48) hours before trial.
- C. Parties shall be responsible for testing all electronic exhibits in the court before the day of trial.

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MISCELLANEOUS RULES OF PRACTICE AND PROCEDURE

RULE 35 CERTIFICATE FOR QUALIFICATION FOR EMPLOYMENT PETITIONS

35.01

The purpose of this local rule is to define the specific local court requirements and processes that support a Petitioner's application for a Certificate of Qualification for Employment (CQE) as set forth in Revised Code 2953.25 and Section 5120-15-01 of the Ohio Administrative Code promulgated by the Ohio Department of Rehabilitation and Correction.

35.02

In order to request a CQE, the Petition for Certificate of Qualification for Employment (RC 2953.25) must be filed with the clerk of courts by the Petitioner. The Petitioner must provide the DRC Electronic Number and attach a printed receipt of electronic Petition if submitted through the DRC.

35.03

All Petitions submitted through the DRC must include electronic access to the Department of Rehabilitation and Correction CQE Summary.

35.04

Before any action is required to be taken on the Petition, the Petitioner must pay a deposit in the amount of \$50. Payment of this deposit may be made in any form typically accepted by the court. A judge may waive some or all of the deposit otherwise required by this Rule. The Petitioner may submit an Affidavit of Indigency or other relevant information for the court's consideration if requesting a reduction in the filing fee.

35.05

All social security numbers and other information that must be excluded from public records must be redacted in accordance with the rules of this court and the Rules of Superintendence. Records or information received by a court to assist the court with making its decision under R.C. 2953.25, including information included on a petition, will retain their character as public or non-public records, as otherwise provided in law.

35.06

Upon receipt of a Notice of Petition and the required deposit, the clerk of courts will assign the Petition a miscellaneous civil case number and randomly assign the matter to a judge.

35.07

The court will obtain a criminal history for the Petitioner, either through the investigation ordered in support of the Petition or otherwise.

35.08

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The court will attempt to determine all other courts in the state in which the Petitioner has been convicted of or pleaded guilty to an offense through review of the Petitioner's criminal history or other investigation. The clerk of courts will send a Notice to Court Regarding Petition for Certificate of Qualification for Employment to each court so identified. That Notice will be sent by ordinary US mail.

35.09

The clerk of courts must also send a Notice to Prosecutor Regarding Petition for Certificate of Qualification for Employment and Submission of Information Regarding Petition for Certificate of Qualification for Employment to the Prosecuting Attorney of Hocking County.

35.10

The judge or magistrate will review the Petition, criminal history, all filings submitted by the prosecutor or victim, and all other relevant evidence.

35.11

The judge or magistrate may order any report, investigation, or disclosure by the Petitioner that it believes is necessary to reach a decision (see Order for Investigation and Order for Additional Information).

35.12

Once all information requested has been received, the judge will decide whether to grant or deny the Petition within 60 days, unless Petitioner requests and is granted an extension of time. The decision to grant or deny a Petition may be referred to a magistrate, and then sent to the judge for a final Judgment Entry and Order. All notice and objection periods regarding a magistrate's decision would apply as set forth in the civil rules.

35.13

The clerk should provide a written notice to the Petitioner of the court's decision and judgment entry. If denied, the notice should include conditions, if any, placed on subsequent filings, as well as language that a final appealable order has been filed. The clerk should also notify the DRC of the disposition of the petition as required under the Administrative Rules, and if granted order the DRC to issue the CQE to Petitioner.

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RULE 36 BROADCASTING, TELEVISIONING, AND RECORDING COURT PROCEEDINGS

Broadcasting, televising, recording, and photographing by news media during courtroom sessions, including recesses between sessions, is permitted under the following conditions:

36.01 Administration

- A. Requests for permission to broadcast, televise, record, or photograph in the courtroom must be made in writing to the assigned trial judge as far in advance as reasonably practical, but in no event later than one hour prior to the courtroom session to be broadcast, televised, recorded, or photographed unless otherwise permitted by the trial judge. Request forms may be obtained from the trial judge's office. For purposes of this rule only, the phrase "trial judge" includes magistrates.
- B. The trial judge may grant the request in writing consistent with Rule 12 of the Rules of Superintendence, and this rule. Written permission will be made a part of the record of the proceeding.

36.02 Revocation of Permission

Upon the failure of any media representative to comply with the conditions prescribed by the trial judge, the Rules of Superintendence, or this rule, the trial judge may revoke the permission to broadcast, photograph, or record the trial or hearing.

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RULE 37 RECEIVERSHIPS

37.01 Applicability

Unless otherwise ordered by the court in a specific case, this local rule governs practice and procedure in all receivership matters.

37.02 Motions for Appointment of a Receiver

- A. The court has no closed-panel or “approved” list of receivers. Any party may suggest candidates, but must be prepared to document their experience and expertise relative to the matter at hand, and certify that they are disinterested persons.
- B. Parties seeking appointment must fully advise the court of the entire fee arrangement proposed to compensate the receiver, including all expense reimbursements and any commission contemplated for leasing or selling property. In addition, the court must be advised of the approximate value of the business or property likely to be managed in the receivership (if granted), and of the scope of work likely to be required of the receiver.
- C. Absent an emergency in which irreparable harm is likely to occur, the court will not grant a receivership on an ex parte basis. A hearing on the motion for appointment of a receiver will be set at the court’s discretion.
- D. The court will set a bond commensurate with the anticipated size of the estate, having in mind the views of secured creditors and the debtor. Accordingly, counsel must be prepared to present sufficient facts for the court to make an informed judgment on bond.

37.03 Hearings and Requests for Procedural Orders

- A. Motions for a receivership, fee applications, hearing requests, or other procedural matters relative to a receivership must be submitted in writing, with an approval entry tendered to chambers.
- B. The party who submitted or approved a proposed order entered by the court is responsible for serving it upon the receiver or receiver’s counsel and upon all parties who have appeared, or for whom service of process remains underway. Proof of service must be filed by the party making service.
- C. For good cause, the receiver or any party that has appeared may request an emergency hearing by contacting the court.
- D. An evidentiary hearing at which the receiver or other witnesses are called to testify may be required by the court at any time.

37.04 Qualifications to Serve as a Receiver

- A. Every receiver appointed must be an individual who is a resident of Ohio, unless good cause is shown for an out-of-state receiver and such an appointment is permitted by R.C. 2735.02. An individual appointed as receiver may, with express court approval, work for an out-of-state business.
- B. Every out-of-state business involved in a receivership must be represented by counsel having an office within this county or having familiarity with receivership practice in this court.
- C. Upon accepting appointment, each receiver must affirmatively acknowledge in writing in the record that he or she will:
 - (1) act in conformity with Ohio law and these local rules;

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- (2) deposit all funds coming into the receiver's hands into a separate trust account for the estate, with full contemporaneous record-keeping for all funds;
- (3) avoid any conflict of interest;
- (4) not directly or indirectly pay or accept anything of value that has not been fully and timely disclosed and formally approved by the court;
- (5) not directly or indirectly purchase, acquire, or accept any interest in property managed, appraised, or sold through the receivership; and
- (6) otherwise act in the best interests of the estate.

37.05 General Duties of the Receiver

Unless the court specifically authorizes a receiver to continue a business, the receiver must:

- A. take control of the assets of the defendant debtor that are subject to the receivership;
- B. give notice to all known creditors of the receiver's appointment;
- C. afford reasonable opportunity for creditors to present and prove their claims, and, if deemed appropriate by the receiver or the court, publish in a newspaper of general circulation within the county a deadline for submitting claims;
- D. cause the assets of the business to be preserved, inventoried, and, where appropriate, appraised;
- E. determine the validity and priority of creditors' claims;
- F. take such other appropriate steps as may be timely, reasonable, and necessary to reduce the assets of the business to cash on terms that maximize recovery for the benefit of creditors, including selling property free and clear of all liens, provided that the liens attach to the proceeds of the sale; and (G) make recommendations for appropriate distributions of cash or property between the various classes of creditors according to their priority, after such notice as the court deems appropriate.

37.06 Receivership Plan and Progress Reports

- A. At the outset of the receivership, or as soon thereafter as information becomes reasonably available, the court must be provided with a written plan for the receivership. The plan must, thereafter, be updated as significant developments warrant, or as part of ongoing periodic reporting to the court.
- B. The initial receivership plan must identify:
 - (1) the nature of the debtor's business, and a concise statement of the circumstances leading to the receivership;
 - (2) whether the present goal is to preserve and operate a business, collect rent on property, liquidate assets, or take other action;
 - (3) the significant assets of the receivership, including real estate, tangible or intangible property, inventory, cash on hand, accounts receivable, and claims against insurers or other third parties;
 - (4) anticipated transaction costs predictably to be incurred, including upcoming financing or mortgage payments, government fees or taxes, receiver fees, accounting, appraisal or auction costs, and legal fees inherent in the plan (as best they can be estimated);
 - (5) the anticipated duration of the receivership;
 - (6) if an active business is to be operated, the minimum number of employees needed to do so, and the estimated aggregate payroll (including benefits) per month;

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- (7) if property is to be liquidated, the estimated date by which appraisal and sale by the receiver can occur, and whether public or private sale is contemplated;
- (8) if litigation or administrative proceedings are underway or anticipated, the nature and expected cost of each such proceeding.
- C. The first plan (and report of activity to date) must be submitted no later than two months after appointment of the receiver.
- D. Copies of each receiver's plan and report must be filed with the clerk, with service upon all parties who have made an appearance or for whom service remains pending. A duplicate copy should be submitted to chambers, together with a proposed entry approving the plan and report.
- E. Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause the court may alter this notice period.
- F. After consideration, the court will approve or disapprove the plan and report by court entry.
- G. After filing the first plan and report, the receiver must file updated plans and reports no less often than semi-annually. Each should include a summary of action taken to date measured against the previous plan for the receivership; should set forth proposed future action; and should update previous estimates of costs, expenses, and the timetable needed to complete the receivership.

37.07 Failure to Act Timely

Failure to timely prosecute a receivership, including delay in filing any plan or report required under this local rule, may result in:

- A. Removal of the receiver and/or attorney for the receiver; and/or
- B. Withholding of fees for the receiver and/or counsel.

37.08 Applications to Employ Counsel or Professionals

- A. A receiver (or other party) requesting approval to retain an attorney or other professional (including appraisers, auctioneers, brokers, or real estate agents) whose compensation will be claimed against the estate or from proceeds of sale of estate property must apply to the court. All such professionals must be disinterested persons with no business relationship with the receiver, unless otherwise expressly disclosed and approved in advance by the court. Unless the court addresses the application during the initial hearing on whether to grant a receivership, written notice of all such applications must be given to the debtor, all parties that have appeared, and all those for whom service of process remains pending.
- B. The retention agreement between a receiver and every professional must be in writing. Every professional whose retention is approved by the court is, and will remain, subject to the jurisdiction of this court relative to approval of all professional fees and reimbursable expenses.
- C. Applications for authority to retain professionals to assist a receiver should summarize the experience, current professional licensure, and other qualifications for every person sought to be retained. The application must affirmatively verify that:
 - (1) all necessary licenses are in good standing and not under suspension;
 - (2) appropriate conflict checks have been made by the professional;

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- (3) as to lawyers, professional liability insurance in an amount equal to the minimum coverage required by the Rule 1.4 of Ohio Rules of Professional Conduct is in force; and
 - (4) the contract retaining the professional will affirmatively state that the professional will avoid any conflict of interest in connection with work on the receivership; that gross proceeds of any sale or other transaction conducted by them will be immediately turned over to the receiver or placed in a separate trust account; and that they will not, under any circumstances, directly or indirectly purchase, acquire, or accept any interest in any property they manage, appraise, or sell through the receivership.
- D. Applications to employ professionals must also set forth:
- (1) the professional's usual and customary hourly rate or fee;
 - (2) the proposed fee, hourly rate, or other alternative method or formula for determining compensation in the receivership;
 - (3) whether any fees were paid to the professional during the one-year period preceding the filing of the application form, or involving, (a) the debtor in receivership, (b) a person or party closely related to the debtor, or (c) a person or party known to be adverse to the debtor and to have a material claim in the receivership; and (4) the amount, date paid, and source of any retainer or other compensation already received by the professional for preparatory work relative to the receivership.
- E. No fee, commission, expense reimbursement, or other direct or indirect compensation of any nature may be accepted by any court-appointed professional that is not fully and timely disclosed to the court for prior approval.

37.09 Expenditure Authority of the Receiver

- A. A receiver appointed to take charge of property may expend funds without prior approval by the court to pay ongoing insurance premiums, fire safety and other security services, and utility bills. The receiver may also make emergency repairs essential to the safety and proper maintenance of the property and to preserve its value.
- B. A receiver taking charge of an operating business must have authority to pay reasonable wages to employees and all reasonable and customary business-related expenses, subject to periodic accounting to the court.
- C. All fees, compensation, or expense reimbursements to the receiver, counsel, or professionals require prior approval from the court. Such requests must be by motion, with notice given to all appropriate parties. A proposed order approving the request should be submitted to the court.
- D. All expenses of the receivership, other than those specifically enumerated above, also require prior approval of the court if, in the aggregate, they exceed \$2,500 per month, or such other threshold as set by order in the specific receivership. Such request must be by motion, with notice given to all appropriate parties. A proposed order approving the request should be submitted to the court.

