

# Domestic Relations

# Spotlight

## February 15, 2023



**VOLUNTARY DISMISSALS BY PETITIONER REQUIRE A HEARING AND PETITIONER’S APPEARANCE.**

**All voluntary dismissals of domestic violence civil protection orders requested by the petitioner and/or counsel shall require the petitioner to appear in court, file his/her motion, and have a hearing on the motion to dismiss. The Court will no longer accept dismissals submitted by counsel. If dismissing after the divorce, the petitioner can request the dismissal while at court and it will be processed with a motion and hearing.**

**NON-CONTESTED DIVORCE AND**

**DISSOLUTION HEARINGS**

**Non-contested divorces will require the following additional inquiry to the plaintiff/defendant: 1) *Are you pregnant?* 2) *Is the defendant,* *your spouse, in the military?* You may be diplomatic about the first question, e.g., “I have to ask this for the record.”**

**Dissolutions inquiries from the Court will include the first above-referenced question 1. Prepare your client for it.**

**AGREED ENTRIES WITH CHILD SUPPORT OR SPOUSAL SUPPORT**

**When submitting an Agreed Order addressing child support/spousal support, please place this symbol in the caption to the right of the case number:** ⓿.

**AGREED ENTRY SUBMISSIONS**

**When choosing the “Agreed Entry” title in the menu, it is not necessary to put “Agreed Entry” in the text box. The date(s) of the motion(s) being resolved may be placed in the text box.**

**NOTICE OF HEARINGS**

**Only the assignment office will prepare and file a “Notice of Hearing” and only the assignment office will schedule the hearing.**

**If a hearing has been set on a motion, attorneys shall not set a subsequent motion for that hearing.  The assignment office will file a notice of hearing with a date for the subsequent motion, and will only use the date of the first hearing when authorized by the Magistrate.**

**CHANGES TO REQUESTING AND OBTAINING CONTINUANCES OF HEARINGS**

**Procedure for continuance motion/Proposed Entry – Clarification**

1. All motions to continue a hearing shall be accompanied by a separate [Proposed] Entry Granting Motion for Continuance.
2. The Entry shall contain the date of the hearing being continued: A Motion for ***Continuance of the hearing scheduled for [DATE OF HEARING] was filed by (party filing motion) on the following motion(s) [title and file date of motion(s)]. The Entry shall also contain the addresses of the parties.***
3. The Entry shall also have the following language in it:

**IT IS THEREFORE ORDERED that said Motion for Continuance is GRANTED. Any and all ex parte orders shall remain in full force and effect pending hearing.**

Clerk administrative fees continued.

1. Assignment should be listed at bottom along with other parties and counsel to get copy.
2. When submitting the Proposed Entry Granting Continuance into eFiling use: DRORGCON/Entry Granting Continuance (Proposed).
3. If the motion is being denied by the assigned Judge/Magistrate, the Court will file the Entry Denying Continuance.

Failure to submit a proposed Entry Granting Motion for Continuance may result in the rejection of the motion for continuance.

A sample Entry Granting Continuance with lines for addresses follows this edition of Spotlight.

***DISCLAIMER:***  The content of this Domestic Relations Spotlight is directed solely to attorneys and only intended to be informational and to assist those attorneys who practice in the Montgomery County Domestic Relations Court. This e-mail is not intended to provide legal advice or any information which would relate to any other courts in any other counties or to anyone who may be a party or witness to a case pending in this or any other court.

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