

MOTION TO MODIFY CUSTODY

Knox County Juvenile Court

This packet can only be used in Juvenile Court, when a custody order has already been issued by that court. Unlike the Agreed Change of Residential Parent and Legal Custodian packet, this packet does not require that the parties agree to the change of custody.

INSTRUCTIONS FOR MOTION TO MODIFY
PARENTAL RIGHTS AND RESPONSIBILITIES
Juvenile Court - Order Already Established

Attached is a form motion to modify parental rights and responsibilities (change custody).

WARNING

MODIFYING THE ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES, ALSO KNOWN AS CHANGING CUSTODY AND VISITATION, IS A VERY SERIOUS THING TO DO. YOU MAY NOT BE ABLE TO CHANGE IT BACK AGAIN. TO CHANGE CUSTODY, THE LAW REQUIRES TWO THINGS: 1) THE COURT MUST DECIDE THAT A CHANGE HAS OCCURRED IN THE CIRCUMSTANCES OF THE CHILD(REN) OR THE CUSTODIAL PARENT SINCE THE LAST COURT ORDER THAT DETERMINED CUSTODY; AND 2) THE COURT MUST DECIDE THAT CHANGING CUSTODY IS NECESSARY TO SERVE THE BEST INTEREST OF THE CHILD(REN).

IN APPLYING THIS TEST, THE COURT WILL GENERALLY REFUSE TO CHANGE THE LAST CUSTODY ORDER UNLESS THE COURT DECIDES THAT CHANGING IT WOULD BE IN THE BEST INTEREST OF THE CHILD AND EITHER 1) THE CUSTODIAL PARENT AGREES TO THE CHANGE, OR 2) THE COURT DECIDES THAT THE CHILD(REN) HAVE BEEN "INTEGRATED" WITH THE CONSENT OF THE CUSTODIAL PARENT INTO THE HOUSEHOLD OF THE PERSON SEEKING THE CHANGE, OR 3) THE COURT DECIDES THAT THE HARM LIKELY TO BE CAUSED TO THE CHILD BY THE CHANGE IS OUTWEIGHED BY THE ADVANTAGES.

RIGHT NOW YOU MAY BE ABLE TO PERSUADE THE COURT TO CHANGE CUSTODY AFTER COMPLETING AND FILING THE FORMS ATTACHED TO THESE INSTRUCTIONS BECAUSE THE CUSTODIAL PARENT IS AGREEING TO THE CHANGE. HOWEVER, IF YOU CHANGE YOUR MIND IN THE FUTURE AND WANT TO CHANGE CUSTODY BACK TO THE WAY IT IS NOW, YOU PROBABLY WILL NOT BE ABLE TO UNLESS THE COURT DECIDES THAT THERE HAS BEEN A NEW CHANGE OF CIRCUMSTANCES AND THE COURT DECIDES THAT A CHANGE IS NECESSARY TO SERVE THE BEST INTEREST OF THE CHILD(REN). WHAT THIS MIGHT MEAN IS THAT IF THE PERSON WHO IS MADE THE CUSTODIAL PARENT BY YOUR NEW COURT ORDER WILL NOT AGREE TO GIVE CUSTODY OF THE CHILD(REN) BACK TO YOU, YOU MAY NOT BE ABLE TO GET CUSTODY BACK. IF YOU HAVE ANY DOUBTS ABOUT USING THESE FORMS, YOU SHOULD CONSULT AN ATTORNEY.

A. LIST OF FORMS

1. **Motion for Reallocation of Parental Rights and Responsibilities** (2 pages)
2. Request for Service (2 pages)
3. **Affidavit of Indigency** (2 pages)
4. Judgment Entry for Affidavit of Indigency (2 pages)
5. **OPD/Financial Affidavit** (if needed) (10 pages)
6. **UCCJEA Parenting Affidavit** (3 pages)
7. **Health Insurance Disclosure Affidavit** (5 pages)
8. Standard Companionship (visitation) Schedule (7 pages)
9. 2009 Knox County Courts Fee Schedule (1 page)

Please note:* All forms in **BOLD must be signed in front of a notary. If you have a bank, your bank may notarize the affidavits at no cost to you. If you go to a bank which you do not use, you may be charged a small fee for having your papers notarized.

Also enclosed are the following:

Application for Child Support Services - Non-Public Assistance Applicant
Rules to Follow When You Are Representing Yourself
Representing Yourself in Court? How to Use ... Evidence to Help Prove Your Case
How to Handle Witnesses When You Are Representing Yourself
Map to Knox County Court