37.10 Disposition of Property

- A. With court approval after any notice that the court deems appropriate, a receiver may use, sell, or lease property other than in the ordinary course of business.

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- (1) Unless otherwise ordered, a receiver must serve notice of the receiver's intent to sell or lease receivership property and the terms of such proposed sale or lease for all property. Notice must be given to all parties in the action and all persons known to have an interest in the property to be sold or leased.
 - (2) If any party or person having an interest in the property to be sold or leased files an objection within 14 days of service of the notice, the court may set the receiver's request for hearing or may rule based on the material of record.
 - (3) The receiver has the burden of proving the commercial reasonableness of a proposed disposition of property.
 - (4) If the court determines that a proposed disposition of property is commercially reasonable, the receiver will be authorized to proceed upon such terms and conditions as set by the court.
 - (5) The court may order that disposition of receivership property be effected free and clear of all liens and all rights of redemption regardless of whether the expected proceeds will be sufficient to satisfy all claims secured by the property. Upon any such disposition of receivership property free and clear of liens and rights of redemption, all mortgages, security interests, or other liens encumbering the property will attach to the proceeds of disposition (net of the reasonable expenses incurred in the sale of the property) in the same order, priority, and validity that the liens had immediately before the sale.
- B. Unless otherwise provided by law, valuation and sale of real property by a receiver need not occur using ordinary foreclosure procedures. However, if a receiver is appointed in a foreclosure proceeding, the mortgaged property must be sold in accordance with R.C. 2323.07 et al., unless otherwise approved by the court in accordance with the law.

37.11 Payment of Receiver and Professional Fees

- A. Fee applications must be made in writing, with notice to all parties that have appeared. The receiver or counsel for the receiver should attach to each fee application a brief, updated plan and progress report, together with a billing summary concisely reflecting:
- (1) the dates on which work was performed;
 - (2) a description of work performed;
 - (3) the name of each individual performing the work; and
 - (4) the hourly rate(s) sought to be charged, or other method used to calculate proposed fee(s) and expenses.
- B. Ordinarily, no approval of fees or other proposed action in a receivership will occur unless 14 days have elapsed following service of an updated plan or report, in order to allow interested parties to comment or object. However, for good cause, the court may alter this notice period. A proposed order approving any fees should be submitted to the court.
- C. Fees allowed for services by a receiver, counsel, and professionals employed by a receiver are within the sound discretion of the trial judge, giving due consideration to the complexity of the receiver's or professional's responsibilities, results achieved for creditors, and other relevant facts.
- D. An attorney acting as a receiver must clearly differentiate between fees sought for work performed as a receiver and for work separately performed as an attorney.

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37.12 Final Report to the Court and Creditors

When the final fee application is submitted, it should be accompanied by a receiver's final report that includes all of the following information:

- A. (1) the total amount of money collected during the receivership, (2) the total funds collected since the last interim fee award to the receiver (if any), and (3) the source(s) of funds;
- B. total funds previously disbursed to creditors;
- C. the amount of money or any property remaining on hand;
- D. the status of all known secured and unsecured creditors' claims;
- E. the approximate number and admitted balances due creditors but remaining unpaid;
- F. the approximate number and total of creditors' claims that remain open or unresolved;
- G. proposed final distributions to creditors and the date by which the receiver proposes to make them and close out the case;
- H. the total administrative expense incurred to date, including fees paid to the receiver, attorneys, and other professionals;
- I. the amount of additional administrative expense sought to be paid in the final fee application; and
- J. any known objections or other positions taken by those having an interest in the receivership with respect to the receiver's final plan to wind up the case.

37.13 Trade Secret or Privileged Information

If a receiver's report, motion, fee application, or other filing refers to trade secrets (such as a plan for operating an ongoing business, proposed sale prices, customer information, personnel matters, or other non-public information) or would necessarily reference attorney-client or work-product communications, then redacted documents may be filed in the public record and served upon all parties that have appeared. When that occurs, a complete un-redacted document should be submitted to the court for in camera review. Upon application by the receiver or any party, the court will re-examine the document and determine whether previously redacted information should be disclosed in the public case file or for attorney viewing only.

RULE 38 JUDICIAL SALES

38.01 Title Insurance

- A. In every action demanding the judicial sale of residential real estate consisting of one to four single-family units, the party or parties seeking the such judicial sale must file, within 14 days after the filing of the pleadings requesting that relief, a preliminary judicial report, under R.C. 2329.191(B), including: (i) a legal description of each parcel of real estate to be sold at the judicial sale; (ii) the street address of the real estate or, if there is no street address, the name of the street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate; (iii) the county treasurer's permanent parcel number or other tax identification number of the real estate; (iv) the name of the owners of record of the real estate to be sold; (v) a reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate; (vi) a description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were

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filed for record prior to the lien being foreclosed are not required to be included; and (vii) the name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder. The preliminary judicial report will be effective within 30 days prior to the filing of the complaint or other pleading requesting judicial sale.

- B. Prior to submitting any order or judgment entry to the court that would order the sale of the residential real estate described in section (A), the party or parties submitting the order or judgment entry must file with the clerk of the court a final judicial report that updates the state of the title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens. Where the evidence of title indicates that a necessary party or parties have not been made defendants, the attorney for the party submitting the judgment decree should proceed without delay to cause those new parties to be added and must serve a copy of the complaint in accordance with the Ohio Rules of Civil Procedure.
- C. The costs of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report, together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court will be taxed as costs in the case. In the event the requesting party has been required to pay the preliminary judicial report premium in advance, the advancement will be includable as a reimbursement cost upon the filing of a copy of the premium statement and evidence of payment.
- D. In every action demanding the judicial sale of residential real estate consisting of more than four single-family units or of commercial real estate, the party seeking that judicial sale must file with the clerk of the court within 14 days after filing the pleadings requesting relief either a preliminary judicial report or a commitment for an owner's fee policy of title insurance on the form approved by the department of insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company. The commitment must have an effective date within 14 days prior to the filing of the complaint or other pleading requesting a judicial sale and must contain all of the information listed in section (A) for a preliminary judicial report. The commitment must cover each parcel of real estate to be sold, must include the amount of the successful bid at the judicial sale, must show the purchaser at the judicial sale as the proposed insured, and must not expire until 30 days after the recordation of the deed by the officer who makes the sale to that purchaser. After the officer's return of the order of sale and prior to the confirmation of the sale, the party requesting the order of sale must file with the clerk of court an invoice for the cost of the title insurance policy, commitment cost related expenses, and cancellation fees, if any. The amount of the invoice will be taxed as costs in the case. The purchaser at the judicial sale may, by paying the premium for the title insurance policy, obtain the issuance of title insurance in accordance with the commitment.
- E. The party or parties requesting the order of sale must prepare a distribution entry showing court costs assessed, which includes the invoice for the cost of the title insurance policy and cancellation fees, if any, verified by the clerk's and recorder's offices on a "Court Certificate of Release," and all other costs.

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38.02 Statement of Acceptability

In actions for the marshaling and foreclosure of liens, any other judicial sale of real estate, or any action involving title to real estate, except in cases where the premises involved are registered under the Torrens Law, the attorney for the plaintiff must secure from the Hocking County Engineer, and file simultaneously with the complaint, a statement reflecting the acceptability, or lack thereof, of the description of the real estate, for transfer purposes. In the event that a new survey of the real estate is necessary in order to secure a legal description acceptable for transfer purposes, the cost thereof will be taxed as costs in the proceeding. In the event that the description of the real estate is not acceptable for transfer at the time of the filing of the complaint, and as so reflected upon the Hocking County Engineer's Statement, a new description acceptable for transfer purposes must be secured during the pendency of the case and prior to the issuance of an order for sale. The new description must be submitted to the Hocking County Engineer for a determination of acceptability of transfer and a statement pertaining thereto must be secured from the Hocking County Engineer, and the same will not issue unless the description of the real estate is acceptable for transfer by the Hocking County Engineer.

38.03 Assignment of Note and Mortgage

In actions for the marshaling and foreclosure upon liens, any party seeking judgment must file the following documentation:

(A) A copy of the note and evidence that the plaintiff is the holder in due course of the note. If the note does not reflect that the plaintiff is the holder, an assignment of the note must be filed, proving that the plaintiff is the holder of the note.

(B) A copy of the mortgage and evidence that the plaintiff is the mortgagee of the mortgage. If the mortgage does not reflect that the plaintiff is the mortgagee, an assignment of the mortgage must be filed, proving that the plaintiff is the mortgagee.

38.04

Failure to comply with the foregoing provisions of this rule is grounds for dismissal of the case.

38.05

This rule does not apply to any foreclosure brought by the State of Ohio, Hocking County, or any municipal corporation.

38.06

At the court's discretion, any case that is inactive for six months after judgment, and not under a bankruptcy stay, will be placed upon the court's inactive list. At that time, all costs must be paid. Any party seeking to reactivate an inactive case must pay a new deposit.

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RULE 39 SHERIFF'S SALES

39.01

On all judicial sales or sales upon execution of residential real estate, except where the judgment creditor is the purchaser at sale, the Sheriff will require the successful bidder as purchaser to present, at the time of the sale, in cash or by certified check or cashier's check payable to the Sheriff, a deposit in the amount applicable to the purchase price as required by R.C. 2329.211. If the judgment creditor is the purchaser at the judicial or execution sale of residential real estate, the purchaser will not be required to make a sale deposit.

On all judicial sales or sales upon execution of commercial real estate, the Sheriff will require the successful bidder as purchaser to present, at the time of the sale, in cash or by certified check or cashier's check payable to the Sheriff, a deposit in an amount not less than 10% of the amount of the appraised value or other percentage determined by the Court, but in no event shall the amount deposited be less than \$300.

- A. The unpaid balance of the purchase price is due and payable to the Sheriff within 30 days from the date of confirmation. The purchaser must pay interest on the unpaid balance of the purchase price at the annual rate of interest provided in R.C. 1343.03 from the date of confirmation to the date of payment of the balance unless the balance is paid within 30 days from the date of confirmation.
- B. Any interest received will be distributed by the Sheriff to the parties entitled to distribution of the proceeds of sale in the proper order of priority. This rule does not apply when the purchaser is the plaintiff.
- C. Each attorney must utilize a Court Certificate of Release to verify the costs prior to the preparation of the confirmation entry.

39.02

Not later than the first Monday following the date of the sale, the Sheriff will file the return with the clerk. The plaintiff must prepare and deliver a proposed entry confirming the sale to the judge for signature and serve copies upon all parties or their attorneys of record by regular mail within seven days after the date of sale. It is not necessary to obtain the approval of other parties or their attorneys prior to the filing of this entry. Failure to prepare the confirmation entry and present it to the judge within the time limits may result in sanctions being imposed.

- A. Unless proper written objection to the proposed confirmation entry is presented to the court by a party or the party's attorney within 14 days after the date of sale, the proposed entry will be approved by the court and filed with the clerk forthwith. If proper written objection is made, the court will determine the validity of the objection and make an order determining the issue.
- B. On the day immediately following the filing of the court's entry confirming the sale, the clerk will instruct the Sheriff to prepare a deed to the purchaser. The Sheriff's deed must conform to the requirements of R.C. 2329.36 and must be delivered to the purchaser upon payment of the full purchase price and interest, if any, unless the purchaser is the plaintiff.

39.03

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In the event a purchaser fails to pay the balance due on the purchase price, including all court costs, costs associated with preparation of the deed, and any other costs or fees, and complete the purchase within 30 days after the date of confirmation, the purchaser may be held in contempt of court, and any attorney of record in the case may cause a citation to issue commanding the defaulting purchaser to appear before the judge having charge of the matter and show cause why the purchaser should not be punished. Upon a finding of contempt, the court will proceed in accordance with R.C. 2329.30.

39.04

Appraisers must be provided reasonable and proper fees, as determined by the Sheriff.

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RULE 40 [RESERVED]

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RULE 41 MEDIATION

41.01 Ohio Uniform Mediation Act

The Hocking County Common Pleas Court General Division incorporates by reference the R.C. Chapter 2710 “Uniform Mediation Act” (UMA).

41.02 Cases Eligible for Mediation

- A. General. The court may order parties to mediation in any civil action filed in this court. A case may be submitted to mediation as provided in this rule. The court may issue an order on its own motion, upon the motion of counsel, upon the request of a party, or upon referral by a mediator.
- B. Exceptions. Mediation is prohibited in the following:
 - (1) As an alternative to the prosecution or adjudication of domestic violence;
 - (2) In determining whether to grant, modify, or terminate a protection order;
 - (3) In determining the terms and conditions of a protection order;
 - (4) In determining the penalty for violation of a protection order.
- C. Nothing in this division will prohibit the use of mediation in a subsequent divorce or custody case, even though that case may result in the termination of the provisions of a protection order, or in a juvenile court delinquency case, even though the case involves juvenile-perpetrated domestic violence.

