

**Rule 4. Cost Deposits**

**4.1 Domestic Security Deposits.**

- (A) A security deposit of \$450.00 shall be required in all alimony or divorce actions. A security deposit of \$300.00 shall be required in all dissolution of marriage proceedings.
- (B) A security deposit of \$400.00 shall be required with the filing of motions to modify decrees, motions for change of custody, or motions for citations for contempt other than contempt proceedings initiated by the Child Support Enforcement Agency.
- (C) Pursuant to R.C. 3109.04, a guardian ad litem or home investigation may be ordered by the court or requested by a party. A party moving for an appointment of a guardian ad litem shall secure the cost thereof by filing with the motion \$400.00. In the case of appointment of a guardian ad litem, the movant's security costs will be deposited in the guardian ad litem's trust account. Within fourteen days of the appointment, the respondent shall deposit \$400.00 in the guardian's trust account. In disparate circumstances, equities will be weighed in apportioning costs.

**4.2 Civil Security Deposits.**

- (A) A cost deposit of \$450.00 will be required upon the filing of original civil complaints, counterclaims and appeals other than foreclosure.
- (B) Proceedings in aid of execution, garnishment attachment, execution, and petition to revive or modify judgment or any special matter not otherwise described, \$250.00 must be deposited plus any additional reasonable sum the Clerk may prospectively find necessary.
- (C) A cost deposit of \$900.00 will be required in the filing of an original action in foreclosure. A cost deposit of \$900.00 shall be filed with motions to reinstate foreclosure actions after bankruptcy stays are dissolved. A writ of possession shall issue upon appropriate request together with an additional \$100.00 filing fee.

- 4.3 Insufficient Deposit.** In any section under this rule, on notice from the Clerk that the deposit for costs is insufficient, an order sua sponte, will or may be made requiring additional cost deposit. Further, this rule is augmented by the procedures set forth in R.C. 2323.30, 2323.31, and any other applicable statutes.

4.4 **Affirmative Relief.** A party to a case who by counterclaim, motion, application or otherwise seeks affirmative relief from the Court, in manner not constituting a general denial, confession and avoidance, admission and prayer for protection of lien or other interest, is deemed to be a complainant or counter-complainant.

4.5 **Special Projects Fund.**

- (A) For the efficient operation of the General and Domestic Divisions of the Court of Common Pleas, a Special Projects Fund is hereby created. In January 2009, the Madison County Board of Commissioners reported an \$885,000 operating deficit incurred by the county during calendar year 2008. Each elected office within the structure of county government has been required to reduce spending by 11.6%. Such a reduction will adversely affect the administration of justice and limit the court in its ability to perform necessary functions.
- (B) A SPECIAL PROJECT FUND for the Court of Common Pleas shall be established by the Madison County Auditor to serve as a depository for funds collected. A FEE OF \$100.00 PER CIVIL ACTION OR PROCEEDING shall be collected from the cost deposit upon filing, AND FOR EACH CRIMINAL CASE, to be collected upon payment of costs, and shall be deposited in Court of Common Pleas Special Project Fund MONTHLY. It shall be drawn upon by court order for the payment of the projects deemed necessary and that fall within the descriptions set forth hereafter.
- (C) The Court, in the exercise of discretion, may utilize the fund to pay for necessary court functions, pay reasonable salaries, fund special programs and services needed to augment community control sanctions, acquire equipment, and rehabilitate and maintain facilities. The Court reserves jurisdiction to utilize said funds to augment line items in the Court's annual budget. Any funds dedicated to a line item but not expended at the end of any calendar year shall be returned to the special project fund on or before December 31 of each calendar year.
- (D) The special project fund shall not be considered as anticipated revenue by the Madison County Budget Commission for the following year. The Court reserves jurisdiction to modify this rule by journal entry if exigent circumstances dictate.