B. FILLING OUT THE FORMS

1. You should fill out these forms before you go to the Courthouse to file them. Other than telling you the time and date of the hearing, the Court staff will not help you in completing these forms.
2. Attached is a sample motion with numbered blanks to show you where you should fill in the information on the form without numbers in the blanks. Practice filling in the appropriate numbered blanks on the sample before filling in the form without numbers which you will then file.
3. **MOTION TO MODIFY PARENTAL RIGHTS AND RESPONSIBILITIES** - In the #1 blank, fill in the name(s) of the minor child(ren). In the #2 blank, fill in the case number that appears on your last court order or judgment entry. In the #3 blank, fill in your name. In the #4 blank, fill in the name of the other parent. In the #5 blank, fill in your relationship with the minor child(ren) (mother or father). In the #6 blank(s), fill in the name of the minor child(ren). In the #7 blank(s), fill in the date(s) of birth of the minor child(ren). In the #8 blank fill in the relationship of the other parent (if you are the mother, the other parent is the father). In the #9 blank, fill in the name of the other parent. In the #10 blank, fill in the address of the other parent. In the #11 blank, fill in the name of the person the child(ren) is/are living with at the present time. If the child(ren) are living with you, write "me." In the #12 blank, write in the reason the child(ren) is/are living there. In the #13 blank, fill in what the change of circumstances is since the last court order or judgment entry affecting custody and why it is in the best interest of the child(ren) that you have custody. In the #14 blank write the word "not" if the child(ren) is/are not a ward of another court. If the child(ren) is/are a ward, leave #14 blank. In the #15 blank, you should sign your name IN FRONT OF A NOTARY and fill in your address. The notary will complete the rest of the form. A notary public can be found by looking into the yellow pages or can often be found at your local bank.
4. You will also need to file a **REQUEST FOR SERVICE**. Fill in the child(ren)'s name(s) and case number on the Request for Service just as you did on the Petition. You should probably check the box for certified mail service, though you have other options. Sign your name on the last line. Do NOT fill in any of the blanks on the Return of Service. The Clerk or Sheriff's office will do that later.
5. You will also need a **CHILD CUSTODY AFFIDAVIT** which is enclosed with instructions. There is also a sample form with numbered blanks enclosed.

6. If you cannot afford to pay the filing fee, you will need a **POVERTY AFFIDAVIT** which is enclosed with instructions. This does not mean you will not be responsible for court costs. It means that you would not have to prepay the costs or pay a deposit on the costs by paying a filing fee. To find out how much the filing fee is, call the Court.
7. You will need to get a certified copy of the birth certificate of the minor child.
8. If there is a modification of the original child support order, fill out the enclosed form to request the services of the Child Support Enforcement Agency.

C. FILING THE MOTION

1. After you have filled all the forms out, make three copies of each and go to the office of the Clerk of Courts of the Juvenile Court in the county where you and the minor child live. This is the only place you can file your Motion. File the Motion and Child Custody Affidavit, along with the Poverty Affidavit if you cannot afford the filing fee.
2. At the time of the filing, the Clerk of Courts will take the original and one or two copies of the Motion, Child Custody Affidavit, and Poverty Affidavit. Ask for a time-stamped copy of everything so that you can have a copy for your records.
3. Ask the Clerk for a copy of the Visitation Guidelines and also ask how to schedule a hearing. Follow the instructions you are given carefully.

D. HEARING

1. You will need to appear at the hearing on the date and at the time the Court schedules it. Take the certified copy of the birth certificate with you.
2. You will need to tell the Judge why you want custody and what you want with regard to visitation. You may also want to bring other witnesses who can give important information about you, your child, or your child's other parent.
3. Because the Court may ask you about your financial information, you should both take with you proof of your income (i.e. letter from the welfare office, letter from employer, check stub, letter from social security). You should also let the Judge know that you have requested the Child Support Enforcement Agency to investigate and establish a child support order if you have done so.
4. Answer the questions truthfully and try to respond to the questions that you are asked. Listen to the question and make sure you understand it before you answer it. If you do not understand the question or are not sure what you are being asked, you have the right to have the question explained to you before answering, and you should be sure and ask to have it explained to you.

IN SOME INSTANCES YOU, THE OTHER NATURAL PARENT, AND THE MINOR CHILD MAY BE ENTITLED TO A COURT-APPOINTED ATTORNEY IF YOU CANNOT AFFORD AN ATTORNEY. IF YOU ARE NOT SATISFIED WITH THE WAY THINGS ARE GOING AND ARE HAVING DIFFICULTIES, YOU SHOULD ASK THE COURT FOR A COURT-APPOINTED ATTORNEY.

Good luck!

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

IN THE MATTER OF:

CASE NO. -2-

- 1 -

MOTION TO MODIFY
PARENTAL RIGHTS AND
RESPONSIBILITIES

- 1 -
Minor Child(ren) Child(ren) of:

- 3 -

and

- 4 -

1. I am the - 5 - of the minor child(ren), - 6 - , born

- 7 - ; - 6 - , born - 7 - ; and

- 6 - , born - 7 - .

2. The natural - 8 - of the minor child(ren) is - 9 -

and s/he resides at - 10 - .

3. The minor child(ren) is/are currently residing with - 11 - because

- 12 - .

Circumstances have changed since the last custody order, and it would be in the best interest of the child(ren) that I be granted custody because - 13 -

_____ In

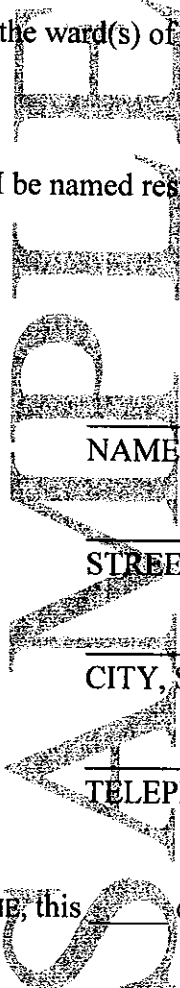
the Matter of -1-

Motion to Modify Parental Rights and Responsibilities

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4. The child(ren) is/are - 14 - the ward(s) of another court of this or any other state.

WHEREFORE, I hereby request that I be named residential parent and sole custodian of the above minor child(ren).