41.03 Confidentiality

- A. General. All mediation communications related to or made during the mediation process are subject to and governed by the Uniform Mediation Act. Mediation communications are confidential, and no one may disclose any of these communications unless all parties and the mediator consent to disclosure. This court may impose penalties for any improper disclosures made in violation of this rule. Disputes regarding confidentiality should first be addressed with the mediator where possible.
- B. By participating in mediation, a nonparty participant, as defined by R.C. 2710.01(D), submits to the court’s jurisdiction to the extent necessary for enforcement of this rule. Any nonparty participant will have the rights and duties under this rule as are attributed to parties, except that no evidence privilege will be expanded.
 - (1) Exceptions. All mediation communications are confidential with the following exceptions:
 - (2) Parties may share all mediation communications with their attorneys;
 - (3) Certain threats of abuse or neglect of a child or an adult;
 - (4) Statements made during the mediation process to plan or hide an ongoing crime;
 - (5) Statements made during the mediation process that reveal a felony.

41.04 [RESERVED]

41.05 Mediator Training and Education

A mediator must meet the qualifications of and comply with all training requirements of Sup.R. 16.23 and adopted pursuant to Sup.R. 16.22 governing mediators and mediation.

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41.06 Mediator Selection and Assignment

The following methods may be used to select the mediator for the case:

- A. The court may assign a court mediator to mediate;
- B. The court may randomly assign a mediator to the case from the court's roster of approved mediators;
- C. Specific appointments may be made by the court, taking into consideration the qualifications, skills, expertise, and caseload of the mediator in addition to the type, complexity and requirements of the case;
- D. Parties may select a mediator from the court roster, if any;
- E. Parties may request leave to select a mediator without guidance from the court. The court is not responsible for the quality of a mediator selected by the parties without guidance from the court and who does not meet the qualifications, education, and training requirements set forth in this rule.

41.07 Procedures

A party opposed to either the referral or the appointed mediator must file a written objection with the court within seven days of receiving notice of the referral or the mediator and explain the reasons for any opposition.

41.08 Termination

If the assigned mediator determines that further mediation efforts would be of no benefit to the parties, he or she must inform all interested parties and the court that the mediation is terminated using the procedure required by this court.

41.09 No Stay of Proceedings

All remaining court orders will continue in effect during any mediation. No order is stayed or suspended during the mediation process except by written court order. Mediation will not stay discovery, which may continue through the mediation process in accordance with applicable rules, unless agreed upon by the parties and approved by the judge or magistrate assigned to the case.

41.10 Continuances

It is the policy of this court to determine matters in a timely way. Continuances of a scheduled mediation will be granted only by the judge or magistrate for good cause.

41.11 Fees and Costs

The court may impose upon the parties fees and costs for mediation. If there is a fee for mediation, unless otherwise agreed by the parties, the mediation fees will be shared equally.

41.12 Attendance; Sanctions

If any individual ordered by the court to attend mediation fails to attend mediation without good cause, the court may impose sanctions which may include, but are not limited to, the award of attorney's fees and other costs, contempt, or other appropriate sanctions at the discretion of the assigned judge or magistrate.

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41.13 Evaluation, Comments, and Complaints

It is the policy of the court to use mediation to benefit the parties, to assist in reaching a resolution, and to provide a process that is timely and flexible and maintains the trust and confidence of the public. Any mediation participant may submit written comments, complaints, or feedback regarding the performance of mediators receiving referrals from the court.

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RULE 42 SUBPOENAS

Except for good cause shown, neither the clerk nor the Sheriff is required to issue subpoenas, unless requests are filed with the clerk at least two days prior to the trial date. The form of subpoena must be in accordance with Civ.R. 45(A) and service of the subpoena must be in accordance with Civ.R. 45(B). The issuers of the subpoena must comply with Civ.R. 45(C) and be responsible for attaching to each subpoena the text of Civ.R. 45(C) and (D).

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CRIMINAL RULES OF PRACTICE AND PROCEDURE

RULE 43 GENERAL APPLICATION

43.01

These rules supplement existing Rules Governing the Courts of Ohio. In any case where the Criminal Rules of Procedure or Local Rules do not resolve the issue before the court, the Rules of Civil Procedure are to be consulted.

43.02 Speedy Trial

Upon the determination that a case must proceed to trial without delay due to compliance with speedy trial statutes and rules, the assigned trial judge, if already in trial, may recuse and request a visiting judge to preside over the trial.

43.03 Withdrawal of Counsel

A withdrawal of representation by counsel after a case is set for trial is discouraged. In order to withdraw as counsel of record, counsel must present a motion setting forth the reasons for requesting withdrawal and certifying that a copy was served on the client. The motion and proposed entry shall be presented to the trial judge. The request must be made no later than fifteen days before trial. An oral hearing shall be scheduled, with an order directing the client to be present.

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RULE 44 GRAND JURY PROCEEDINGS; INDICTMENTS

44.01

The grand jury shall be presided over on an alternating basis of four-month sessions by the judge of the General Division of the Hocking County Court of Common Pleas.

44.02

The court reporter or any other transcriber shall not prepare transcripts of testimony of grand jury proceedings except upon order of the trial judge, prosecuting attorney, or the Ohio Attorney General's Office.

44.03 Indictment - Dismissal

Criminal cases bound over to this court on which no final action is taken by the Grand Jury within sixty days may be dismissed forthwith and without prejudice. If the witness's testimony or other critical evidence is not available, the case may be continued by the court on motion of the prosecuting attorney for a definite period of time and the continuance noted in the report of the Grand Jury. Continuances must be presented to and approved by the judge.

44.04 Alternate Grand Jurors

Not more than two (2) alternates will be seated on the grand jury.

44.05

All indictments returned by the grand jury shall remain secret until docketed by the clerk. The Prosecutor may request that the indictment remain secret until the defendant is arrested if he/she files a motion with the Court citing compelling reasons pursuant to Crim.R. 6.

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RULE 45 ARRAIGNMENTS

45.01

In all cases in which the prosecuting attorney has requested service of process of an indictment to be accomplished by means of a summons, the Sheriff of Hocking County, Ohio, shall serve a copy of the judgment entry scheduling the arraignment and the notice of the right to appointed counsel upon the defendant at the time of the service of the indictment and summons.

45.02

In all cases in which the prosecuting attorney has requested the service of process to be accomplished by means of a warrant, an arraignment shall be immediately scheduled, following the Sheriff's return of the warrant to the clerk's office and the defendant's acquisition of counsel.

The Sheriff's Department shall immediately notify the trial judge's office of the arrest.

45.03

The Defendant's appearance shall be pursuant to Crim.R. 10(B).

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RULE 46 TRANSPORTATION OF PRISONER TO COURT

Except as to arraignments, it is defense counsel's responsibility to confirm a prisoner's location and to prepare a transport order for any hearing for which an incarcerated (other than in the Southeastern Ohio Regional Jail) defendant's presence is required.

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RULE 47 BAIL FORFEITURE

Notice of bail forfeiture shall be sent by the clerk to the defendant and to the surety in a form as may be approved by the Court. The defendant and surety, on or before the date set forth, shall show good cause why judgment should not be entered against them. The clerk shall promptly present the affidavit to the judge. No oral hearing shall be held unless requested in writing and granted by the judge. After judgment is entered against the defendant and surety, no surety shall be released nor shall any penalty be released or remitted, except upon the filing of a written verified application, setting forth in detail the reasons why a release or reduction should be granted. The clerk shall bring the application to the attention of the judge.

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RULE 48 [RESERVED]

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RULE 49 NOLLE PROSEQUI PROCEDURE

When the Prosecuting Attorney desires to enter a *nolle prosequi* in any criminal case pursuant to Crim.R. 48(A), a motion shall be filed, setting forth sufficient grounds for the requested relief, and a proposed judgment entry submitted with opposing counsel's signature; otherwise, an oral hearing will be scheduled.

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RULE 50 MOTIONS

50.01 Motions

- A. The filing and consideration of motions in a criminal case is governed in general by Crim.R. 12 and Loc.R. 7. A party may request a hearing in advance of trial to consider a motion. Unless good cause is shown, no motions will be considered on the day of trial. The absence of a witness regarding the consideration of a motion will not be cause for continuance of the trial.
- B. A courtesy copy of all motions and other written requests filed in criminal cases must be submitted to the trial judge. A courtesy copy of all motions, briefs, and memoranda (in support of, contra, and reply) must be submitted by the attorney or party filing the motion to the assigned Judge, as provided in Loc.R. 7.09.

50.02 Discovery

Pursuant to Crim.R. 16, discovery is to be conducted in a manner that will eliminate delay and unnecessary expense. Upon demand for discovery, it shall be the duty of a party to promptly respond to the request. In any event, discovery should be provided in fourteen days from the date of receipt of the demand, except in capital cases. The failure of a party to timely and fully respond may lead to the exclusion of evidence at trial.

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RULE 51 INDIGENT DEFENDANTS

51.01

The Court will maintain a list of qualified attorneys to represent indigent Defendants.

- A. Before counsel is appointed, a defendant must file a completed affidavit of indigency with the Clerk of Courts. The Judge will determine whether a Defendant qualifies for court-appointed counsel. Eligibility will be determined according to the Ohio Public Defender Commission's standards.
- B. Any attorney who seeks to be included on the Court's appointment list must apply to the Court. To apply, the attorney shall submit a resume and letter to the judge. and must meet the following criteria:
 - (1) Licensed to practice law in Ohio;
 - (2) Good standing with the Supreme Court of Ohio;
 - (3) Either (a) maintains an office in Hocking County or (b) has arranged to meet with clients at a law office located in Hocking County;
 - (4) Maintains professional liability insurance as required by the Ohio Rules of Professional Conduct.
 - (5) Membership in the Hocking County Bar Association is not required but is preferred so that attorneys have ready access to rule changes, local training seminars, and other updates from the court.
- C. Appointments will be distributed as widely as possible among attorneys on a rotary system designed to pair the defendant's level of offense with an attorney who meets the qualifications for assignment as established by the Ohio Public Defender Commission's standards. The Court may appoint an attorney who is not next in sequence if an attorney who is next in sequence does not respond to the inquiry from the Court within a reasonable time, is unavailable to represent the defendant, has a conflict, or the interests of justice require the appointment of a specific attorney instead of the next available attorney. If the Court passes over the name of an attorney for any reason, the Court will return to that attorney for the next appointment to the extent administratively feasible. If the attorney continues to not respond to inquiries from the Court or if the attorney refuses a second time to represent a defendant due to unavailability, the office will not return to the attorney until the next rotation. The Court will take into account the attorney's relevant experience regarding the representation. Specifically, the Court takes into account the following:
 - (1) the anticipated complexity of the case in which appointment will be made;
 - (2) any educational, mental health, language, or other challenges facing the party for whom the appointment is made;
 - (3) the relevant experience of those persons available to accept the appointment, including proficiency in a foreign language, familiarity with mental health issues, and scientific or other evidence issues;
 - (4) the avoidance of conflicts of interest or other situations that may potentially delay timely completion of the case;
 - (5) intangible factors, including the Court's assessment of a potential appointee's commitment to providing timely, cost-effective, quality representation to each prospective client.
- D. Not more than one attorney per indigent defendant will be appointed, unless the trial judge otherwise orders.

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- E. Immediately upon selection of an attorney, the trial judge will file the appropriate entry appointing the attorney, unless the judge decides that the attorney is not suitable for that particular defendant or that case.
- F. Upon appointment, the attorney should perform all duties as warranted by the facts of the case and must act in a professional manner.
- G. The attorney must personally represent the defendant for whom he or she was appointed and must not, absent an emergency, allow substitute counsel to represent the defendant.
- H. The attorney must have a working phone with a secretary or voicemail in order to respond timely to calls from the court or the defendant. The attorney must also have a mailbox in the courthouse and is responsible for checking the mailbox on a regular basis so as to remain informed of scheduling entries and other case-related communication unless an alternative or electronic form of communication has been established and approved by the court.
- I. Any court-appointed attorney who seeks to withdraw from representing a defendant must act in a manner consistent with the Ohio Rules of Professional Conduct.
- J. The judge of the court will periodically review the list of attorneys approved for court assignments to ensure that the attorneys on the list remain qualified to represent felony defendants and that the work of those attorneys continues to meet the ethical standards set by the Ohio Rules of Professional Conduct. The judge of the court will also periodically review the appointments to ensure an equitable distribution of appointments. Per Rule 8 (F) of the Rules of Superintendence for the Courts of Ohio, persons pre-qualified to serve are not assured a substantially equal number of appointments. No person is granted a legal right or claim by virtue of this rule.
- K. An attorney may be removed from the list for court-appointment assignments for good cause, including but not limited to the following reasons:
 - (1) Failure to maintain licensure to practice law in the State of Ohio and to remain in good standing with the Supreme Court of Ohio.
 - (2) Failure to meet the criteria established above in Section 51.01(B).
 - (3) Routine failure to respond timely to the Court's attempts to assign cases or repeated refusal to accept assignment of cases without a valid reason, such as a conflicting interest.
 - (4) Routine failure to respond to attempts by a judge's staff to schedule hearings.
 - (5) Routine failure to attend scheduled court hearings or to arrive timely.
 - (6) Routine failure to adequately prepare for court hearings.
 - (7) Routine failure to maintain appropriate contact with clients.
 - (8) Routine failure to timely submit the Motion, Entry, and Certification for Court Appointed Counsel Fees.
 - (9) Initiation of disciplinary proceedings by the bar, unethical behavior, overbilling, etc.
 - (10) General incompetence.
 - (11) Disrespectful treatment of court, clerk, or community control staff.
- L. In making the appointments, the Court will comply with Rule 8 of the Rules of Superintendence for the Courts of Ohio.

