

Summit County Domestic Relations Court Performance Audit General Report

Prepared for:

**The Honorable Judge Katarina Cook
Audit Committee**

**Final Report
September 19, 2023**



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EXECUTIVE SUMMARY

Total Number of Issues – 11

Policies and Procedures

Section	# Issues	Issue Descriptions	Page Ref.
Policies and Procedures Manual	1	<ul style="list-style-type: none"> • Insufficient policies and procedures. 	8

Internal Controls

Strong Internal Controls:

Testing Section	# Issues	Issue Description	Page Ref.
Revenue	0	N/A	9
Contracts	0	N/A	12
Grants	0	N/A	13
Fringe Benefits	0	N/A	13
Regulatory Compliance	0	N/A	13

Weaknesses in Internal Controls:

Testing Section	# Issues	Issue Descriptions	Page Ref.
Purchasing & Expenditures	1	<ul style="list-style-type: none"> • Insufficient processes in place and policies regarding the maintenance, tracking, and distribution of gift cards. 	9
Personnel Files	3	<ul style="list-style-type: none"> • Instances of performance evaluations not being performed in accordance with policies and procedures. • Instances of personnel files appearing incomplete. • Instances where IAD could not confirm mediators have completed required mediation training in accordance with Local Rules. 	9
Asset Inventory	1	<ul style="list-style-type: none"> • Insufficient policies and procedures regarding the tracking, maintenance, and disposal of assets 	11
Payroll	1	<ul style="list-style-type: none"> • A Fair Labor Standards Act (FLSA) evaluation has not been performed for the DR Court 	12
Guardian Ad Litem (GAL)	2	<ul style="list-style-type: none"> • Instances where IAD could not confirm the GAL completed required DR Court training in accordance with Local Rules. • Fees stated in Local Rules regarding maximum GAL payments differ from the maximum allowable GAL payment in Summit County Codified Ordinances. 	13
Indigent Defense	2	<ul style="list-style-type: none"> • Instances where IAD could not confirm that appointed counsel attended required trainings in accordance with Local Rules. • Instances where extraordinary fees were paid; however, a motion and proposed judgement entry was not made in accordance with Local Rules. Additionally, fees stated in Local Rules differ from fees stated in Summit County Codified Ordinances. 	15

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GENERAL BACKGROUND

The Domestic Relations Court (DR Court) has exclusive jurisdiction over divorce, dissolution or annulment proceedings. The Court determines parentage of children born to unmarried parents. In addition, in 2019 due to a legislative change, cases involving third-party custody of children who were not wards of another court were transferred to the Court. The Court also issues Civil Protection Orders when violence has occurred between household members and immediate danger is present. Within this context, the Court may address parental rights, parenting time, legal custody, and child support. The control of the Court continues until all the children born to the parties have reached age eighteen (18) and no longer regularly attend high school. In addition, the Court has the power to enforce orders, even after the end of the marriage.

The Court works with legal professionals, social service agencies and law enforcement to ensure the safety and wellbeing of all family members coming through the court. The Summit County Domestic Relations Court is dedicated to helping families achieve a fair and peaceful resolution to their conflict.

The Court has educational programs designed to help parents assist their children during the court process and beyond. The Remember the Children Program is a free, parent education program designed to increase parent's awareness of their children's reactions and emotional and developmental needs during and after divorce. All parents with children under eighteen are required to attend the program within sixty (60) days of filing a divorce proceeding.