- 15 -

NAME

STREET ADDRESS

CITY, STATE, ZIP

TELEPHONE

SWORN TO AND SUBSCRIBED BEFORE ME, this 8 day of _____, 20 ____.

NOTARY PUBLIC

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

IN THE MATTER OF:

CASE NO. _____

MOTION TO MODIFY
PARENTAL RIGHTS AND
RESPONSIBILITIES

Minor Child(ren) Child(ren) of:

and

1. I am the _____ of the minor child(ren), _____,

born _____ ; _____, born _____

; and

_____, born _____.

2. The natural _____ of the minor child(ren) is _____

and s/he resides at _____

3. The minor child(ren) is/are currently residing with _____

because _____

_____.

Circumstances have changed since the last custody order, and it would be in the best interest of the

child(ren) that I be granted custody because _____

_____.

4. The child(ren) is/are _____ the ward(s) of another court of this or any other state.

WHEREFORE, I hereby request that I be named residential parent and sole custodian of the above minor child(ren).

NAME

STREET ADDRESS

CITY, STATE, ZIP

TELEPHONE

SWORN TO AND SUBSCRIBED BEFORE ME, this _____ day of _____, 20 _____.

NOTARY PUBLIC

Form 2

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

In the Matter of:

CASE NO. _____

REQUEST FOR SERVICE

TO THE CLERK OF SAID COURT:

Make service on the following parties:
(Names & Addresses Shown)

- by () Certified Mail, Return Receipt Requested
- () Addressee Only, Certified Mail, Return Receipt Requested
- () Ordinary Mail
- () Issuance to Sheriff of _____ County, Ohio for (Personal) (Residence) service.
- () (\$15.00 additional Deposit attached for costs of issuance to foreign Sheriff)
- () Other: Specify

SPECIAL INSTRUCTION TO SHERIFF:

RETURN OF SERVICE

FEES

Service \$ _____

Mileage \$ _____
_____ mi at _____

Total \$ _____

I received this (Summons) (Notice) on _____, 20__ at _____ o'clock, __ m., and made service of it on _____, 20__ upon _____

() by locating (him) (her) (them) and tendering a copy of (summons) (notice) and accompanying documents.

() by leaving, at (his) (her) (their) usual place of residence with _____, a person of suitable age and discrimination then residing therein, a copy of the (summons) (notice) and accompanying documents.

() I was unable to serve a copy of (summons) (notice) upon (him) (her) (them) for the following reasons: _____

(Sheriff)
(Deputy Sheriff)
(Process Server)

Form 3

Instructions for Completing Financial Disclosure/Affidavit of Indigency Form OPD-206R

The following instructions are for the *Financial Disclosure/Affidavit of Indigency* form (OPD-206R). The form is divided into ten sections, I-X. For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE APPLICANT

I. PERSONAL INFORMATION

- (1) Enter the name of the applicant.
- (2) Enter the Social Security number for which representation is being provided.
- (3) Enter the date of birth of the applicant. Use the format Month/Day/Year.
- (4) Enter the street address where the applicant receives mail. Include P.O. Box number, street number, and apartment number where applicable, as well as the city, state, and zip code.
- (5) Enter the home telephone number of the applicant. If there is no home telephone, write "none" in this space.
- (6) Enter the residential address of the applicant if it is different from the mailing address. If the mailing address and the residential address are the same, leave this space blank.
- (7) Enter the number of a telephone where the applicant may receive messages within 48 hours after the caller leaves them. This is especially important if there is no home telephone. There must be a way for the courts and the appointed attorney(s) to contact the applicant by telephone if necessary.

II. OTHER PERSONS LIVING IN HOUSEHOLD

- (8) Enter the names of other persons living in the applicant's household. These other persons may include children and other dependents as well as other financially contributing members of the household.
- (9) Enter the ages of the other persons living in the applicant's household.
- (10) Enter the relationship to the applicant of the other persons living in the household. For example, to indicate the relationship of a female child of the applicant, this space should read "daughter," not "father" or "mother."

If there are more than four other persons living in the applicant's household, attach additional sheet that provides the same information for those not listed on the form.

III. MONTHLY INCOME / EMPLOYMENT

For each type of income, the applicant must enter their own earnings in the "Self" column, the spouse's earnings in the "Spouse" column, and the total earnings of other financially contributing persons living in the household in the "Household Members" column. In the "Total" column, enter the total income from each type by adding the amounts across each row.

List monthly income figures for the following:

- (11) Earnings or wages before taxes.
- (12) Unemployment compensation received.
- (13) Workers' compensation received.
- (14) Pension benefits received.
- (15) Social security benefits received.
- (16) Child support received from a parent not living in the household. Do not include ADC in the calculation of this amount.
- (17) Works First/TANF.
- (18) Disability pay.
- (19) Any other income source. **Note: Food stamps can no longer be considered as income. 51 USC 2107 (b).**
- (20) Any other income source.
- (21) Enter the total income for the household by adding together the amounts in the "Total" column.
- (22) Enter the name of the applicant's employer and the name(s) of the employer(s) of any other employed household member(s).
- (23) Enter the address and phone number of the employer(s).

IV. ALLOWABLE MONTHLY EXPENSES

List monthly household expenses for the following:

- (24) Child support actually paid for children not residing in the applicant's household.
- (25) Child care. This expense may not be claimed if any adult member of the applicant's household is unemployed.
- (26) Transportation to and from work. This may include bus fare or gasoline and parking expenses, but not auto insurance or repairs.
- (27) All types of insurance. This should include medical, dental, life, homeowners insurance, renters insurance, automobile insurance, etc.
- (28) Health and dental care that is over and above the amount paid for medical and dental

insurance. This may include prescription medications, co-payments, the payment of deductibles, etc.