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51.02

Counsel must maintain itemized time records for each appointed case showing the dates of service, nature of services rendered, and hours worked. Counsel’s itemized time records must be provided to the court upon request. Any attorney appointed to provide legal representation for an indigent defendant will be compensated as stated below.

- A. **RATES.** All time shall be billed in six-minute increments (1/10 of an hour). Except for capital cases, time spent in court shall be billed at a rate of \$75.00 per hour. Time spent out of court working on the case shall be billed at a rate of \$75.00. Aggravated Murder (w/specification) shall be billed out at the rate determined by Capital Fee Council. The current rate is \$125.00 per hour per R.C. 120.33(D).
- B. **MAXIMUM FEES.** The Court hereby enacts the following Maximum Fee Guidelines:

TRIAL LEVEL PROCEEDINGS

Aggravated Murder (w/ specification)	Per R.C. 120.33(D)
Aggravated Murder (w/o specification)	\$10,000 (1 attorney)
	\$15,000 (2 attorneys)
Murder, Life Without Parole	\$7,500
MDO, RVO, Life Tail	\$6,000
Felonies of the 1 st or 2 nd Degree	\$4,500
Felonies of the 3 rd Degree	\$3,000
Felonies of the 4 th or 5 th Degree	\$2,000
Misdemeanors	\$1,000
Contempt	\$500
Parole, Community Control; other unclassified proceedings	\$700

APPELLATE LEVEL PROCEEDINGS

Aggravated Murder (death penalty)	Per R.C. 120.33(D)
Felony 1 st , 2 nd , or Murder (Trial)	\$5,000
Felony 3 rd Degree (Trial)	\$3,500
Felony 4 th , 5 th Degree (Trial)	\$2,500
All other Felonies	\$1,500

Attorneys seeking fees in excess of the amounts listed above are required to submit a motion and proposed order for extraordinary fees with the Judge.

51.03

A court-appointed attorney will be reimbursed for reasonable expenses of up to \$250.00 without prior approval of the trial judge. No allowance will be approved for fixed law-office overhead, daily copies of transcripts, or depositions, except as provided by law. Expenses in excess of \$250.00 must be submitted to the trial judge for approval prior to their incurrence. All expenses must be documented with receipts.

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- A. Reasonable expenses include, but are not limited to, the fees paid to investigators or experts whose services are reasonably necessary for the proper representation of an indigent defendant charged with a felony. The factors to be considered by the trial judge are:
 - (1) the value of the service to the defendant's proper representation at trial;
 - (2) the availability of alternatives that would fulfill the same functions as the service sought.
- B. Upon motion and for good cause, the trial judge may order that the judgment entry authorizing the services be sealed and maintained by the clerk, along with all other original papers in the criminal case.

51.04 Extraordinary Fees

- A. An attorney's fees in excess of those set forth above in Section 51.02 may be granted by the trial judge in a Complex Case or in other extraordinary circumstances.
- B. "Complex Case" is a case designated by the trial judge as a Complex Case because it involves multiple counts dealing with multiple separate incidents and the case involves an extraordinary amount of trial preparation or trial time.

51.05

Requests for compensation must be made by each appointed attorney on forms supplied by the Ohio Public Defender Commission. The requests for compensation and reimbursement must be filed within the time guidelines established by the Ohio Public Defender Commission. An attorney may be denied reimbursement for failure to meet the time deadlines or to comply with other reimbursement requirements. Attorneys should submit bills no later than 45 days after the last court date.

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RULE 52 [RESERVED]

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RULE 53 CONTINUANCES

Any motion for continuance of a trial must be in writing and filed with the clerk of courts. A copy of the motion shall be presented to the judge's office with a proposed judgment entry containing language granting or denying the continuance. The motion shall set forth: the reason(s) for the continuance, the number of previous continuances, whether opposing counsel consents to the continuance, the Defendant's try-by date, and the dates counsel are available for trial. Any order granting a continuance shall contain the date to which trial is continued.

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RULE 54 NEGOTIATIONS

54.01

For the purpose of adhering to the provisions of Rule 11(F) of the Ohio Rules of Criminal Procedure, a complete text of negotiations shall be: (1) reduced to writing; and (2) signed and dated by the Assistant Prosecuting Attorney in charge of the case, counsel for the Defendant, and the Defendant.

54.02

Failure to comply with Loc.R. 54.01 may result in the court's refusal to proceed with any Guilty Plea Hearing.

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RULE 55 [RESERVED]

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RULE 56 DISCLOSURE OF PRE-SENTENCE REPORTS

56.01 Presentence Investigation Reports

- A. The judge shall allow the Probation Department a minimum of twenty-one days between acceptance of a plea and the date set for sentencing to prepare a Pre-sentence Investigation Report.
- B. The Investigator who prepares the report shall have it completed no later than two (2) court days prior to sentencing. When the report is completed, it shall be sent to the judge and made available for review by the Defendant's attorney (or by the Defendant if he is not represented by an attorney) and the Prosecutor.

56.02

The presentence investigator shall be responsible for sending a copy of the report to the institution. An additional copy shall be provided by the Probation Department.

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RULE 57 CERTIFICATION OF ASSETS

57.01

Any Defendant found guilty of a criminal offense in this court shall, on a form provided by this court, disclose assets of every kind for the purpose of assisting the trial judge, the Adult Probation Department, and the Sheriff, in the collection of the fine and cost in that case. The form shall be completed prior to sentencing, as part of the Pre-sentence Investigation Report.

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RULE 58 SURETY BAIL BOND REGISTRATION

- A. Registration. All bond agents and surety companies seeking to do business in Hocking County Common Pleas Court General Division must register and file their required credentials by the first day of April of each odd-numbered year in accordance with R.C. 3905.87. A registration application can be obtained from the Hocking County Clerk of Courts office or the Court's website. Registration after this date will require the filing of a petition and approval by the Common Pleas Court to be added to the approved list.

The Petition for Judicial Approval for Surety Bail Bond Agent Registration can be obtained from the Hocking County Clerk of Courts office or the Court's website. The Court will review petitions on a quarterly basis.

- B. Failure to Produce. Upon a defendant's failure to appear at a scheduled hearing or trial, unless good cause is shown, the Court will issue a warrant for the defendant's arrest, revoke previously established terms and conditions of bond, and order the forfeiture of the posted surety bond. A notice for a show-cause hearing will be issued to the bail bond agent that he/she will have not less than 45 days but not more than 60 days to bring the defendant before the Court. If the bail bond agent is unable to secure the defendant's appearance within this timeframe, judgment will be entered against the bail bond agent, the surety company, and the insurance company.
- C. Cancellation. Pursuant to R.C. 3905.932(K), a bail bond agent cannot execute a bond in this state if a judgment has been entered on a bond executed by the bail bond agent, and that judgment has remained unpaid for at least 60 days, unless the full amount of the judgment is deposited with the Clerk of the Court. Therefore, if a judgment remains unpaid for 60 days, registration with the Clerk of Courts under R.C. 3905.87 will be cancelled. Pursuant R.C. 3905.87(A), the bail bond agent will not thereafter be permitted to post bonds at the Hocking County Common Pleas Court until the current obligations are met and credentials are submitted for registration during the next registration period.

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RULE 59 NOTICE TO ALLEGED VICTIMS; VICTIM’S RIGHTS

59.01

The Prosecutor’s Office shall ensure that the alleged victim, upon request, be given notice of all public proceedings involving the alleged criminal offense against the victim and the opportunity to be present at all such proceedings. The Prosecutor’s Office shall notify the alleged victim of any motion that affects the privacy rights of the alleged victim.

59.02

To the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, the trial court shall, upon request, provide the alleged victim the opportunity to be heard in any public proceeding in which a right of the alleged victim is implicated, including but not limited to public proceedings involving release, plea, sentencing, or disposition.

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RULE 60 POST-CONVICTION PETITIONS

60.01

Post-conviction petitions for a determination of a prisoner's constitutional rights shall be filed and docketed by the clerk in the original case in which the defendant was sentenced. Upon the filing of a petition, the clerk must issue written notice to the prosecuting attorney.

60.02

When a waiver or the return of the notice is filed, the clerk will deliver all the papers in the case to the judge.

60.03

The clerk will deliver the post-conviction petition to the judge no later than one day after it has been filed.

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COURT RECORDS MANAGEMENT AND RETENTION

RULE 61 GENERAL GUIDELINES

61.01 Applicability

- A. This rule and Loc.R. 62 are intended to provide minimum standards for the production, maintenance, preservation, and destruction of records within the court and to authorize alternative electronic methods and techniques. Implementation of this rule and Loc.R. 62 is a judicial governmental function.
- B. This rule and Loc.R. 62 will be interpreted to allow for technological enhancements that improve the efficiency of the court and simplify the production, maintenance, preservation, and destruction of court records.

61.02 Definitions

As used in this rule and in Loc.R. 62:

- A. “Administrative record” means a record not related to cases of a court that documents the administrative, fiscal, personnel, or management functions of the court.
- B. “Case file” means the compendium of original documents filed in an action or proceeding in a court, including the pleadings, motions, orders, and judgments of the court on a case-by-case basis.
- C. “Index” means a reference record used to locate journal, docket, and case-file records.
- D. “Journal” means a verbatim record of every order or judgment of a court.
- E. “OHS” means the Ohio Historical Society, State Archives Division.
- F. “Record” means any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of a court that serves to document the organization, functions, policies, decisions, operations, or other activities of the court.

61.03 Combined records

Notwithstanding any other provisions of the law, a court may combine indexes, dockets, journals, and case files provided that the combination contains the component of indexes, dockets, journals, and case files as defined in this rule and Loc.R. 62 to 63. A court may replace any paper documents with an electronic medium or microfilm in accordance with this rule.

61.04 Allowable record media

- A. A court may create, maintain, receive, record, copy, or preserve a record on traditional paper media, electronic media, including text or digital images, or microfilm, including computer output to microfilm.
- B. A court may create, maintain, receive, record, copy, or preserve a record using any nationally accepted records and information management process, including photography, microfilm, and electronic data processing, as an alternative to paper.
 - (1) If the court creates, maintains, receives, records, copies, or preserves a record using a records and information management process in accordance with 61.04(B) of this rule and the record is required to be retained in accordance with the schedules set forth in Loc. R. 62, the court must cause a back-up copy of the record to be made at periodic and reasonable times to ensure the security and continued availability of the information. If Loc.R. 62 requires the record to be

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retained permanently, the back-up copy must be stored in a different building than the record it secures.

- (2) Records must be maintained in conveniently accessible and secure facilities, and provisions must be made for inspecting and copying any public records in accordance with applicable statutes and rules. Machines and equipment necessary to allow inspection and copying of public records, including public records that are created, maintained, received, recorded, copied, or preserved by an alternative records and information management process in accordance with division 61.04(B) of this rule must be provided.
- (3) In accordance with applicable law and purchasing requirements, a court may acquire equipment, computer software, and related supplies and services for records and information management processes authorized by division 61.04(B) of this rule.
- (4) Paper media may be destroyed after it is converted to other approved media in accordance with this rule.

61.05 Destruction of records

- A. Subject to the notification and transfer requirements of divisions 61.05(B) and (C) of this rule, a record and any back-up copy of a record produced in accordance with division 61.04(B) of this rule may be destroyed after the record and its back-up copy have been retained for the applicable retention period set forth in Loc.R. 62.
- B. If Loc.R. 62 sets forth a retention period greater than 10 years for a record, or if a record was created prior to 1960, the court must notify the OHS in writing of the court's intention to destroy the record at least 60 days prior to the destruction of the record.
- C. After submitting a written notice in accordance with division 61.05(B) of this rule, the court must, upon request of the OHS, cause the record described in the notice to be transferred to the OHS, or to an institution or agency that meets the criteria of the OHS, in the media and format designated by the OHS.

