

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

GENERAL INFORMATION FOR PRO SE FILINGS

A. FORMS ARE MADE AVAILABLE FOR THE FOLLOWING CASES:

1. Complaint for Custody CU 1.0 (also CU 3.1, and CD 3.2 if you want temporary orders)
2. Motion for Change of Custody CU 2.0
3. Motion to Intervene IV 1.02 (also IV 2.0)
4. Complaint to Establish Visitation VR 1.0
5. Motion to Modify or Establish Visitation VR 2.0
6. Motion to Cite for Contempt SU 7.0 and SU 8.0
7. Grandparent Power of Attorney GP 1.0 and GP 2.0
8. Caretaker Authorization Affidavit GP 1.0 and GP 3.0

In addition each of these cases will require forms GF 1 through GF 4 in all cases except the Grandparent and Caretaker documents.

The format of these instructions will be to identify the procedure to be used.

First of all the best advice to give is to get an attorney. You should not try to proceed on your own because you want to save money. If you can afford an attorney hire one. Many, many cases are lost because a person doesn't have an attorney and doesn't follow the proper procedure or fails to present evidence pursuant to the Ohio Rules of Evidence. Only if you absolutely cannot afford an attorney should you attempt a legal case without one. As the saying goes "Anyone who represents himself has a FOOL for a client."

Second of all the Court has a specific policy regarding the giving of legal advice and it is reprinted here.

COURT POLICY REGARDING EMPLOYEES DISPENSING LEGAL ADVICE

By law, court employees, including deputy clerks, are not allowed to give legal advice. They have no law degree and could be prosecuted for practicing law without a license. Deputy clerks may look over paperwork to see that the right blanks have been filled in or that you signed at the right location, but they cannot tell you if the content of your filing is adequate or if it will satisfy the requirements of the court.

You could consult with an attorney or research the law at the library. If a clerk does not answer a question, it is not that she does not want to be helpful; but she is following the court's policy to uphold the law that does not allow her to offer legal advice. If you need legal explanation or assistance, we suggest that you consult with an attorney or contact Legal Aid at 1-800-686-3668.

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At this point you should determine what type of case you want to file and the clerk will provide you with the forms. As a general rule if a case involving custody, or support already exists involving the child(ren) you should file a motion. If this is the first time the court is involved then you use a complaint. Once you have decided what type of case you want to file, ask the clerk for the necessary paperwork.

B. SERVICE:

In order to initiate a court case you must legally give notice to the other party or parties. This procedure is known as a SERVICE OF PROCESS.

Giving notice is different than legal notice. The fact that a person knows about the hearing is not enough. They must have received the notice through legal process. The parties may waive service etc (use form GF 2.0)

If you know the person's address service is easily accomplished through CERTIFIED MAIL SERVICE. The clerk will take care of the service. If the certified mail is returned as undeliverable there are several options.

1. If the certified mail is unclaimed or refused, then the clerk may be able to complete service by regular mail. (Use form GF 2.1)
2. If service cannot be completed by mailing you may request personal service by the sheriff. This procedure will work if you know where the defendant will be at certain time (i.e. work, picking up a child for visitation, church, a bar, etc.) (Use form GF 2.1)
3. If all else fails you may serve by publication. Publication can be accomplished by serving notice in a newspaper or by posting. In the event you need to serve by publication, the clerk can provide, you with additional information you may need. Service by publication is time consuming and can be extremely expensive. A thorough investigation can usually provide an address. Contact the clerk for information regarding posting. (Use form GF 2.3)

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C. FILLING OUT THE FORMS:

1. You should fill out these forms before you go to the Courthouse to file them. **THE COURT STAFF WILL NOT HELP YOU IN COMPLETEING THESE FORMS.** They can only provide you with general information concerning your case number, and the date and time of your hearing. **PLEASE PRINT ALL INFORMATION CLEARLY.**
2. You will also need a **DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**, which is enclosed. (Form GF 1.0)
3. The UCCJEA **MUST** be filled out completely and notarized. If this document is not filed, the Court has no jurisdiction over this matter and the Court cannot hear your case. **THE COURT STAFF WILL NOT NOTARIZE THESE DOCUMENTS FOR YOU.**
4. Leave any **JUDGE'S ORDER/NOTICE OF HEARING** blank until you are at the Courthouse and ready to file the Motion. The Clerk's office may give you the date and time of the hearing. If they do, fill in the blank while at the Clerk's office. (Form GF 3.0)