- (29) Medical expenses and other expenses incurred in caring for sick or injured family members.
- (30) Enter the total of monthly expenses by adding together the entries in the "Amount" column.

V. TOTAL INCOME

- (31) Enter the amount shown at "Subtotal A," the space identified in these instructions as number (20).
- (32) Enter the amount shown at "Subtotal B," the space identified in these instructions as number (30).
- (33) Enter the total monthly income at "Grand Total C" by subtracting the amount in space (32) from the amount in space (31).

VI. ASSET INFORMATION

For each "Type of Asset" listed in this section, the applicant must describe the item(s) in the center column including length of ownership and the make, model, and year of the asset whenever applicable, and indicate the value of that item in the "Estimated Value" column. The following instructions clarify the types of assets about which information is requested.

- (34) "Real Estate/Home" includes any and all property and buildings owned or mortgaged by the applicant. The description of the property or buildings should include the length of ownership. The estimated current market value of the property or buildings should be entered in the "Estimated Value" column.
- (35) List the total of all "Stocks/Bonds/CD's" owned by the applicant.
- (36) "Automobiles" includes cars only.
- (37) "Trucks/Boats/Motorcycles" includes any type of mechanically powered vehicle other than cars used for transportation.
- (38) Other Valuable Property may include precious metals and/or stones, works of art, valuable collections, electronic equipment, farm equipment, etc. This category does not include home furnishings and clothing.
- (39) "Cash on Hand" includes any U.S. currency immediately available to the applicant.
- (40) "Money owed to applicant" includes tax refunds, anticipated dividends, or any accounts payable expected from an individual or an organization for which agreed upon services or goods were provided by the applicant for an agreed upon price.
- (41) "Other" refers to any other type of asset owned by the applicant to which a dollar value can be attached.
- (42) Enter the name of the bank at which the checking account is held, the account number, and the current balance of the checking account.
- (43) Enter the name of the bank at which the savings account is held, the account number, and the current balance of the savings account.

- (44) Enter the name of the credit union at which an account is held, the account number, and the current balance of the account.
- (45) Enter the "Grand Total" of the applicant's assets by adding together the amounts entered in the "Estimated Value" column.

VII. MONTHLY LIABILITIES ' OTHER EXPENSES

The applicant must enter the monthly amount of each "Type of Liability" listed in this section. The following instructions clarify the liabilities about which information is requested.

- (46) "Rent/Mortgage" refers to any payment made for living quarters. The total amount paid must be entered in this space.
- (47) "Food" refers to the amount spent on food by the applicant's household. The dollar value of food purchased with food stamps should be included in the amount entered.
- (48) "Electric" refers to the cost of electricity purchased from a regulated electricity provider. If the cost of electricity is included in the monthly rent, no dollar amount should be entered here.
- (49) "Gas" refers to the cost of natural gas or L.P. gas purchased from a regulated natural gas or L.P. gas provider. If this cost is included in the monthly rent, no dollar amount should be entered here.
- (50) "Fuel" refers to the cost of gasoline purchased for purposes other than transportation to and from work, plus the amount of other fuels purchased for other necessary reasons such as heating and the operation of farm machinery.
- (51) "Telephone" refers to the cost of all local and long distance telephone calls.
- (52) "Cable" refers to the cost of cable television service.
- (53) "Water/Sewer/Trash" refers to the cost of each of these services. If the applicant is not billed directly for one or more of these services, no dollar amount should be entered here.
- (54) "Credit Cards" refers to the total of the minimum monthly payments currently owed on all major credit cards, department store cards, or independent credit cards held by the applicant.
- (55) "Loans" refers to the total monthly payments on all loans including student loans, automobile loans, and loans for other purposes. Home mortgages are not to be included in this category.
- (56) "Taxes Owed" refers to the monthly amount of federal, state, and local taxes owed by the applicant. These include current taxes withheld by the employer as well as past tax debt that is currently being repaid.
- (57) "Other" refers to any other regular monthly expenditure (e.g. education for children or self, rent-to-own items, etc.).
- (58) Enter the "Grand Total E" by adding together all the liabilities and other expenses in the section.

VIII. GRAND TOTALS

- (59) Enter the "Total Monthly Income." This is the same number found at "Grand Total C," or number (33) of these instructions.
- (60) Enter the "Total Assets." This is the same number found at "Grand Total D," or number (45) of these instructions.
- (61) Enter the "Total Monthly Liabilities/Other Expenses." This is the same amount found at "Grand Total E," or number (61) of these instructions.

IX. AFFIDAVIT OF INDIGENCY

- (62) Print or type the name of the applicant.
- (63) Enter the signature of the applicant and the date of signature as witnessed by a notary public.

TO BE COMPLETED BY A NOTARY PUBLIC

- (64-65) Enter the date the signing of the affidavit was witnessed.
- (66) Enter the county in which the signing of the affidavit was witnessed.
- (67) Enter the state in which the signing of the affidavit was witnessed.
- (68) The notary public must sign and stamp the form.

TO BE COMPLETED BY THE JUDGE

X. JUDGE CERTIFICATION

This section of the form should only be completed if the applicant is unable to fill out the financial disclosure form and/or sign the affidavit of indigency. In such a case, the judge may indicate by his or her signature that the applicant is indeed indigent.