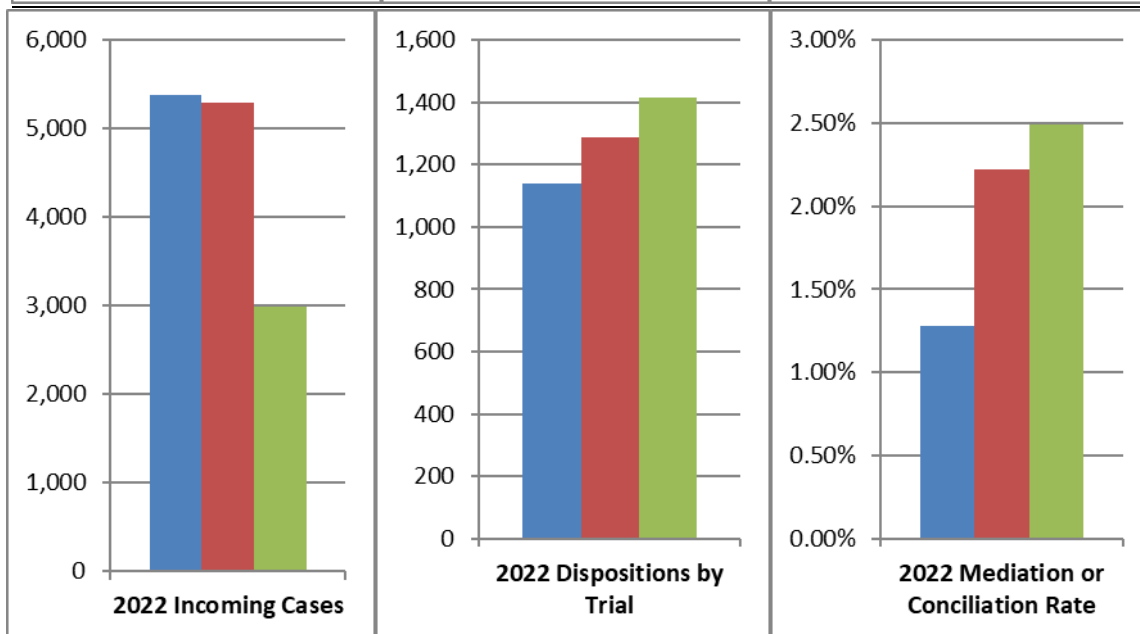
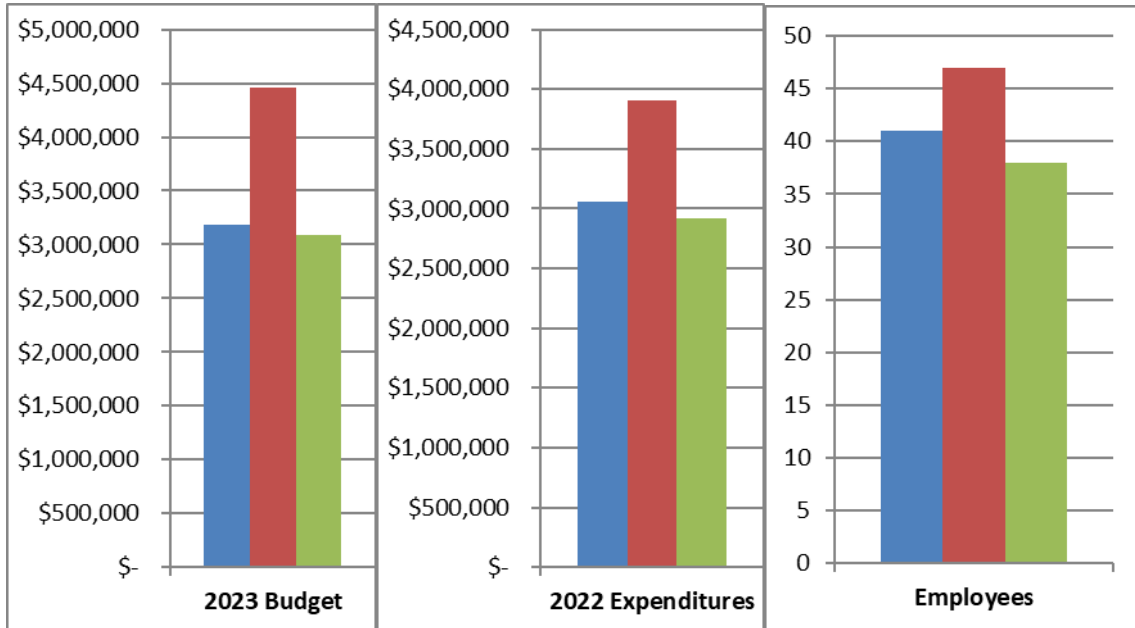
Additionally, the Court offers the Family Recovery Court Program. The program assists to identify parents with a chemical dependency and/or mental health problem whose actions negatively impact the parenting of their minor children, offer a voluntary court program that places them into treatment, provide them with a guide as to how to maintain sobriety or mental health wellness, along with supports in the community and in court while at the same time allowing for a graduated parenting time schedule that will be in the best interest of the minor child. The other parent will participate and/or be notified by the program manager of the progress of the participant.