61.06 Exhibits, depositions, and transcripts

At the conclusion of litigation, including time for direct appeal, a court or custodian of exhibits, depositions, or transcripts may destroy exhibits, depositions, and transcripts if all of the following conditions are satisfied:

- A. The court notifies the party in writing that exhibits, depositions, or transcripts may be destroyed within 60 days from the date of the written notification;
- B. The written notification required in division 61.06(A) of this rule informs the party that the exhibits, depositions, or transcripts may be destroyed if not retrieved within 60 days of the notification;
- C. The written notification required in division 61.06(A) of this rule informs the party of the location for retrieval of the exhibits, depositions, or transcripts;
- D. The party that tendered the exhibits, depositions, or transcripts does not retrieve the exhibits, depositions, or transcripts within 60 days from the date of the written notification.

61.07 Extension of retention period for individual case files

A court may order the retention period for an individual case file extended beyond the period specified in Loc.R. 62.

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RULE 62 RETENTION SCHEDULE FOR THE JUDICIAL RECORDS OF THE COURT

62.01 Judge, magistrate, and clerk notes, drafts, and research

Judge, magistrate, and clerk notes, drafts, and research prepared for the purpose of compiling a report, opinion, or other document or memorandum may be kept separate from the case file, retained in the case file, or destroyed at the discretion of the preparer.

62.02

Case files shall be retained pursuant to the Ohio Rules of Superintendence.

62.03

Exhibits shall be retained pursuant to the Ohio Rules of Superintendence.

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DOMESTIC RELATIONS DIVISION

RULE 63 SPECIAL PROVISIONS FOR DOMESTIC CASES

63.01 Initial Filings and Affidavits

- A. Divorces, annulments, legal separations. When a complaint is filed, a party shall also file an Affidavit of Basic Information, Income, and Expenses; an Affidavit of Property and Debt; and this Court's Party Supplemental Information Affidavit. If there are minor children, the party shall also file a Parenting Proceeding Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit. The affidavits shall be served on the defendant with the complaint. The party is under a continuing duty to file amended affidavits with updated information as it changes and/or becomes available.
- B. Parentage complaints. When a parentage complaint is filed, a party shall also file an Affidavit of Basic Information, Income, and Expenses, this Court's Party Supplemental Information Affidavit; a Parenting Proceeding Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit. The affidavits shall be served on the defendant with the complaint. The party is under a continuing duty to file amended affidavits with updated information as it changes and/or becomes available.
- C. Answers and counterclaims.
 - (1) Divorces, annulments, legal separations. A party who files an answer and/or counterclaim shall also file an Affidavit of Basic Information, Income, and Expenses; an Affidavit of Property and Debt; and this Court's Party Supplemental Information Affidavit. If there are minor children, the party shall also file a Parenting Proceeding Affidavit, a Health Insurance Affidavit, and this Court's Parenting Supplemental Information Affidavit. The affidavits shall be served on the plaintiff with the answer and/or counterclaim. The party is under a continuing duty to file amended affidavits with updated information as it changes and/or becomes available.
 - (2) Parentage complaints. A party who files an answer and/or counterclaim shall also file an Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit, a Parenting Proceeding Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit. The affidavits shall be served on the plaintiff with the answer and/or counterclaim. The party is under a continuing duty to file amended affidavits with updated information as it changes and/or becomes available.
- D. Dissolutions. When a petition for a dissolution is filed, the parties shall file an Affidavit of Basic Information, Income, and Expenses; an Affidavit of Property and Debt; this Court's Party Supplemental Information Affidavit; and a Waiver or Service. If there are minor children, the parties shall also file a Parenting Proceeding Affidavit; a Health Insurance Affidavit; this Court's Parenting Supplemental Information Affidavit; and an Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076). A child support worksheet shall also be completed. If the parties are seeking a deviation from child support pursuant to R.C. 3119.22, the parties shall provide the Court with findings of fact and conclusions of law setting forth the factors considered for deviation as provided in R.C. 3119.23. The findings of fact and conclusions of law shall be detailed and specific and filed at the time of the Petition for Dissolution.

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63.02 Mutual Restraining Order

- A. In all cases, when the initial complaint for divorce, annulment or legal separation has been filed, in the event a party requests a mutual restraining order, both parties will be restrained from:
 - (1) Threatening, abusing, annoying, or interfering with the other party or the parties' child(ren);
 - (2) Creating or incurring debt (such as a credit card) in the name of the other party or in the parties' joint names or causing a lien or loan to be placed against any of their real or personal property.
 - (3) Selling, disposing of, or dissipating any asset, real or personal property (other than regular income), including without limitation: existing bank accounts, tax refunds, or bonuses of either party or a child.
 - (4) Removing household goods and furniture from the marital residence without approval of the Court or other party.
 - (5) Changing or failing to renew the present health, life, home, automobile or other insurance coverage; removing the other party as beneficiary on any life or retirement benefits without further order of this Court.
 - (6) Changing or establishing a new residence for the parties' minor child(ren) without the written consent of the other party or permission of the Court.
- B. These restraints shall be imposed by the Court's standard mutual restraining order which shall be accepted by plaintiff upon filing the complaint and shall be served upon defendant along with summons. Upon plaintiff's filing of a complaint, plaintiff is deemed to have notice of the mutual restraining order.

63.03 Case Management Plan

- A. If no answer to a complaint for divorce, parentage, annulment or legal separation is filed by the defendant, the case will be heard at an uncontested final hearing before the assigned judge or magistrate. The hearing may be converted to a status conference at the discretion of the assigned judge or magistrate.
- B. If an answer has been filed, a status conference date or initial pretrial conference date will be scheduled. The Court will send notice of date and time of the status hearing or initial pretrial conference to counsel of record and any unrepresented party.

63.04 Leave to Plead

- A. Leave to plead may be obtained only by written motion to the Court and order pursuant to Civ.R. 6.
- B. Leave to extend court deadlines shall be by motion and shall set forth the number of extensions previously obtained, the total length of those extensions, and the reason that the deadline should be enlarged.

63.05 Post-Decree Motions

- A. Post-decree motions which involve parental rights and responsibilities shall be accompanied by an Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit; a Parenting Proceeding Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit, which shall be filed and served on the opposing party with the motion.

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- B. Post-decree motions to modify or to terminate child support shall be accompanied by an Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit, which shall be filed and served on the opposing party with the motion. The responding party shall file and serve an Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit, a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit on the moving party prior to the scheduled hearing. The CSEA shall be exempt from this requirement.
- C. Post-decree motions to modify or to terminate spousal support shall be accompanied by an Affidavit of Basic Information, Income, and Expenses and this Court's Party Supplemental Information Affidavit, which shall be filed and served on the opposing party with the motion. The responding party shall file and serve an Affidavit of Basic Information, Income, and Expenses and this Court's Party Supplemental Information Affidavit, on the moving party prior to the scheduled hearing. The CSEA shall be exempt from this requirement.
- D. Failure of the moving party to appear at the hearing may result in dismissal of the motion. If service was not obtained, the attorney or party may request the Court to continue the hearing to a new date.

63.06 Motions and Orders.

- A. All motions shall contain a request for service or a certification of service of the motion upon opposing counsel or the unrepresented party and, if applicable, a copy shall be mailed to all interested parties including, but not limited to, guardians ad litem, and the CSEA.
- B. It is the responsibility of the attorney or unrepresented party to provide a time- stamped courtesy copy of all motions and pleadings to the administrative assistant of the judge or magistrate assigned to the case. Courtesy copies may be hand-delivered, emailed, or provided by forwarding the "Notice of Electronic Filing" containing the link to a pleading that has been electronically filed pursuant to General Division Loc.R. 3(B).
- C. All proposed orders and entries shall be provided electronically, via email or other method approved by the Court, to the administrative assistant of the judge or magistrate assigned to the case and shall not be filed with the Clerk or Courts. The CSEA is not exempt from this requirement.
- D. Except for ex parte hearings, unless set for an expedited motion hearing by the judge or magistrate, no motion shall be set for hearing less than 10 days after filing, unless for good cause shown.

63.07 Notice of Intent to Relocate.

- A. Except as provided in R.C. 3109.051(G)(2)-(4), if a residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the Court, that parent shall file with the Hocking County Clerk of Courts, Domestic Relations Division, the following documents:
 - (1) A notice of intent to relocate, and
 - (2) Instructions for service by certified mail to the other party at the last known address.
 - (3) Except for good cause shown, this notice shall be filed no less than 90 days prior to the intended move.
- B. After receipt of the notice of intent to relocate, the other parent may file a motion to schedule a hearing to determine whether it is in the best interest of the child(ren) to revise the parenting time schedule. The motion shall be served on the relocating parent in accordance with Civ.R. 75(J).

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63.08 Emergency Ex Parte Motions and Orders

- A. Emergency ex parte motions and orders are temporary in nature and may only be filed in an ongoing case or simultaneously with a new complaint or post-decree motion.
- B. Property Issues. The Court may issue emergency ex parte orders when it appears to the Court, by motion and affidavit, that a party or a third party is about to dispose of or encumber property so as to defeat another party in obtaining an equitable division of marital property, a distributive award, spousal or other support, and/or to effectuate or enforce a prior court order.
- C. Cases involving children
 - (1) A party may submit to the Court a motion, affidavit in support, and proposed order requesting ex parte relief with respect to children where:
 - i. A residential parent is about to move out of the jurisdiction and the request is that the parent be restrained from removing the child(ren) from the jurisdiction;
 - ii. An order is needed to enroll a child in school. The order shall be limited to authorizing the party to enroll the child pending further hearing.
 - iii. Where there is concern for the immediate health, safety and welfare of the child(ren).
 - (2) Where ex parte relief is granted, a hearing shall be scheduled before either the judge or magistrate of record. Each party shall be allotted 20 minutes to present statements/testimony regarding the information contained in the Affidavit and Motion, or longer at the discretion of the judge or magistrate. The emergency ex parte order shall remain in full force and effect until further order.

63.09 Third-Party Motions

A third-party motion, pursuant to Civ.R. 75, including, but not limited to, property, child support, and allocation of parental rights and responsibilities, shall be handled as follows:

- A. A third party seeking to join the case shall file a motion setting forth the reasons for the joinder along with a proposed copy of the motion for relief requested. The third party shall also deliver a proposed order granting the joinder to the Court.
- B. After the order granting the joinder has been signed by the judge, the third party shall file the motion for relief requested.
- C. All motions shall comply with all other Local Rules.

63.10 Blank Forms

There may be forms in the Law Library, online, or in the Clerk of Courts' Office. Parties may use these forms as needed.

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RULE 64 DISSOLUTIONS

64.01 Initial Filings

A petition for dissolution of marriage shall be signed by both spouses and shall have attached and incorporated a separation agreement agreed to by both spouses. Any document or exhibit referenced in the separation agreement shall be attached to the separation agreement at the time of filing, including legal descriptions of real estate, shared parenting plans, and child support worksheets. The parties shall also file an Affidavit of Basic Information, Income, and Expenses; an Affidavit of Property and Debt; this Court's Party Supplemental Information Affidavit; and a Waiver of Service.

64.02 Cases with Minor Children

- A. Affidavits. In addition to the documents listed in Rule 7.01, the parties shall file a Parenting Proceeding Affidavit, a Health Insurance Affidavit, this Court's Parenting Supplemental Information Affidavit, and an Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076). The parties are under a continuing duty to file amended affidavits as the information changes and/or becomes available.
- B. Allocation of parental rights and responsibilities. The parties may address the allocation of parental rights and responsibilities in the separation agreement, a parenting plan or, if the parties agree to shared parenting, in an attached and incorporated shared parenting plan. A child support worksheet shall be attached and incorporated in the separation agreement or shared parenting plan. If the parties are seeking a deviation from child support pursuant to R.C. 3119.22, the parties shall provide the Court findings of fact and conclusions of law setting forth the factors considered for deviation as provided in R.C. 3119.23. The findings of fact and conclusions of law shall be detailed and specific and filed at the time of the Petition for Dissolution.

64.03 Hearing

Not less than 30 nor more than 90 days after the filing of a petition, both spouses shall appear before the Court and each spouse shall acknowledge under oath that he or she has voluntarily entered into the separation agreement, that he or she is satisfied with its terms, and that he or she seeks a dissolution of the marriage. The parties or their counsel shall bring a Decree of Dissolution to the final hearing.

64.04 Conversion of Dissolution to Divorce

Pursuant to R.C. 3105.65(C), at any time before a decree of dissolution of marriage has been granted by the Court, either spouse may convert the dissolution action into a divorce action. This shall be done by filing with the Court a motion to convert dissolution action to divorce action. The motion shall be accompanied by a complaint for divorce that contains grounds for a divorce and that otherwise complies with the Rules of Civil Procedure. The party wishing to convert the dissolution case to a divorce case shall file as the plaintiff. The divorce action then shall proceed in accordance with the Civil and Local Rules in the same manner as if the motion had been the original complaint in the action, including, but not limited to, the issuance and service of summons upon the defendant. No filing fee shall be charged for the motion to convert the dissolution action to a divorce action.