- (69) List the reason the client is unable to sign the form.
- (70) The judge must sign any form that cannot be properly completed by the applicant.

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

Name (1)	SS# (2)	D.O.B. (3)
Mailing Address (4)	City (4)	State (4) Zip (4) Phone (5)
Residence (if different from above) (6)	Message Phone (within 48 hours) (7)	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name (8)	Age (9)	Relationship (10)	Name (3)	Age	Relationship

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

Type of Income	Self	Spouse	Household Members	Total
Employment (Gross)	(11)			
Unemployment	(12)			
Worker's Comp.	(13)			
Pension	(14)			
Social Security	(15)			
Child Support	(16)			
Works First/TANF	(17)			
Disability	(18)			
Other	(19)			
Other	(20)			
Employer's Name (for all household members)(22)			SUBTOTAL A	(21)
Address				Phone

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

Type of Expense	Amount	
Child Support Paid Out	(24)	Total Monthly Income - Total Allowable Expenses = Total Income
Child Care (if working only)	(25)	
Transportation for Work	(26)	
Insurance	(27)	
Medical/Dental	(28)	
Medical & Associated Costs of Caring for Infirm Family Members	(29)	
SUBTOTAL B	(30)	

SUBTOTAL A	(31)
- SUBTOTAL B	(32)
GRAND TOTAL C	(33)

VI. ASSET INFORMATION

Type of Asset	Describe/Length of Ownership/Make, Model, Year (Where applicable)	Estimated Value
Real Estate/Home	Price:\$ Date Purchased: (34) Equity:	
Stocks/Bonds/CD's	(35)	
Automobiles	(36)	
Trucks/Boats/Motorcycles	(37)	
Other Valuable Property	(38)	
Cash on Hand	(39)	
Money Owed to Applicant	(40)	
Other	(41)	
Checking Acct. (Bank/Acct. #)	(42)	
Savings Acct. (Bank/Acct. #)	(43)	
Credit Union (Name/Acct.#)	(44)	
GRAND TOTAL D		(45)

VII. MONTHLY LIABILITIES/OTHER EXPENSES		VII. GRAND TOTALS	
Type of Liability	Amount		
Rent/Mortgage	(46)	Total Monthly Income	Grand Total C (59)
Food	(47)		
Electric	(48)		
Gas	(49)		
Fuel	(50)		
Telephone	(51)	Total Assets	Grand Total D (60)
Cable	(52)		
Water/Sewer/Trash	(53)		
Credit Cards	(54)		
Loans	(55)	Total Monthly Liabilities and Other Expenses	Grand Total E (61)
Taxes Owed	(56)		
Other	(57)		
GRAND TOTAL E	(58)		

IX. AFFIDAVIT OF INDIGENCY

I, _____ (62) _____ being duly sworn, say:

- I am financially unable to retain private counsel without substantial hardship to me or my family.
- I understand that I must inform my attorney if my financial situation should change before the disposition of my case.
- I understand that if it is determined by the county, or by the Court, that legal representation was provided for me to which I was not entitled, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
- I understand that I am subject to criminal charges for providing false financial information in connection with the above application for legal representation pursuant to Ohio Revised Code Section 120.05 and 2921.13.
- I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Client Signature _____ (63) _____ Date

Notary Public:

Subscribed and duly sworn before me according to law, by the above named applicant this ___(64)___ day of ___(65)___, _____, County of ___(66)___ and State of ___(67)___.

Notary Signature _____ (68)

X. JUDGE/ATTORNEY CERTIFICATION

I hereby certify that the above-noted client is unable to fill out and/or sign this financial disclosure/affidavit for the following reason: _____ (69) _____.

I have determined that the applicant meets the criteria for receiving court appointed counsel.

Judge/Attorney Signature _____ (70) _____ Date

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

Name		SS#		D.O.B.	
Mailing Address			City	State	Zip
Residence (if different from above)			Phone ()		
			Message Phone (within 48 hours) ()		

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	Age	Relationship	Name 3)	Age	Relationship
Name 2)	Age	Relationship	Name 4)	Age	Relationship

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

Type of Income	Self	Spouse	Household Members	Total
Employment (Gross)				
Unemployment				
Worker's Comp.				
Pension				
Social Security				
Child Support				
Works First/TANF				
Disability				
Other				
Other				
Employer's Name (for all household members)			SUBTOTAL A	
Address				Phone ()

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

Type of Expense	Amount
Child Support Paid Out	
Child Care (if working only)	
Transportation for Work	
Insurance	
Medical/Dental	
Medical & Associated Costs of Caring for Infirm Family Members	
SUBTOTAL B	

Total Monthly Income - Total Allowable Expenses = Total Income

SUBTOTAL A	
- SUBTOTAL B	
GRAND TOTAL C	

VI. ASSET INFORMATION

Type of Asset	Describe/Length of Ownership/Make, Model, Year (Where applicable)	Estimated Value
Real Estate/Home	Price:\$ Date Purchased: Equity:	
Stocks/Bonds/CD's		
Automobiles		
Trucks/Boats/Motorcycles		
Other Valuable Property		
Cash on Hand		
Money Owed to Applicant		
Other		
Checking Acct. (Bank/Acct. #)		
Savings Acct. (Bank/Acct. #)		
Credit Union (Name/Acct.#)		
GRAND TOTAL D		