The DR Court consists of forty-one (41) employees comprising of Judges, Magistrates, Court Administrators, Court Reporters, Bailiffs, Family Court Services Evaluators, Judicial Attorneys, Court Security Director, and support staff. The DR Court's 2022 actual expenditures totalled \$3,061,904.¹

IAD compared the DR Court's 2023 budget, 2022 actual Annual Comprehensive Financial Report (ACFR) expenditures, staffing levels, 2022 incoming cases, 2022 dispositions by trial, and 2022 mediation or conciliation rate from comparably populated counties – Montgomery and Lucas. The comparisons are represented in the graphs on the following page:

¹ <https://fiscaloffice.summitoh.net/index.php/documents-a-forms/viewcategory/8-comprehensive-annual-financial-reports>

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AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

The primary focus of this review was to provide the Summit County Domestic Relations Court (DR Court) with reasonable assurance, based on the testing performed, on the adequacy of the system of management control currently in effect for the audit areas.

Management controls include the processes for planning, organizing, directing, and controlling program operations, including systems for measuring, reporting, and monitoring performance. Management is responsible for establishing and maintaining effective controls that, in general, include the plan of organization, as well as methods and procedures to ensure that goals are met. Specific audit objectives include evaluating the policies, procedures, and internal controls related to the DR Court.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Based on the results of our review, we prepared specific issues and recommendations for improvement that were discussed with management. These recommendations, as well as management's unaltered written response, can be found in the following sections of this report.

Objectives:

- To obtain and review the current policies and procedures.
- To review the internal control structure through employee interviews and observations.
- To perform a general overview of the physical environment and security of the facilities, data, records and departmental personnel.

Scope:

An overview and evaluation of the existing policies, processes, procedures, contracts and internal control structure utilized by the Domestic Relations Court from February 1, 2022 through January 31, 2023.

The following were the major audit steps performed:

OBJECTIVE 1 – POLICY AND PROCEDURES REVIEW

1. Obtain and review the current policies and procedures.
2. Meet with the appropriate personnel to obtain an understanding of the current department processes and procedures. Compare those existing processes to the policies and procedures manual for consistency, noting all exceptions.
3. Obtain and review the document retention policy and determine if policies and procedures are currently in place and being followed.
4. Test procedures for mandatory compliance where applicable.
5. Identify audit issues and make recommendations where appropriate.

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OBJECTIVE 2 – REVIEW OF INTERNAL CONTROLS

1. Meet with the appropriate personnel to obtain an understanding of the control environment.
2. Document the existing control procedures in narratives and/or flowcharts.
3. Compare existing processes to the policies and procedures manual for consistency.
4. Test procedures for compliance where applicable, noting all exceptions.
5. Investigate discrepancies and summarize results.
6. Make recommendations where appropriate.

OBJECTIVE 3 – REVIEW OF SECURITY (covered in a separate report in compliance with ORC §149.433).

1. Perform a general overview of the physical environment and security of the department/agency being audited.
2. Interview various personnel to determine that confidential information is secure and processed only by appropriate parties.
3. Test security issues where appropriate.
4. Analyze current policies and make recommendations.

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DETAILED COMMENTS

Interviews:

To gain an understanding of the DR Court, IAD performed interviews with the following positions:

- Court Administrator
- Deputy Court Administrator
- Chief Magistrate
- Court Security Director
- Family Court Services Director
- Family Court Services Evaluator

Any issues noted are addressed in the respective sections of this report.

I. Policy and Procedures Review:

DR Court policies and procedures were reviewed for each of the following applicable testing sections within the audit for accuracy and completeness and compared to current processes for consistency. The DR Court Records Retention Schedule was also reviewed for completeness and compared to processes throughout the audit to ensure that the schedule contained all relevant documents.

The following issue was noted:

1. Issue:

Upon review of DR Court policies and procedures, and discussion with DR Court personnel, IAD noted insufficient policies and procedures in the following areas:

- Guardian Ad Litem appointment process
- Process of the review of Guardian Ad Litem appointment distribution

Recommendation:

IAD recommends that policy and procedures are created/updated, approved, and disseminated for all functional areas within the agency. This will help to ensure that proper procedures are in place and consistently followed within the department.