D. FILING THE MOTION:

1. After you have filled all the forms out, go to the Clerk of Juvenile Court at the County Courthouse in the county where the last order for custody was made. This is the only place you can file the Motion.
2. All cases require the payment of Court cost. When you file your case, you should be prepared to pay a deposit. This is an initial deposit. If your costs exceed this amount, you will be billed for the balance.
3. If you are unable to prepay these Court costs, you must fill out the enclosed **AFFIDAVIT OF INABILITY TO PREPAY OR GIVE SECURITY FOR COSTS.** **DO NOT** sign this Affidavit unless you are in front of a Notary Public. **THIS MUST BE DONE BEFORE YOU TAKE THE PAPERS TO THE COURT FOR FILING.** The Court will review this Affidavit and decide whether or not you are permitted to file your documents without prepaying the Court costs. *Remember, this does not mean that you will never have to pay Court costs.* It means that you will not have to *prepay* the cost. It is up to the Court to decide who pays Court costs. As a general rule, **ANYONE WHO IS EMPLOYED MUST PAY THEIR COSTS AT THE TIME OF FILING.** (Form GF 4.0)

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E. HEARING:

1. You should be prepared for the hearing. You should be neat, clean and appropriately dressed. You must have with you at the time of the hearing any witnesses that you want to verify why the Motion should be granted. You should also have with you any papers or other documents or evidence (such as work schedules, etc.) that you want the Judge to see during our case. Because the Court may ask you about your financial information, you should bring with you proof of your income (i.e. letter from the Welfare Office, Department of Jobs and Family Services, letter from employer, check stubs, letter from Social Security, etc.).
2. You should have in front of you at the start of the hearing the specific part of the Court's prior Order that you want to have changed, or what Order you request. You should tell the Judge in clear and simple terms why you want the change and why it is in the best interest of your child(ren) to have the Motion granted, or Order requested. The hearing is your opportunity to present your side of the story, so make certain that you include everything in your testimony. It may be helpful if you sit down before the hearing and make a written outline of everything that has happened and the current circumstances that support your Motion so that you will have something you can use to remind yourself of what it is you want to say when you testify.
3. **VERY IMPORTANT!** Time is limited. Restrict yourself to the issue before the Court and the factors involved with that issue. The Judge will only want to hear the evidence that you have that shows or supports the specific Complaint or Motion before the Court.
4. At the hearing you may be asked questions by the Judge, or the other party in this case or the attorney of the other party, if there is one. You must answer the questions truthfully, but you don't need to volunteer information. Listen to the question and make sure that you are providing the information that you were asked. If you do not understand a question, or are not sure what you are being asked, you have the right to have the question explained to you before answering it.
5. The Judge may not make the decision to grant your Motion at the end of this hearing. Listen closely to what the Judge has to say at the end of the hearing to know if the matter will be taken "under advisement" or if the Complaint or Motion was granted or denied.

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

MOTION FOR CONTEMPT

Now comes _____, Plaintiff/Defendant, and
moves this Honorable Court to hold _____, Plaintiff/Defendant
in Contempt of this Court for disobeying a previous Order of this Court or an Administrative Order of
Support. The reason for this request is:

_____ Failure to provide visitation

_____ Other: _____

Respectfully Submitted,

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

MEMORANDUM IN SUPPORT

The facts upon which this request is made are as follows: _____

Respectfully Submitted,

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

REQUEST FOR SERVICE

TO THE CLERK OF SAID COURT:
Make service on the following parties:

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

- By: () Certified Mail, Return Receipt Requested
() Ordinary Mail (may be used only if certified mail is unclaimed or refused)
() Issuance to Sheriff of _____ County, Ohio
() For (Personal) or (Residence) Service
() \$15.00 additional fee attached for costs of issuance to foreign Sheriff
() Other: Specify _____

SPECIAL INSTRUCTIONS TO SHERIFF: _____

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiffs

VS.

Defendant

SUMMONS AND ORDER TO APPEAR

Upon the motion of _____ and for good cause shown, _____ is hereby summoned and ordered to appear before a Magistrate of this Court at the **Pickaway County Court of Common Pleas, 207 South Court Street, Basement, Circleville, Ohio 43113**, on _____, to show cause why he/she should not be found in contempt for failure to obey a prior Court order for support.