VII. MONTHLY LIABILITIES/OTHER EXPENSES		VII. GRAND TOTALS	
Type of Liability	Amount		
Rent/Mortgage		Total Monthly Income	Grand Total C
Food			
Electric			
Gas			
Fuel			
Telephone		Total Assets	Grand Total D
Cable			
Water/Sewer/Trash			
Credit Cards		Total Monthly Liabilities and Other Expenses	Grand Total E
Loans			
Taxes Owed			
Other			
GRAND TOTAL E			

IX. AFFIDAVIT OF INDIGENCY

I, _____ being duly sworn, say:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform my attorney if my financial situation should change before the disposition of my case.
3. I understand that if it is determined by the county, or by the Court, that legal representation was provided for me to which I was not entitled, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with the above application for legal representation pursuant to Ohio Revised Code Sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Client Signature Date

Notary Public:
Subscribed and duly sworn before me according to law, by the above named applicant this _____ day of _____, _____, County of _____ and State of _____.

Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

I hereby certify that the above-noted client is unable to fill out and/or sign this financial disclosure/affidavit for the following reason: _____

I have determined that the applicant meets the criteria for receiving court appointed counsel.

Judge/Attorney Signature Date

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

Plaintiff,

vs.

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

AFFIDAVIT OF INDIGENCY

STATE OF OHIO,
COUNTY OF KNOX

I, _____, am the Plaintiff/Defendant in the above-captioned case.

2. I do not have the funds or assets to pay the costs of the deposit or to pay for an attorney to represent me. If sufficient funds do become available to me in the future, I am willing to pay the costs at that time.

3. I therefore request that I be allowed to proceed in this matter without prepayment of costs.

Affiant (Sign here in front of notary)

Sworn to before me and signed in my presence this ____ day of _____, 20____.

Notary Public

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

Plaintiff,

Case No. _____

vs.

Judge/Magistrate _____

Defendant.

JUDGMENT ENTRY
(ON AFFIDAVIT OF INDIGENCY)

Upon Affidavit of the Plaintiff and for good cause shown, it is hereby ordered that Plaintiff/Defendant be allowed to proceed without prepayment of costs in this matter.

IT IS SO ORDERED

MAGISTRATE/JUDGE

IN THE COURT OF COMMON PLEAS, KNOX COUNTY, OHIO
JUVENILE COURT

**DECLARATION UNDER UNIFORM CHILD CUSTODY
JURISDICTION AND ENFORCEMENT ACT (UCCJEA)**

Case No. _____
Division Domestic Relations/Juvenile

I, (full legal name) _____, being sworn according to law, certify that these proceedings involve the custody of a child, or children and the following statements are true:

1. [] I am requesting the court to not disclose my address or that of the child(ren). My address is confidential pursuant to ORC 3127.23(D) and should be placed under seal in that the health, safety, or liberty of myself and/or the child(ren) would be jeopardized by the disclosure of the identifying information.

2. (Number): _____ **Minor Child(ren) are subject to this proceeding as follows:**
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth	Date of birth	Sex
Period of residence To Present	Address <input type="checkbox"/> Confidential	Person child lived with (name & address)		Relationship
to				
to				
to				
to				

a. Child's name		Place of birth	Date of birth	Sex
Period of residence to Present	Address <input type="checkbox"/> Confidential	Person child lived with (name & address)		Relationship
to				
to				
to				
to				

a. Child's name		Place of birth	Date of birth	Sex
Period of residence to Present	Address <input type="checkbox"/> Confidential	Person child lived with (name & address)		Relationship
to				
to				
to				
to				

e. Additional children are listed on Attachment 2e. (Provide requested information for additional children on an attachment.)

3. **Participation in custody proceeding(s): (√ only one)**

____ I **HAVE NOT** participated as a party, witness, or in any capacity in any other litigation, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this proceeding.

____ I **HAVE** participated as a party, witness, or in any capacity in any other litigation, in this or any other state, concerning the custody of or visitation (parenting time) with any child subject to this proceeding.

Explain:

- a. Name of each child _____
- b. Type of proceeding _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

4. **Information about custody proceeding(s): (√ only one)**

____ I **HAVE NO INFORMATION** of any proceedings that could affect the current proceeding, including any proceedings relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this proceeding .

____ I **HAVE THE FOLLOWING INFORMATION** concerning proceedings that could affect the current proceeding, including any proceedings relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this proceeding, other than set out in item 3. Explain:

- a. Name of each child _____
- b. Type of proceeding _____
- c. Court and state _____
- d. Date of court order or judgment (if any): _____

5. **Persons not a party to this proceeding: (√ only one)**

____ I **DO NOT KNOW OF ANY PERSON** not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child subject to this proceeding.

____ I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this proceeding has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this proceeding:

(See next page)

a. Name and address of person _____
() has physical custody () claims custody rights () claims visitation rights
Name of each child _____

b. Name and address of person _____
() has physical custody () claims custody rights () claims visitation rights
Name of each child _____

c. Name and address of person _____
() has physical custody () claims custody rights () claims visitation rights
Name of each child _____

6. **Knowledge of prior child support proceedings:** (√ only one)
_____ The child(ren) described in this affidavit are **NOT** subject to existing child support order(s) in this or any state or territory.