Management Action Plan:

Policy will be added to section 800 of the Court's Policy Manual outlining the process of assigning Guardian Ad Litem to cases. This policy will include; who is responsible for the referral, how the referral is made, and how the distribution process is reviewed.

Target Date: 2/29/2024

II. Internal Control Testing:

Risk-based internal control testing and/or observations were performed in the following areas:

- Revenue
- Purchasing & Expenditures

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- Personnel Files
- Asset Inventory
- Contracts
- Payroll
- Grants
- Fringe Benefits
- Regulatory Compliance
- Guardian Ad Litem
- Indigent Defense

REVENUE

DR Court policies and procedures and applicable Ohio Revised Code (ORC) sections were reviewed and staff interviews were conducted to gain an understanding of the revenue cycle, the laws and regulations that govern it, and internal controls in place.

No issues noted.

PURCHASING & EXPENDITURES

DR Court policies and procedures were reviewed and interviews were conducted to gain an understanding of the purchasing and expenditure process. IAD noted that detail testing of DR Court expenditures was not performed in this audit due to the conversion to the new financial system, Munis. The IAD will perform an audit of the DR Court Munis expenditures in the future.

The following issue was noted:

2. Issue:

Upon discussion with DR Court personnel, IAD noted insufficient controls in place regarding the maintenance, tracking, and distribution of gift cards (e.g., no tracking mechanism of gift cards, no signoffs required from gift card recipients, etc.). In addition, IAD noted no policies in place regarding the maintenance, tracking, and distribution of gift cards.

Recommendation:

IAD recommends the DR Court implement proper controls over the maintenance, tracking, and distribution of gift cards. In addition, IAD recommends that a policy be created, approved, and disseminated regarding the maintenance, tracking, and distribution of gift cards. This will help to ensure proper controls are in place regarding DR Court gift cards.

Management Action Plan:

Policy will be created and added to section 500 of the Court's Policy Manual outlining the process of tracking the use of gift cards as incentives for Court programs. The policy will include maintenance, tracking and distribution of cards.

Target Date: 2/29/2024

PERSONNEL FILES

DR Court policies and procedures were reviewed, and interviews were conducted to gain an understanding of the personnel file process. A sample of personnel files was haphazardly selected and compared to the personnel file

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checklist to ensure files were complete. Employee job descriptions were obtained and reviewed for positions that require professional licensures or certifications and detail testing was performed to ensure the professional licensures or certifications were obtained, when applicable. In addition, a sample of DR Court mediators was selected, and detail testing was performed to ensure mediators have satisfied the qualifications in order to be appointed to a case in accordance with Local Rules.

The following general recommendation and issues were noted:

General Recommendation

Upon detail testing of employee job descriptions, IAD noted formal job descriptions do not exist for DR Court positions. IAD recommends formal job descriptions be created and utilized by the DR Court. This will help to ensure the completeness and accuracy of employee job descriptions.

3. Issue:

Upon discussion with DR Court personnel, IAD noted employee performance evaluations are not being performed in accordance with DR Court policies and procedures.

Recommendation:

IAD recommends employee performance evaluations be performed in accordance with DR Court policies and procedures. This will help to ensure compliance with DR Court policies and procedures.

Management Action Plan:

The Court will complete performance evaluations annually in accordance with section 5 of the Personnel Manual.

Target Date: 12/31/2024

4. Issue:

Upon detail testing of employee personnel files, IAD noted six (6) out of ten (10), or 60%, instances where an employee personnel file appeared to be incomplete (e.g., missing relevant documents such as SSA-1945 form, computer/telecom policy acknowledgement form, etc.), per the New Employee Checklist.

Recommendation:

IAD recommends the DR Court review employee personnel files to ensure the files contain the relevant documents. This will help to ensure the completeness and accuracy of employee personnel files.

Corrective Action Taken Prior to the End of Fieldwork:

IAD obtained the relevant documents that were missing from the employee personnel files and noted they have been completed.

Management Action Plan:

The Court has updated all personnel files and will continue to maintain complete and accurate personnel records.