NOTICE

Pursuant to Ohio Revised Code 2705.031 you are hereby given notice that:

1. Failure to appear pursuant to this order of the Court may result in the issuance of an order for your arrest and an issuance of an order for the payments of support by withholding an amount from your personal earnings or by deducting or withholding an amount from some other asset of yours.
2. You have the right to counsel, and if you believe that you are indigent, you must apply for a public defender or Court appointed counsel within three (3) business days after receipt of this summons. Should you choose to apply for Court appointed counsel, please contact the Pickaway County Juvenile Court, 207 South Court Street, 1st Floor, Circleville, Ohio 43113, 740-474-3117.
3. The Court may refuse to grant a continuance at the time of the hearing for the purpose of obtaining counsel, if you have failed to make a good faith effort to either retain counsel or to obtain Court appointed counsel.
4. If you are found guilty of contempt for failure to pay support or any other matter alleged herein, the Court may order the following:

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- a. If this is your First offense you may be sentenced to a definite term of imprisonment of not more than thirty (30) days in jail, fined not more than Two Hundred Fifty Dollars (\$250.00), or both.
- b. If this is your Second offense you may be sentenced to a definite term of imprisonment of not more than sixty (60) days in jail, fined not more than Five Hundred Dollars (\$500.00), or both.
- c. If this is your Third offense you may be sentenced to a definite term of imprisonment of not more than ninety (90) days in jail, fined nor more than One Thousand Dollars (\$1,000.00), or both.

Judge Jan Michael Long

Date

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
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CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

NOTICE OF HEARING

_____ Pre-Trial
_____ Final Hearing
_____ Other _____

Upon the Motion / Complaint filed _____, 20____,

By _____ and for good cause shown, this matter shall come on
for hearing on the _____ day of _____, 20____, at _____ O'Clock __.m.

Judge/Magistrate

Date

CC: _____

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

REQUEST FOR SERVICE

TO THE CLERK OF SAID COURT:

Make service on the following parties:

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

- By: () Certified Mail, Return Receipt Requested
() Ordinary Mail (may be used only if certified mail is unclaimed or refused)
() Issuance to Sheriff of _____ County, Ohio
() For (Personal) or (Residence) Service
() \$15.00 additional fee attached for costs of issuance to foreign Sheriff
() Other: Specify _____

SPECIAL INSTRUCTIONS TO SHERIFF: _____

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

NOTICE OF HEARING

_____ Pre-Trial
_____ Final Hearing
_____ Other _____

Upon the Motion / Complaint filed _____, 20____,

By _____ and for good cause shown, this matter shall
come on for hearing on the _____ day of _____, 20____, at
_____ O'Clock __.m.

Judge/Magistrate

Date

CC: _____

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

AFFIDAVIT OF INABILITY TO PREPAY OR GIVE SECURITY
FOR COURT COST

STATE OF OHIO) SEC. 2323.31 REVISED CODE
)
COUNTY OF PICKAWAY)

I, the undersigned, a party in the above captioned case, being first duly sworn, represent to the court that I am unable either to prepay or give security for costs in this action and request the Clerk to accept the attached pleading herein without prepaying or giving security for costs as provided by Sec. 2323.21 of the Revised Code.

In support of this request, I submit answers to the following questions:

1. What is your age? _____ years.
2. Do you have any children? _____ If so, give names and ages _____

3. What is your occupation and business? _____
4. Are you employed? _____ If so, give names and addresses of your employer(s). _____

5. What did you earn during the past year? _____
6. What are your parent's names and ages? _____

7. Do you own any real estate? _____ If so, give its value _____

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- Is it mortgaged? _____ If so, give the mortgage _____
8. Do you own an automobile? _____ If so, what is the value? _____
9. What other thing(s) do you own? _____
What debts are against it (them)? _____
10. Have you made an advance payment to your attorney for his services in this case?
_____ If so, how much? _____ Who paid it? _____
11. Do you have any securities or bank accounts? _____
If so, give its value _____
12. Are you receiving public assistance? _____
If so, what kind? _____ How much? _____

OATH OF AFFIANT

STATE OF OHIO)
)
COUNTY OF PICKAWAY)

I hereby swear or affirm that the answers above are true, complete and accurate to the best of my knowledge. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, that falsification of this document may also subject me to criminal penalties for perjury under Ohio Revised Code 2921.11.

AFFIANT

Sworn to and subscribed before me on the _____ day of _____, 20_____.

Notary Public

IN THE COURT OF COMMON PLEAS, PICKAWAY COUNTY, OHIO
JUVENILE DIVISION

CASE NO: _____

Plaintiff/Petitioner

VS.

Defendant/Respondent

ENTRY

Upon motion and for good cause, the request to waive the prepayment or the issuance of security for costs in this action is granted / denied.

Judge / Magistrate