_____ The child(ren) described in this affidavit **ARE** subject to the following existing child support order(s):

- a. Name of each child _____
- b. Type of proceeding _____
- c. Court and address _____
- d. Date of court order or judgment (if any): _____
- e. Amount of child support paid and by whom: _____

7. **I acknowledge that I have a continuing duty to advise this Court of any custody, visitation, child support, or guardianship proceeding (including dissolution of marriage, child neglect, or dependency) concerning the child(ren) in this state or any other state about which information is obtained during this proceeding.**

I certify that a copy of this document was (√ only one) () mailed () faxed and mailed () hand delivered to the person(s) listed below on (date) _____.

Other party or his/her attorney:
Name: _____ Address: _____
City, State, Zip: _____ Fax Number: _____

I understand that I am swearing or affirming under oath to the truthfulness of the statements made in this affidavit and that the punishment for knowingly making a false statement includes fines and/or imprisonment.

Dated: _____
Signature of Party _____
Printed name: _____ Address: _____
City, State, Zip: _____ Phone: _____ Fax: _____

STATE OF OHIO
COUNTY OF _____

Sworn to or affirmed and signed before me on _____ by _____

Notary Public

**IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO
JUVENILE DIVISION**

Plaintiff/Petitioner

Address _____

v.

Defendant/Petitioner

Address _____

Case No. _____

CSEA No. _____

Family File No. _____

JUDGE _____

MAGISTRATE _____

Health Insurance Disclosure Affidavit (HIDA)

INSTRUCTIONS: This affidavit must be filed according to local rules of court. You are required to disclose all requested information. You may need to consult your employer and insurer to complete this form. There is a continuing duty to update the information contained in this form. If more space is needed, attach additional page(s). Please type or print legibly.

Children Subject To Support Order

Husband / Father / Other	
DOB	SS#
Street Residence Address	

Wife / Mother / Other	
DOB	SS#
Street Residence Address	

Name	
DOB	SS#

Name	
DOB	SS#

Name	
DOB	SS#

Name	
DOB	SS#

You are to disclose all requested information in the column for you and in the column for the other party.

**Part I
Husband / Father / Other**

Name
Employer
Employer Address
Employer Phone

Is Medicaid coverage available? Yes No

Is Medicare coverage available? Yes No

If family Health insurance available either
through the employer or another group or
organization? Yes No

If not, is Private insurance available? Yes No

Is coverage presently in effect? Yes No

Who is presently covered? Yes No

Name	Relationship

Insurer / Plan Name	Phone
Address	
Policy / Group #	
Other Policy / Group # (if another policy is available)	

**Part II
Wife / Mother / Other**

Name
Employer
Employer Address
Employer Phone

Is Medicaid coverage available? Yes No

Is Medicare coverage available? Yes No

If family Health insurance available either
through the employer or another
group or organization? Yes No

If not, is Private insurance available? Yes No

Is coverage presently in effect? Yes No

Who is presently covered? Yes No

Name	Relationship

Insurer / Plan Name	Phone
Address	
Policy / Group #	
Other Policy / Group # (if another policy is available)	

You are to disclose all requested information in the columns for you and in the column for the other party.

Part I (Continued)
Husband / Father / Other

Part II (Continued)
Wife / Mother / Other

Is there a cost for coverage? [] Yes [] No

Is there a cost for coverage? [] Yes [] No

Special Instruction - The court requires both the family cost and the Individual cost information.

Special Instruction - The court requires both the family cost and the Individual cost information.

What is the annual cost for Family coverage?

\$ _____

What is the annual cost for Family coverage?

\$ _____

What is the annual cost for individual coverage?

What is the annual cost for individual coverage?

Is a Health insurance card available? [] Yes [] No

Is a Health insurance card available? [] Yes [] No

Are insurance cards required for services? [] Yes [] No

Are insurance cards required for services? [] Yes [] No

Does the plan cover Hospitalization? [] Yes [] No

Does the plan cover Hospitalization? [] Yes [] No

Is there a deductible for services? [] Yes [] No

Is there a deductible for services? [] Yes [] No

If yes, what is the deductible?

If yes, what is the deductible?

Check One:

Check One:

\$ _____ Per [] Visit [] Mo [] Yr

\$ _____ Per [] Visit [] Mo [] Yr

Is there a co-payment required? [] Yes [] No

Is there a co-payment required? [] Yes [] No

If yes, what is the co-payment?

If yes, what is the co-payment?

Check One:

Check One:

\$ _____ Per [] Visit [] Mo [] Yr

\$ _____ Per [] Visit [] Mo [] Yr

Does the plan cover doctor visits? [] Yes [] No

Does the plan cover doctor visits? [] Yes [] No

Is there a deductible for services? [] Yes [] No

Is there a deductible for services? [] Yes [] No

If yes, what is the deductible?

If yes, what is the deductible?

Check One:

Check One:

\$ _____ Per [] Visit [] Mo [] Yr

\$ _____ Per [] Visit [] Mo [] Yr

Is there a co-payment required? [] Yes [] No

Is there a co-payment required? [] Yes [] No

If yes, what is the co-payment?

If yes, what is the co-payment?

Check One:

Check One:

\$ _____ Per [] Visit [] Mo [] Yr

\$ _____ Per [] Visit [] Mo [] Yr

You are to disclose all requested information in the column for you and in the column for the other party.

Part I (Continued)
Husband / Father / Other

Is a Prescription card available? Yes No
 Is there a co-payment required? Yes No
 If yes, what is the co-payment?
 \$ _____ Per Prescription

Is Dental coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Is there a cost for Dental coverage? Yes No

Special instruction - The court requires both the family cost and the individual cost information.