Target Date: Immediate

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5. Issue:

Upon detail testing of required qualifications for mediators, IAD noted the following:

- One (1) out of seven (7), or 14%, instances where DR Court mediators have not completed the required twelve (12) hours of Mediation or equivalent in accordance with Local Rule 33.07.
- One (1) out of seven (7), or 14%, instances where DR Court mediators have not completed the required forty (40) hours of specialized family or divorce Mediation in accordance with Local Rule 33.07.
- Two (2) out of seven (7), or 29%, instances where DR Court mediators have not completed the required fourteen (14) hours of specialized training in Domestic Abuse and Mediation in accordance with Local Rule 33.07.

Recommendation:

IAD recommends that mediator training be completed by all DR Court mediators in accordance with Local Rules. In addition, IAD recommends the DR Court develop a mediator training requirement checklist and include the checklist in the mediator file to ensure all required documentation is obtained prior to the mediator being assigned cases. This will help to ensure compliance with Local Rules.

Management Action Plan:

A certification checklist will be created and completed prior to new Mediators being assigned cases. Current Mediator's files will be updated to ensure certifications of all training required by Local Rule 33.07 are present. If necessary, Mediators may need to re-take training if current certifications cannot be located.

Target Date: 6/30/2024

ASSET INVENTORY

DR Court policies and procedures were reviewed and a discussion was conducted to gain an understanding of the asset inventory process and the internal controls in place. A sample of DR Court assets was selected and detail testing was performed to verify the existence of the assets and accuracy of the asset tracking spreadsheet. In addition, a sample of asset disposals was selected and detail testing was performed to ensure an Executive Order was obtained for disposed assets.

6. Issue:

Upon discussion with DR Court personnel, IAD noted a policy is not in place regarding the tracking, maintenance, and disposal of assets.

Recommendation:

IAD recommends that a policy be created, approved and disseminated regarding the tracking and disposal of assets. This will help to ensure accountability and safeguarding of DR Court assets.

Corrective Action Taken Prior to the End of Fieldwork:

IAD obtained an updated Asset Management Policy and noted the policy includes the tracking and disposal of DR Court assets.

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Management Action Plan:

Policy has been created and implemented regarding asset tracking. The policy will be added to section 500 of the Court's Policy manual.

Target Date: 2/29/2024

CONTRACTS

DR Court policies and procedures and contracts were reviewed and a discussion was conducted to gain an understanding of the DR Court contract process. It was determined that the IV-D contract that the DR Court has with the Summit County Child Support Enforcement Agency (CSEA) is audited by the Ohio Department of Job & Family Services (ODJFS); therefore, no testing was performed.

No issues were noted.

PAYROLL

DR Court policies and procedures were reviewed and an interview was conducted to gain an understanding of the payroll process. A payroll approval report was generated and reviewed to determine appropriate authorizations and to confirm a proper segregation of duties. Additionally, a sample of leave forms was selected and detail testing was performed to ensure proper approvals were obtained and the leave form properly reconciled to Kronos.

The following general recommendation and issue was noted:

General Recommendation

Upon discussion with personnel and through detail testing, IAD noted paper leave forms are utilized when leave time is requested/approved. This data is then manually entered into Kronos. IAD recommends that the DR Court begin to utilize electronic leave forms within Kronos when requesting/approving leave time. Once approved in Kronos, the respective employee's timecard is automatically updated. This will help to improve efficiency and reduce the potential for human error.

7. Issue:

Upon discussion with DR Court personnel, IAD noted the Fair Labor Standards Act (FLSA) exempt/non-exempt employee evaluation has not been performed for DR Court employees.

Recommendation:

IAD recommends the DR Court perform the Fair Labor Standards Act (FLSA) exempt/non-exempt employee evaluation for DR Court employees. This will help to ensure compliance with the Fair Labor Standards Act (FLSA).

Corrective Action Taken Prior to the End of Fieldwork:

IAD obtained documentation that an exempt/non-exempt assessment has been performed for all DR Court employees. Additionally, IAD noted DR Court has added the FLSA Assessment Form to the New Hire Checklist.

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Management Action Plan:

Fair Labor Standards Act exempt/non-exempt evaluation forms have been created and completed for each current employee. The form has been added to the Court's New Hire checklist and will be completed for each new employee hired.

Target Date: Immediate

GRANTS

An interview was conducted to gain an understanding of the grants process. The Family Recovery Court Program grant documents were reviewed and attributes were selected for detail testing to ensure compliance with the terms of the grant agreements. A sample of Family Recovery Court Program grant expenditures was selected and detail testing was performed to ensure grant expenditures were reasonable in accordance with the grant agreement.