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64.05 Residency Requirement

If neither petitioner is a resident of Hocking County, the parties shall apply for leave of the Court to consider their Petition for Dissolution simultaneously with filing their Petition for Dissolution.

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RULE 65 UNCONTESTED AND INACTIVE CASES

65.01 Uncontested Divorces or Legal Separations

- A. When a complaint for divorce or legal separation is filed and an answer has not been filed, the Court shall assign a date for an uncontested final hearing to occur at least 42 days after service was completed.
- B. If the defendant appears at the uncontested hearing and wishes to submit evidence on any issue, the Court may convert the uncontested hearing into a status conference or pretrial. At any subsequent evidentiary hearing, the defendant may submit evidence on all issues except grounds for the divorce or legal separation.
- C. Upon establishment of a child support or spousal support order, the obligee shall file an Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076).
- D. Failure to attend final hearing. If the plaintiff does not attend the final hearing, the case shall be dismissed for failure to prosecute.

65.02 Inactive Cases

After written notice to the parties, inactive cases shall be dismissed for failure to prosecute.

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RULE 66 TEMPORARY ORDERS AND CIVIL RULE 75 HEARINGS

66.01 By Motion

Any requests for temporary orders, other than those provided in Civ.R. 75(I), shall be made by proper motion with affidavit and will be considered 14 days after service of the Motion for Temporary Orders. The temporary orders will be based upon all affidavits, submitted by the parties, which the Court has in its possession at the time of consideration. (Civ.R. 75). Affidavits, including supplemental documentation, shall not exceed 10 pages in length without prior approval by the Court.

66.02 Civil Rule 75 Oral Hearing

Each party shall be allotted 20 minutes for presentation of statements and/or testimony, or longer at the discretion of the judge or magistrate. Prior to the Civ.R. 75 Hearing, initial discovery shall have been exchanged between the parties, including but not limited to: initial witness list, tax returns, and income information.

66.03 Application for Child Support Services

Upon establishment of a child support or spousal support order, the obligee shall file an Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076).

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RULE 67 STATUS CONFERENCE

67.01 Status Conference

The Court will conduct a status conference after the filing of the initial complaint or pleading. The attorneys and/or parties shall be present. The Court will set the final trial date, pretrial dates, discovery deadlines, and deadlines for alternative dispute resolution. The Court shall journalize the dates set in a Case Management Entry.

67.02 Discovery

Prior to the status conference, initial discovery shall have been commenced between the parties. The parties will report to the Court the status of the exchange.

67.03 Sanctions

Failure to comply with discovery or pretrial orders may result in sanctions against the non-complying attorney or party.

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RULE 68 PRETRIAL AND FINAL PRETRIAL CONFERENCE

68.01 Pretrial Conference

The Court will conduct a pretrial conference after the status conference. Both parties and their counsel shall appear unless excused for good cause shown.

68.02 Discovery

Prior to the pretrial hearing, initial discovery shall have been exchanged between the parties, including but not limited to: initial witness list, expert witnesses, tax returns, income information, and bank records.

68.03 Pretrial Responsibility

- A. The purpose of the pretrial conference is to encourage settlement.
- B. Seven days prior to the pretrial conference, the parties shall provide the Court and all parties with a pretrial statement. The pretrial statement shall be filed with the Clerk of Courts and kept in the Family File.
- C. The pretrial statement shall contain the following items:
 - (1) A brief statement of the facts;
 - (2) Legal issues which are in dispute;
 - (3) A list of exhibits and witnesses;
 - (4) A brief outline or summary opinion of the testimony of all experts (including appraisers) to be called;
 - (5) A completed and updated Affidavit of Income, Expenses, and Property;
 - (6) Health insurance information;
 - (7) A marital balance sheet; and
 - (8) Proposed stipulations.
- D. Failure to comply with the above may result in sanctions against the non-complying attorney or party.

68.04 Final Pretrial

The Court may conduct a final pretrial hearing prior to the trial date. If a final pretrial is scheduled, then seven days prior to the final pretrial, the parties shall provide the Court and all parties an updated pretrial statement. The pretrial statement shall be filed with the Clerk of Courts and kept in the Family File.

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RULE 69 TRIALS AND EVIDENTIARY HEARINGS

69.01 Exhibits

- A. All exhibits shall be copied prior to the trial or evidentiary hearing. Unless otherwise ordered by the Court, the original exhibits shall be marked as they are presented at the trial or evidentiary hearing and indicate whether submitted by plaintiff or defendant. Plaintiff shall use numbers and defendant shall use letters. Exhibits shall be presented sequentially (beginning with 1 or A) and then inserted into a tabbed three-ring binder provided by the party and kept at the witness stand. Each binder shall have a typed cover page containing the case caption, the date of the trial or evidentiary hearing, and identify whether it contains the exhibits of plaintiff or defendant.
- B. The parties shall submit to the opposing party all expert witness reports not less than 30 days prior to the trial or evidentiary hearing, absent leave of court. If an expert has not issued a report but is still being called as a witness, then the party shall submit a summary, prepared by his or her expert, to the opposing party not less than 30 days prior to the trial or evidentiary hearing, absent leave of court. Any party submitting an expert report and/or summary shall file a Notice with the Clerk of Courts indicating service of the report and/or summary upon the opposing party.
- C. Not less than seven days prior to the trial or evidentiary hearing, the parties shall submit to the opposing party copies (paper or electronic) of all documents or other exhibits to be introduced at the trial or evidentiary hearing. Not less than seven days prior to the trial or evidentiary hearing, the parties shall file with the Clerk of Courts a Notice of Service of the exhibits to the opposing party along with an exhibit list attached and shall further provide a courtesy copy of the Notice and exhibit list to the Court. Failure to comply with this Rule may result in the exclusion of the evidence.
- D. As the exhibits are marked and presented at the trial or evidentiary hearing, counsel shall submit courtesy copies of the exhibits to the Court, opposing counsel, the opposing party if unrepresented, and the guardian ad litem, if applicable.

69.02 Witnesses

Not less than seven days prior to the trial or evidentiary hearing, the parties shall file with the Clerk of Courts, and submit to the Court and the opposing party, a list of all witnesses who will testify at the trial or evidentiary hearing including each witness's name and address. At the trial or evidentiary hearing, the Court will not admit the testimony of any witnesses not timely listed, except for good cause shown.

69.03 Failure to Comply

Failure to comply with the above may result in sanctions against the non-complying attorney or party, including, but not limited to, exclusion of exhibits and/or testimony and/or dismissal.

69.04 Findings and Conclusions

The Court may require the parties to file a brief on proposed findings of fact and/or conclusions of law.

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RULE 70 CONTEMPT MOTIONS

70.01 Specificity

- A. All motions for contempt and/or orders “to show cause,” except those filed by the CSEA, shall be accompanied by an affidavit setting forth the specific facts forming the basis for the motion.
- B. Contempt charges filed by the CSEA relative to support shall contain a reference to the specific order that has been violated and the amount of arrearages outstanding on a date certain.

70.02 Order to Appear and Show Cause

A person filing a contempt motion shall obtain an order directing an alleged contemnor to appear before the Court to show cause why he/she should not be held in contempt of court. All contempt motions must be accompanied by a summons and the notices required by R.C. 2705.031(C). If the contempt action includes an allegation of failure to comply with or interference with parenting, companionship, or visitation rights, then the notice should also include the potential penalties or remedies set forth in R.C. 3109.051(K). The moving party must present a time-stamped copy of the motion, affidavit (if applicable), and proposed order to the judge or magistrate assigned to the case. The order must make a preliminary finding that, if proved, the facts alleged by the affidavit would constitute contempt.

70.03 Service

A motion for contempt and the order to appear shall be served on the alleged contemnor pursuant to Civ.R. 4 through 4.6. If there is a pending case, a copy of the motion, affidavit, order, and notice shall also be sent to opposing counsel pursuant to Civ.R. 5; however, sending a copy to opposing counsel does not constitute proper service on the alleged contemnor.

70.04 Appointment of Counsel

The Court shall appoint counsel in contempt cases for a defending party who requests court-appointed counsel and meets the income guidelines adopted by the Public Defender’s Office. Any party requesting court-appointed counsel must file an indigency affidavit with the Clerk of Courts within three business days after receipt of the summons. There is a \$25 fee for the filing of the affidavit.

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RULE 71 POST-DECREE MODIFICATION HEARINGS

71.01 Child Support Modification

- A. A motion to modify child support must be accompanied by a completed Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit.
- B. At the hearing, the parties shall present evidence or stipulations of income, potential income, and adjustments to income to enable the Court to make a proper child support calculation as provided by R.C. 3119.01, et seq. Evidence shall include current income pay statements, tax returns from the three most recent years, proof of income from social security, verification of work-related daycare expenses, documentation of out of pocket health insurance premiums or costs for the benefit of the child(ren), and any other evidence of income.
- C. Whenever the Court modifies, reviews, or reconsiders a child support order, it will also review and modify, if appropriate, the existing health care order and the existing designation of the right of either parent to claim the child(ren) as dependent(s) for income tax purposes. See R.C. 3119.30, 3119.32, and 3119.82.
- D. Failure of the moving party to provide the required evidence may result in dismissal of the motion.

71.02 Spousal Support Modification

- A. A motion to modify spousal support must be accompanied by a completed Affidavit of Information, Income, and Expenses and this Court's Party Supplemental Information Affidavit.
- B. The moving party shall be prepared to present evidence or stipulations with respect to the following matters:
 - (1) Jurisdiction of the Court to modify spousal support;
 - (2) A change of circumstance;
 - (3) The relevant factors listed in R.C. 3105.18(C)(1)(a)-(n);
 - (4) Current income, tax returns from the three most recent years, and other documents as required; and
 - (5) Any other relevant factors.
- C. Failure of the moving party to provide the required evidence may result in dismissal of the motion.

71.03 Modification of Parenting Orders

- A. Affidavits. When a motion for modification of parenting time and/or reallocation of parental rights and responsibilities is filed, the moving party shall also file an Affidavit of Basic Information, Income, and Expenses; a Parenting Proceeding Affidavit; and a Health Insurance Affidavit.
- B. Case management. At the status conference, the Court will determine whether the motion is contested. If contested, the Court will determine the basis of the motion and set the final trial date, pretrial dates, and discovery deadlines and shall journalize the dates set in a Case Management Entry.

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71.04 Post Decree Agreements to Modify and/or Reallocate Parental Rights

Parties in agreement to modify a prior judgment entry, magistrate's decision, or magistrate's order shall file a motion along with all necessary affidavits and shall provide the Clerk of Courts with an original Agreed Judgment Entry containing the signatures of the parties and, if represented, their attorney(s).

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RULE 72 DOMESTIC VIOLENCE ACTIONS

72.01 Filing for a Civil Protection Order

- A. A person who wants to file for a Civil Protection Order (CPO) is referred to as the petitioner. The person against whom the CPO is filed is referred to as the respondent.
- B. The petitioner may file for a CPO pro se, may hire a private attorney, or may seek assistance through the Hocking County Sheriff's Office, or the Hocking County Prosecutor's Office of Victim's Services.
- C. The petitioner may obtain the necessary paperwork to file for a CPO from the Ohio Supreme Court Website: Domestic Violence Protection Order Forms.
- D. The necessary paperwork for filing for a CPO is as follows:
 - (1) Petition for Domestic Violence Civil Protection Order (Ohio Supreme Court Form 10.01-D). The petition shall include:
 - i. An allegation that there has been domestic violence against a family or household member, including a description of the alleged violence;
 - ii. The relationship of the respondent to the petitioner; and
 - iii. A request for relief.
 - (2) Parenting Proceeding Affidavit (if the Petitioner and Respondent have children together).
 - (3) Affidavit of Basic Information, Income, and Expenses; Health Insurance Affidavit; and Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076) (if the Petitioner is requesting support from the Respondent).
 - (4) Request for service.
- E. The necessary paperwork listed above must be filed at the Hocking County Clerk of Court's Office.
- F. The Clerk of Courts will assign a case number, judge, and magistrate. If a complaint for divorce, annulment, legal separation, to establish a parent-child relationship, or petition for dissolution involving the same parties is being filed simultaneously with the CPO or was filed before the CPO was filed, the petitioner shall inform the clerk so that the cases can be assigned to the same magistrate.

72.02 Ex parte Hearing

- A. The ex parte hearing shall be held the same day the petition is filed, if filed before 2:30 p.m. If the petition is filed after 2:30 p.m., it may not be possible to conduct a hearing on the same day. In that case, the ex parte hearing shall be held the next business day.
- B. At the ex parte hearing, the Court will hear the petitioner's statement of the facts under oath.
- C. If the Court finds that the facts meet the requirements of the law, the Court will grant an ex parte CPO and schedule a full hearing.
 - (1) The full hearing must be scheduled within seven court days if the respondent is ordered to vacate a residence shared with the petitioner, otherwise the full hearing will be scheduled within 10 court days.
 - (2) The full hearing will not be extended merely for the purpose of completing a companion criminal case. Continuances beyond 30 days will only be granted in extenuating circumstances.
 - (3) If an ex parte order is not granted, the case will proceed as under the Rules of Civil Procedure.
- D. The clerk will provide the petitioner a certified copy of the ex parte CPO.