No issues were noted.

FRINGE BENEFITS

Detail testing of the following areas was performed, if applicable, to confirm that the DR Court is properly processing fringe benefits in accordance with IRS tax code:

- Travel and meals reimbursement,
- Cash incentives, awards, gift awards and/or bonuses,
- County paid life insurance policies over \$50,000,
- Uniforms and clothing allowances,
- Employment contracts,
- Agency vehicle usage,
- Allowances for firearms or tasers and/or any other non-lethal weapon,
- Tuition assistance and reimbursement,
- Subcontracted employees,
- Domestic partnership.

No issues were noted.

REGULATORY COMPLIANCE

Applicable Local Rules and Rules of Superintendence sections were reviewed and attributes were developed to ensure compliance with the following rules and regulations:

Rules of Superintendence Rule 37 – Statistical Reports and Information

- Ensure that the Court submits Judge, Administrative Judge, and Individual Judge Reports to the Supreme Court, no later than the fifteenth day after the close of the reporting period. (Rule 37 through 37.03)

Rules of Superintendence Rule 38 – Annual Case Inventory; New Judge Inventory

- Ensure that the Court performs an annual case inventory annually on or before October 1st. In addition, a new judge inventory is performed within three (3) months of a new judge taking office (Rule 38(B)).

No issues were noted.

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GUARDIAN AD LITEM

Rules of Superintendence, Local Rules and Guardian Ad Litem (GAL) policies and procedures were reviewed, staff interviews were conducted, attributes were developed and detail testing was performed to ensure the following:

Rules of Superintendence Rule 48:

- A public list of approved GAL's is maintained.
- Criteria for the appointment and removal of GAL's was established to ensure an equitable distribution of the workload.
- Each court shall develop a process or local rule and appoint a person for accepting and considering written comments and complaints regarding the performance of guardian ad litem practicing before the court.

Local Rule 34:

- Appointments of GAL's will be recommended by the Family Court Services on a rotating basis and a review of case distribution shall be conducted annually.

Additionally, a sample of GALs was selected, and detail testing was performed to ensure compliance with the following:

Rules of Superintendence Rule 48:

- GAL completed twelve (12) hours of Initial Guardian Ad Litem Training through the Supreme Court of Ohio.
- GAL completed six (6) hours of Guardian Ad Litem continuing education annually (in 2022).
- GAL annually certified they are unaware of any circumstances that would disqualify them from serving.

Local Rule 34

- GAL possesses an advanced degree in Law, Social Work, Counseling or other Related Field
- GAL completed a Formal Application and Interview Process.
- Court obtained a Valid Driver's License and Current Liability Insurance.
- A BCI Criminal Background Check was completed.
- Completed Three (3) Reference Forms
- Completed two (2) hours of Summit County DR Court Training Annually
- GAL received an Annual Evaluation

A sample of attorney appointed (taxpayer paid) GAL cases was selected and detail testing was performed to ensure compliance with the following:

Rules of Superintendence Rule 48:

- An Order of Appointment was created and includes all required statements.
- If the GAL was paid, an itemized record of time spent and services rendered was submitted to the Court.
- A written Final Report was created and includes all appropriate documentation.
- The Final Report was filed with the Court no less than seven (7) days before the Final Hearing.

Local Rule 34:

- GAL fees paid in accordance with Local Rule 34.06.

The following issues were noted:

8. Issue:

Upon detail testing of GAL training requirements, IAD noted three (3) out of nine (9), or 33%, instances where IAD could not confirm the GAL completed two (2) hours of Summit County DR Court GAL training annually, in accordance with Local Rule 34.02 (e.g., GAL's name was not present on the training attendance sheet).

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Recommendation:

IAD recommends the DR Court ensure GALs complete the Summit County DR Court GAL training annually in accordance with Local Rule 34.02. This will help to ensure compliance with Local Rules.

Management Action Plan:

A log of necessary GAL training will be maintained by the Family Court Services Supervisor. The Log will track initial training and annual continuing education credits in accordance with Sup. R. 48.04-05. GAL cases will not be assigned to GALs who are not current on training.

Target Date: 6/30/2024

9. Issue:

Upon detail testing of attorney appointed GAL cases and review of Local Rules, IAD noted Local Rule 34.06 sets the maximum payment for GAL fees at \$1,200; however, Summit County Codified Ordinance 113.09 allows for a maximum payment of \$2,000.

Recommendation:

IAD recommends the DR Court update the Local Rules to accurately reflect the maximum payment amount for attorney GAL fees. This will help to ensure compliance with Local Rules and Summit County Codified Ordinances.

Management Action Plan:

The Court will update Local Rule 13.08 addressing appointed counsel fees by removing reimbursement rates and referencing Summit County Codified Ordinance 113.09

Target Date: 12/31/2024

INDIGENT DEFENSE

Local Rules and appointed counsel policies and procedures were reviewed and interviews were conducted to gain an understanding of the indigent defense process.

A sample of DR Court appointed counsel attorneys was selected and detail testing was performed to ensure compliance with the following:

Local Rule 13.07

- Counsel attended/viewed the court's training seminar.
- Counsel provided a letter to the court requesting to be added to the list and set forth their qualifications for representing litigants in the court.

A sample of appointed counsel payments was selected and detail testing was performed to ensure compliance with the following:

Local Rule 13.07

- Cases appear to be equitably distributed among the appointments.

Local Rule 13.08

- Counsel submitted an application for Appointed Counsel Fees to the assigned judge no later than thirty (30) days after the issuance of a final appealable order on the contempt matter.

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- Compensation is \$75 per hour for out-of-court services and \$75 per hour for in-court services rendered and the compensation amount is properly supported (e.g., timesheets).
- If compensation exceeds \$500, ensure the appointed attorney filed a motion for extraordinary fees, the fees are properly supported and the attorney provided a proposed judgement entry to the court.
- The judge approved all appointed counsel compensation.

The following issues were noted:

10. Issue:

Upon detail testing of the Appointed Counsel requirements, IAD noted the following:

- Five (5) out of six (6), or 83%, instances where IAD could not confirm the attorney attended/viewed the court training seminar, in accordance with Local Rule 13.07(A).
- Five (5) out of six (6), or 83%, instances where the attorney's letter requesting to be added to the appointed counsel list could not be located, in accordance with Local Rule 13.07(B).

Recommendation:

IAD recommends DR Court maintain documentation supporting attorneys' attendance to the required training seminar and the attorneys' request to be added to the appointed counsel listing. This will help to ensure compliance with Local Rule 13.07(A) and (B).

Management Action Plan:

Court Administration will create and maintain a separate email folder for appointed counsel. Correspondence from attorneys requesting to be placed on the Appointed Counsel List will be kept along with record that the Court's training has been completed. Both documents need to be received before cases will be assigned.

Target Date: 12/31/2024

11. Issue:

Upon detail testing of appointed counsel payments, IAD noted one (1) out of one (1), or 100%, instances where the attorney received extraordinary fees; however, the attorney did not file a motion for extraordinary fees nor did the attorney provide a proposed judgment entry, in accordance with Local Rule 13.08 (B).

In addition, upon review of Local Rules and Summit County Codified Ordinance 113.09, IAD noted the Local Rule 13.08 does not accurately reflect appointed counsel fees stated in Summit County Codified Ordinances (e.g., the payout amount that requires the attorney to file a motion and judgement entry for extraordinary fees, in-court & out-of-court hourly fees, etc.).

Recommendation:

IAD recommends the DR Court ensure a motion is filed by the attorney and a judgement entry for extraordinary fees is provided prior to approving the compensation for extraordinary fees. In addition, IAD recommends Local Rules be updated to accurately reflect Codified Ordinance 113.09 regarding appointed counsel payments. This will help to ensure compliance with Local Rule 13.08 (A) & (B) and Summit County Codified Ordinances.

Management Action Plan:

The Court will update Local Rule 13.08 addressing appointed counsel fees by removing reimbursement rates and referencing Summit County Codified Ordinance 113.09. In addition, Court Administration will review Ord.

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113.09 annually and apprise Judges of any changes. This will help ensure a motion and order for extraordinary fees is filed when appropriate.

Target Date: 2/29/2024

II. Security:

Security issues noted during fieldwork are addressed under separate cover in the accompanying report in compliance with ORC §149.433.