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- E. The clerk will process the ex parte CPO for personal service on the respondent by the sheriff and for police department notification. The clerk or sheriff will notify the petitioner upon a failure of service.

72.03 Full Hearing

- A. At the full hearing, unless the parties reach an agreement, the judge or magistrate will take sworn testimony from each party and any witnesses presented by the parties.
- B. If the judge or magistrate finds that the facts meet the requirements of the law, the Court will issue a CPO, which may include the following provisions:
 - (1) Prevent respondent from abusing the petitioner;
 - (2) Grant exclusive use of the home to petitioner;
 - (3) Permit respondent to pick up personal items from the home;
 - (4) Provide child or spousal support;
 - (5) Allocate parenting time;
 - (6) Require respondent to complete counseling;
 - (7) Grant exclusive use of a vehicle to petitioner;
 - (8) Require respondent to surrender house and/or car keys;
 - (9) Prevent respondent from possessing or using a deadly weapon;
 - (10) Prevent respondent from possessing or using drugs and/or alcohol; and
 - (11) Grant other relief as the Court considers equitable and fair.
- C. A completed Protection Order Notice to NCIC (Form 10A) shall be filed with the Full Hearing CPO.
- D. The Full Hearing CPO will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.
- E. If the petitioner fails to attend the full hearing and no continuance has been granted, the Court may dismiss the case.

72.04 Consent Agreement

- A. At the time of the full hearing, the petitioner and respondent may enter into a Consent Agreement CPO.
- B. A completed Protection Order Notice to NCIC (Form 10-A) shall be filed with the Consent Agreement.
- C. The Consent Agreement will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.

72.05 Duration of CPO

A CPO shall be valid until a date certain, but not later than five years from the date it was issued.

72.06 Effect of Other Court Cases on CPO

- A. The CPO shall remain in effect even if either the petitioner or respondent subsequently become involved in another court case, such as a divorce, annulment, legal separation, parentage, or dissolution case.
- B. An order allocating parental rights and responsibilities and/or support issued in a CPO case shall terminate on the date a court issues an order allocating parental rights and responsibilities and/or support in another court case involving the petitioner and respondent, such as a divorce, annulment, legal separation, parentage, or dissolution.

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- C. When this Court issues an order allocating parental rights and responsibilities and/or support in a subsequent court case as described in paragraph (B) above, the parties may need to obtain a modified CPO to reflect those orders if they differ.

72.07 Modification, Extension, or Termination of CPO

- A. The petitioner or respondent may file a motion to modify, extend, or terminate the CPO.
- B. All such motions must be filed and scheduled for hearing.

72.08

The Court may require the petitioner to attend a domestic violence education program prior to termination of the CPO.

(C) Any modification, extension, or dismissal of a CPO shall be done as an order by the Court. A completed Protection Order Notice to NCIC (Form 10-A) shall be filed with the order granting the modification, extension, or termination. The order will be delivered to the Clerk of Courts for filing, for mail service on the petitioner and respondent, and for police department notification.

72.08 Objections to CPO

The Full Hearing CPO is a final appealable order. If the case was referred to a magistrate, the party wishing to file an objection to a CPO must follow the objection procedure as described in Civ.R. 53 and Civ.R. 65.1, "Objections to Magistrate's Decision." However, pursuant to Civ.R. 65.1, there is no automatic stay of the CPO when the objection is filed.

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RULE 73 PARENTAGE: ESTABLISHMENT OF PARENT-CHILD RELATIONSHIP, ALLOCATION OF PARENTAL RIGHTS RESPONSIBILITIES, AND/OR COMPANIONSHIP ACTIONS

73.01 Commencement of the Action

A parent or alleged parent may begin an action by filing a complaint for establishment of a parent-child relationship and appropriate motions for relief requested.

- A. The person filing the complaint shall allege whether a parent-child relationship has been established. If a parent-child relationship has been established, a copy of the order or acknowledgment of paternity shall be attached to the complaint.
- B. If parenting orders are requested, the moving party shall file this Court's Party Supplemental Information Affidavit, a Parenting Proceeding Affidavit, and this Court's Parenting Supplemental Information Affidavit with the complaint.
- C. If child support is an issue, each party shall submit an Affidavit of Basic Information, Income, and Expenses; this Court's Party Supplemental Information Affidavit; a Health Insurance Affidavit; and this Court's Parenting Supplemental Information Affidavit.
- D. An Application for Child Support Services Non-Public Assistance Applicant/Recipient (JFS 07076) shall be filed with all new parentage complaints if genetic testing is requested or when child support is ordered.
- E. Third-Party Filings. A nonparent filing for custody or visitation may commence an action for custody or visitation as provided by law in this court, so long as the parents are or were married. The Complaint for Custody or Visitation shall be captioned Nonparent, Plaintiff v. Parent A and Parent B, Defendants, and shall comply with all other aspects of these rules. If the parents were married, the action shall be filed in the parties' divorce or dissolution file, if any. If the parents are still married, and the action is permitted by the judge or magistrate to proceed, the action shall be filed in a separate case, and may, in the discretion of the judge or magistrate, be consolidated into the parties' divorce, if later filed.

73.02 Status Conference

- A. The Court will schedule a status conference after the filing of the initial complaint or motion and may, in its discretion, set a temporary orders hearing. The parties, and counsel, if applicable, shall be present. The Court will set a final trial date, pretrial dates, discovery deadlines and deadlines for alternative dispute resolution at that time and shall journalize the dates set in a Case Management Entry.
- B. In cases where parentage is an issue, the status conference will also be used to determine whether the matter is contested.
 - (1) If parentage is not contested, the Court may dispose of the claim at the status conference, to include issuing orders addressing parentage, if appropriate.
 - (2) If parentage is contested, the Court may request additional information from the parties and/or the CSEA to determine if there are any final and enforceable determinations of paternity or other parentage orders in existence and/or whether an order of genetic testing would be appropriate. If an evidentiary hearing is required, the case will proceed in the manner described in Rule 12. If genetic testing is deemed appropriate and ordered by the Court, then the matter will be set for further hearing. Genetic testing costs may be assessed to a party by the Court or ordered paid by the CSEA as follows:

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- i. If there is no final and enforceable determination of paternity, the CSEA may be ordered to pay the genetic testing costs;
 - ii. If there is a final and enforceable determination of paternity, the party contesting parentage may be ordered to prepay the CSEA for genetic testing costs and the CSEA may arrange for the drawing of the genetic test samples. Based upon the evidence and the genetic test results, the Court may order a party to reimburse another party for the cost of genetic testing.
- (3) If the Court determines paternity of a child, then the parties shall cooperate to provide information to the Court for completion of the HEA 3029, Determination of Paternity form, as required by the State of Ohio, to provide a new birth record for the child. Two originals shall be submitted to the Clerk of Court's. Once provided, one original shall be maintained by the Clerk of Courts in the Family File, and not part of the public record. A certified original shall be sent by the Clerk of Courts to the Central Paternity Registry.
- (4) In cases where child support is an issue, the matter may be concluded at the status conference if all the information necessary to establish an order is presented. Otherwise, a further hearing will be set. If an evidentiary hearing is required, the claim will proceed.
- (5) Ordinarily the effective date of the support order will be the date the request for support was filed.
- (6) Retroactive support may be ordered in cases where the parties were not married to each other. In that case the parties must present all information necessary to calculate a support order for each year that support is requested and justification for retroactive support in accordance with R.C. §3111.13.

73.03 Temporary Orders and Civil Rule 75 Hearings

- A. Any requests for temporary orders, other than those provided in Civ.R. 75(I), shall be made by proper motion with affidavit and will be considered 14 days after service of the Motion for Temporary Orders. The temporary orders will be based upon all affidavits submitted by the parties at the time of consideration by the Court. Affidavits (to include supporting documentation) shall not exceed 10 pages in length without prior approval by the Court.
- B. At a Civ.R. 75 hearing, each party shall be allotted 20 minutes for presentation of statements and/or testimony, or longer at the discretion of the judge or magistrate. Prior to the hearing, initial discovery shall have been exchanged between the parties, including but not limited to: initial witness list, expert witnesses, tax returns, income information, and bank records.

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RULE 74 CHILD SUPPORT, SPOUSAL SUPPORT, AND HEALTH INSURANCE ORDERS

74.01 Support Orders

- A. Every child or spousal support order shall include the mandatory provisions set forth in R.C. 3121.27 to 3121.29.
- B. The Clerk of Courts shall serve a copy of every order for child or spousal support upon the Hocking County CSEA. The CSEA shall prepare the required withholding notices and submit them to the employer or other withholding source.
- C. The caption of every initial order for child support, or other judgment entry that includes an order for child support, shall state the SETS number and each party's address. Subsequent orders shall include the party's address if there has been a change in the residence address.
- D. Child support orders shall contain a child support worksheet. If the parties are seeking deviation from child support pursuant to R.C. 3119.22, the parties shall provide the Court findings of fact and conclusions of law setting forth the factors considered for deviation as provided in R.C. 3119.23. The findings of fact and conclusions of law shall be detailed and specific.
- E. There will be an automatic ten percent (10%) reduction of child support for cases where local rule parenting time is order, based upon the schedule in conjunction with R.C. 3119.051.

74.02 Health Insurance Orders

Every child support order shall include the health insurance provisions as required by R.C. 3119.30 and 3119.32.

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RULE 75 MOTION FOR RELIEF FROM JUDGMENT

75.01 Civil Rule 60(B)

All motions for relief from judgment, other than those based upon clerical mistakes, shall comply with Civ.R. 60(B) and Civ.R. 7(B). A copy of the judgment from which relief is sought shall be attached to the motion.

75.02 Supporting Materials

- A. The motion shall be supported by materials that demonstrate:
 - (1) The timeliness of the motion;
 - (2) The reasons for seeking relief; and
 - (3) A material defense or claim.
- B. The moving party shall file a memorandum of fact and law and may include affidavits, transcripts, depositions, answers to interrogatories, exhibits, and other relevant materials and shall serve a copy upon the non-moving party and hand-deliver a copy to the judge or magistrate's administrative assistant. The procedures contained in Civ.R. 56, regarding documents and other materials, are suggested as guidelines.

75.03 Opposition to Motion

The opposing party may file a reply brief or memorandum in opposition along with supporting materials within 14 days after service of the motion and shall serve a copy upon the moving party and hand-deliver a courtesy copy to the judge or magistrate's administrative assistant.

75.04 Determination

Except when the Court orders otherwise, motions for relief from judgment may be determined without oral argument.

75.05 Civil Rule 60(A)

Motions for relief from judgment based upon clerical mistake shall be filed in accordance with Civil Rule 60(A).

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RULE 76 LOCAL RULE FOR PARENTING TIME

76.01

Unless otherwise specifically agreed by the parties or ordered by the Court the following shall govern the rights and responsibilities of parents of minor children.

76.02

It is rebuttably presumed that Option C is in the best interests of the children.

76.03 Short-Distance Parenting Time Model Schedule

FOR PARENTS TRAVELING UNDER 90 MILES ONE WAY

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. The parenting time option selected below does not necessarily affect support obligations.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

PARENTING TIME BETWEEN THE CHILDREN AND THE PARENTS SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT IN ABSENCE OF AGREEMENT SHALL BE (CHOOSE ONE OPTION, EITHER A, B, C, OR D BELOW MUST BE SELECTED):

A. OPTION A: Week-on, Week-off

The children shall reside equally with both parents on an alternating weekly basis. The children shall transition from one parent's residence to the other every Sunday at 6:00 p.m. unless the parties agree upon a different day and time.

The parent who is not exercising weekly parenting time shall be entitled to spend one weekday evening with the children from 5:00 p.m. until 8:00 p.m., which shall be Wednesday unless otherwise agreed. The parent exercising weekday evening parenting time shall be responsible for picking up AND returning the children for this parenting time.

B. OPTION B: 2-2-3

Weekends: Alternate weekends from Friday at 6:00 p.m. until Monday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)

Weekdays: Mother/Father (circle one) shall have parenting time with the children each Monday beginning at 6:00 p.m. until drop-off to school/daycare on Wednesday (or 6:00 p.m. if no school),

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Mother/Father (circle the other parent) shall have parenting time with the children from Wednesday after school (or 6:00 p.m. if no school) until drop-off to school/daycare on Friday (or 6:00 p.m. if no school).

C. OPTION C: Standard Schedule

Weekends: Alternate weekends from Friday at 6:00 p.m. until Monday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)

Weekdays: Mother/ Father (circle one) shall have one weekday overnight per week from 6:00 p.m. until the next morning to school/day care or 8:00 a.m., whichever is applicable. This overnight shall be Wednesday unless otherwise agreed. The parent exercising weekday overnight parenting time shall be responsible for all transportation during this parenting time. The other parent shall have the remaining weekday parenting time.

D. OPTION D: Weekend only

Weekends: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer and/or vacation parenting time. (See Section 4a and 5 below)

Weekdays: Mother/Father (circle one) shall have one weekday evening per week from 5:00 p.m. to 8:00 p.m. which shall be Wednesday unless otherwise agreed. The parent exercising weekday evening parenting time shall be responsible for picking up AND returning the children for this parenting time. The other parent shall have the remaining weekday parenting time.

OTHER PROVISIONS

- A. **Extracurricular Activities:** Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.
- B. **Holidays:** In odd-numbered years, mother has Martin Luther King Day, Spring Break, Fourth of July, Beggar's Night, and the first half of Winter Break. In odd-numbered years, father has President's Day, Memorial Day, Labor Day, Thanksgiving, and the second half of Winter Break. In the even-numbered years, the schedules are reversed.

In the event of a conflict between regular parenting time and holiday parenting time, holiday parenting time prevails. The alternating weekend parenting time continues, however, as if the holiday had not intervened. This means that one parent may have the children three weekends in a row. This process equalizes itself over the course of time for each parent.

For a holiday falling on a Friday, parenting time commences Thursday at 6:00 p.m. and continues to Sunday evening at 6:00 p.m.; or for a holiday falling on a Monday, parenting time commences Friday at 6:00 p.m. and continues to Monday at 6:00 p.m.

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- C. **Mother's Day and Father's Day** are to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 6:00 p.m.
- D. **Other days of special meaning**, such as Religious Holidays, parents' and children's birthdays, and other school days off shall be as determined by the parties. If the parties cannot agree, then the regular Weekday/Weekend parenting time schedule shall take precedence.

Hours for parents who cannot agree are as follows: Martin Luther King Day (6:00 p.m. on Friday to 6:00 p.m. on Monday); President's Day (6:00 p.m. on Friday to 6:00 p.m. on Monday); Spring Break (6:00 p.m. on the day school is out to 6:00 p.m. the day before school recommences); Memorial Day and Labor Day (6:00 p.m. Friday to 6:00 p.m. Monday); July 4th (6:00 p.m. on July 3 to 6:00 p.m. on July 4); Beggar's Night (4:30 p.m. until 8:30 p.m.); Thanksgiving (6:00 p.m. on the day school lets out to 6:00 p.m. Sunday); Winter Break (first half commences at 6:00 p.m. the day school lets out, until December 25 at 6:00 p.m.; second half commences at 6:00 p.m. December 25 until 6:00 p.m. the day before school recommences).

48-hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out-of-town travel on the holidays or of a change in pick-up/return times.

- E. **Summer**: Commencing the first Sunday after the children are out of school, each parent shall exercise parenting time with the children on a week-on, week off basis, with the Mother/Father (circle one) exercising the first block. The summer schedule commences the day after the children are out of school and continues until seven (7) days before school begins.
- F. **Vacations**: Unless specifically ordered otherwise, or as agreed, each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children, and shall be taken following the parent's one-week period of time with the minor child, so that the child is spending 14 uninterrupted days with the vacationing parent. The other parent's regular summer parenting time shall commence immediately following the vacation period ending.

Each parent shall schedule this vacation during his/her time during the summer months. There is no requirement that the parent exercising vacation parenting time travel with the child (i.e. a "staycation"), but they may at their discretion. The vacationing parent shall notify the other parent and provide a general itinerary of the vacation to the other parent, including dates, locations, addresses, and telephone numbers, no later than thirty (30) days prior to the scheduled vacation. Holiday and birthday celebrations with either parent shall not be missed, requiring scheduling of the vacation around these events. Parenting time with the other parent is missed during vacation, and there is no requirement that it be made up, as it is expected that both parents will exercise their vacation period. Parents shall notify each other of their vacation plans by May 31 each year, and in the event of a conflict, mother's schedule shall prevail in odd-numbered years; father's schedule shall prevail in even-numbered years. Neither parent shall schedule their vacation to conflict with the other parent's holiday, or Father's Day.

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- G. **Communication**: Children can communicate with either parent as often as they wish, at reasonable times and frequencies, via telephone or electronic means (e.g. text, Skype, FaceTime).

In addition, the non-possessory parent shall be entitled to telephone or electronic (i.e. FaceTime, Skype) communication of reasonable duration with the children not less than three times per week.

Neither parent shall excessively interfere with nor stop the telephone or electronic communication.

- H. **Transportation**: With the exception of weekday overnight/evening parenting time (options A, C, and D), the parties shall divide the transportation equally. The parent who is exercising parenting time shall pick up the children. The parent exercising weekday evening parenting time (Options A, C, and D) shall be responsible for picking up AND returning the children for this parenting time. Unless otherwise ordered by the court or agreed by the parents, drop off/pick up shall be at the parents' respective homes, the children's school, or day care, whichever is applicable.

In Option B, the parent who has the children from Monday at 6:00 p.m. to Wednesday at 6:00 p.m. is the parent responsible for picking up the children from school/day care on Monday afternoon and taking the children to school/day care on Wednesday morning, and the parent who has the children from Wednesday at 6:00 p.m. until Friday at 6:00 p.m. is responsible for picking the children up from school/day care on Wednesday afternoon and taking them to school/day care on Friday morning. The parent who has the weekend is responsible for picking up the children from school/day care on Friday afternoon and taking them to school/day care on Monday morning. The 6:00 p.m. time on exchange days only applies when a child is not attending school or day care on that day, and in that circumstance, the parent who is beginning their parenting time shall pick the children up from the other parent at 6:00 p.m. that day.

The parties may designate a licensed, insured driver known to the children to provide any of this transportation, if necessary.

- I. **Moving**: Upon either parent learning that he/she will be moving, he/she shall immediately notify the other parent, but not less than ninety (90) days prior to the move except in those circumstances wherein notice is not required by R.C. 3109.051 (G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.
- J. **Waiting**: Neither parent shall be more than 30 minutes late picking up the children without notice to the other parent. If the non-possessory parent has not arrived to pick up the children within the 30-minute period and has failed to contact the possessory parent, parenting time may be forfeited in the possessory parent's discretion and shall not be required to be made up.

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- K. **Cancellation**: The non-possessory parent should give 24-hour notice to cancel. The time cancelled by the non-possessory parent is forfeited. Routine cancellation of parenting time may constitute a change in circumstances for a modification of custody and/or visitation.
- L. **Illness**: If a child is ill, the possessory parent should give 24-hour notice, if possible, so appropriate plans can be made to accommodate the child's illness. However, parenting time shall not be denied or forfeited based upon a child's illness unless it is pursuant to written orders by a licensed medical professional. If any parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or non-critical illness, then any missed parenting time shall be made up as provided in paragraph 13. All prescribed medication shall be exchanged between the parents.
- M. **Make-Up Parenting Time**: Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.
- N. **Current Address and Telephone Number**: Except as provided in the court order, each parent shall keep the other informed of his/her current address, home, cell and work telephone numbers, and a regularly accessible e-mail address at all times.
- O. **Emergency Contact**: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.
- P. **Car Seat**: Every parent shall have and utilize a car seat and booster seat as required by law.
- Q. **Clothing**: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.
- R. **Pre-School Age**: Unless otherwise agreed, pre-school age children follow the same schedule of school age children in the school district where they live regardless of whether or not other school age children live in the family. Frequent contact with both parents each week is recommended for very young children.
- S. **Infants (Birth to 18 Months)**: The court recognizes that parenting time with infants carries unique concerns because of the required skills of the parents and the needs of the child. It is important that both parents are able to observe, share, and participate in activities with the infant. When possible, it is encouraged that the non-residential or non-custodial parent have parenting time with the child that is shorter in duration but occurs more frequently. Unless otherwise ordered or agreed upon by the parents, the following schedule shall be utilized for children from birth through eighteen months (except if the parties have an older child together, then the infant will follow the older child's parenting time schedule):
- (1) The non-residential or non-custodial parent shall have parenting time for a twenty-four-hour period each weekend, from Friday at 6:00 p.m. to Saturday at 6:00 p.m. the first weekend; from

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Saturday at 6:00 p.m. until Sunday at 6:00 p.m. the second weekend, and alternating these time periods each weekend thereafter. Weekday parenting time shall be on Tuesday and Thursday from 5 p.m. until 8 p.m.

- (2) Holiday parenting time shall not be observed, except as follows: The non-residential or non-custodial parent shall have the child for Thanksgiving parenting time from Wednesday evening at 6 p.m. until Thursday evening at 8 p.m., Winter Break parenting time from 6 p.m. Christmas Eve to 6 p.m. Christmas Day in even-numbered years or 6 p.m. Christmas Day to 6 p.m. December 26 in odd- numbered years, Memorial Day and Labor Day weekends from 6 p.m. Sunday to 6 p.m. Monday, and Mother's Day or Father's Day (whichever is applicable) from 12 p.m. until 6 p.m.
- (3) The non-residential or non-custodial parent shall be responsible for all transportation to exercise the above parenting time.

The parties shall communicate regarding sleep schedules, feeding schedules, and any special dietary or other considerations for the child. The non-residential or non-custodial parents shall follow these schedules and considerations so as to make the transition between homes as seamless as possible for the infant child.

76.04 Long Distance Parenting Time Provisions

FOR PARENTS TRAVELING OVER 90 MILES ONE WAY

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

PARENTING TIME BETWEEN THE CHILDREN AND THE NON-RESIDENTIAL PARENT SHALL TAKE PLACE AT SUCH TIMES AND PLACES AS THE PARTIES MAY AGREE, BUT WILL NOT BE LESS THAN:

- A. **Pre-School Age:** Unless otherwise agreed, pre-School age children shall follow the same schedule as school age children in the school district where they live, whether or not a school age child resides in the family. Frequent contact with both parents is recommended for very young children.
- B. **Winter Break:** Winter Break will be divided in half and alternated annually, by half, between the parents.
- C. **Spring Break:** The non-residential parent shall be entitled to the entire school vacation (the day school is out to the day before school recommences) each year.
- D. **Summer:** Each parent shall be entitled to one half of the school summer vacation. Summer school necessary for the child(ren) to pass to the next grade must be attended. The residential parent shall

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notify the non-residential parent by March 15 of when the summer vacation begins and ends. The non-residential parent must notify the residential parent as to their intentions by April 15.

If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spent at the home of the non-residential parent, and in the odd-numbered years, the second half.

A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.

- E. **Vacations**: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. If this includes a trip away from home a general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers.
- F. **Additional Parenting time**:
- (1) **Weekend**: A once-a-month, a weekend visit to the non-residential parent's home shall be permitted if the child's traveling time does not exceed 3.5 hours, one way. The residential parent must be notified at least one week in advance. The nonresidential parent shall provide all transportation for weekend parenting time.
 - (2) **Father's Day and Mother's Day** should always be spent with the appropriate parent.
 - (3) The non-residential parent shall notify the residential parent as least two days in advance of any time the non-residential parent will be in the area and wants parenting time. Absent extraordinary circumstances, this parenting time shall occur.
 - (4) The residential parent shall notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and parenting time must be allowed.
- G. **Video/Telephone Access**:
- (1) Children can call either parent as often as they wish, at reasonable times, so long as the call is collect if it is a long-distance call.
 - (2) In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.
 - (3) Possessory parent shall not interfere with or stop telephone communication.
 - (4) Video access is encouraged by the Court instead of voice communication whenever possible.
- H. **Transportation**: Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule. Parties shall also decide and provide in the plan where the child(ren) shall be picked up and dropped off.
- I. **Moving**: Upon either parent learning or determining, whichever first occurs, that he/she will be moving, he/she will immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.
- J. **Current Address and Telephone Number**: Except as provided in the court order, each parent shall keep the other informed of his/her current address and telephone number at all times.
- K. **Emergency Contact**: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

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- L. **Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchanges occur.
- M. **Clothing:** The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

76.05 Automatic Reduction in Child Support in Conjunction with R.C. 3119.051.

Provided the parenting time schedule in any of the options above, including the long-distance option, is ordered, incorporated, and attached to the order or rewritten fully therein, and filed with the Court, it is rebuttably presumed to satisfy the statutory requirement for an automatic ten percent (10%) child support reduction pursuant to R.C. 3119.051.

76.07 Prospective Application

This local rule shall apply prospectively, to cases filed on or after July 1, 2025.

Hocking County
Local Rules of Practice of the Court of Common Pleas
General Division and Domestic Relations Divisions
Judge Jason M. Despetorich
Effective 7/11/2025

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Main Sections - Heading 1 - 16pt Bold, 18pt spacing before, 6pt after

Rule Sections - Heading 2 - 14pt Bold, 0pt spacing

Rule Subsection Numbers - Heading 3 - 12pt Bold, 8pt spacing before, 6pt after

TOC Heading - Follows Heading 1, 12pt spacing before, 0pt after