What is the annual cost for Family Dental coverage?
 \$ _____

What is the annual cost for individual Dental coverage?
 \$ _____

Is a Dental insurance card available? Yes No

Are Dental insurance cards required for services? Yes No

Is Vision coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Part II (Continued)
Wife / Mother / Other

Is a Prescription card available? Yes No
 Is there a co-payment required? Yes No
 If yes, what is the co-payment?
 \$ _____ Per Prescription

Is Dental coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Is there a cost for Dental coverage? Yes No

Special instruction - The court requires both the family cost and the individual cost information.

What is the annual cost for Family Dental coverage?
 \$ _____

What is the annual cost for individual Dental coverage?
 \$ _____

Is a Dental insurance card available? Yes No

Are Dental insurance cards required for services? Yes No

Is Vision coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Part I (Continued)
Husband / Father / Other

Is there a cost for Vision coverage? [] Yes [] No

Special instruction - The court requires both the family cost and the individual cost information.

What is the annual cost for Family Vision coverage?

\$ _____

What is the annual cost for individual Vision coverage?

\$ _____

Is Vision insurance card available? [] Yes [] No

Are Vision insurance cards [] Yes [] No required for services?

Is COBRA insurance available?
(A continuation of present insurance coverage after termination of employment or marriage)

If yes, at what cost?

\$ _____ Per
Check One:
[] Mo [] Yr

Part II (Continued)
Wife / Mother / Other

Is there a cost for Vision coverage? [] Yes [] No

Special instruction - The court requires both the family cost and the individual cost information.

What is the annual cost for Family Vision coverage?

\$ _____

What is the annual cost for individual Vision coverage?

\$ _____

Is Vision insurance card available? [] Yes [] No

Are Vision insurance cards [] Yes [] No required for services?

Is COBRA insurance available?
(A continuation of present insurance coverage after termination of employment or marriage)

If yes, at what cost?

\$ _____ Per
Check One:
[] Mo [] Yr

Instructions: In a divorce or post decree action, only the party filing the HIDA is required to sign the oath. In a dissolution, both parties must sign the oath.

OATH OF AFFIANT(S) - SIGNATURE(S) MUST BE NOTARIZED

I hereby swear or affirm that the information set forth in this health insurance disclosure affidavit above is true, complete and accurate. 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, and that falsification of this document may also subject me to criminal penalties for perjury (O.R.C. 2921.11).

AFFIANT - Husband/Father/Other

AFFIANT - Wife/Mother/Other

Sworn to and subscribed in my presence on this _____ day of _____, 200_____.

Notary Public

**MODEL PARENTING SCHEDULE
KNOX COUNTY COURT OF COMMON PLEAS**

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

1. **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 end/or vacation parenting time. (See Section 5(a) below)
2. **Weekdays:** One weekday evening per week from 5:00 p.m. until 8:00 p.m. which shall be Wednesday, unless otherwise agreed and designated herein as follows:
3. **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.
4. **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, regardless of whether or not schoolage children live in the family. Frequent

contact with both parents each week is recommended for very young children.

5. Holidays (including birthdays): In odd-numbered years, mother has Spring Break, Memorial Day, Labor Day and the first half of Winter Break. In odd-numbered years, father has Martin Luther King Day, the Fourth of July, Thanksgiving, and the second half of Winter Break. In even numbered years, the schedules are reversed.

a) In the event of a conflict between regular parenting time and holiday parenting time, holiday visitation 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 any holiday falling on a Monday or Friday, if the weekend immediately preceding or following the holiday parenting time is spent with the same parent, there is no need for that parent to return the children that evening and then pick them up the next morning. For a holiday falling on a Friday, visitation/parenting time commences Friday a.m. and continues to Sunday evening; or for a holiday falling on a Monday, parenting time commences Friday evening and continues to Monday evening.

b.) Mother's Day and Father's Day and, the parent's birthdays only when they fall on Saturday or Sunday, are to be spent with the appropriate parent. These are as agreed or 10:00 a.m. to 7:00 p.m. these do not have to be made up.

c.) Other days of special meaning, such as Religious Holidays, etc., (ie., New Years Eve and Day, Kwanzaa, Passover, Easter, Rosh Hashanah, Christmas Eve, Christmas Day) should be decided together, as

d.) Hours for parents who can not agree are as follows: Martin Luther King Day (9:00 a.m. to 7:00 p.m.; Spring Break (6:00 p.m. on the day school is out to 7:00 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 9:00 a.m. to 9:00 p.m. the next day); Thanksgiving (6:00 p.m. Wednesday to 6:00 p.m. Sunday); Winter Break (first half commences at 6:00 p.m. the last day of school before Winter Break begins, until December 25 at 1:00 p.m.; second half commences at 1:00 p.m. December 25 until 6:00 p.m. the day before school recommences).

e.) 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.

f.) The children's birthdays should be alternated per child, between the parents and on an annual basis. Hours for parents who cannot agree are 4:00 p.m. to 8:00 p.m. Brothers and sisters attend the birthday event. These do not have to be made up.

6. **SUMMER:** In odd numbered years, Mother shall have parenting time with the children the first half of the summer, and Father shall have parenting time with the children the second half of the summer. This schedule reverses in even numbered years. The summer school vacation commences the day after the children are out of school and continues until seven (7) days before school begins. Each parent's time is calculated by taking the number of intervening weeks (full and/or partial) and dividing in half.

Weekday and alternating weekend parenting time shall be exercised by the parent who is not exercising his/her half of the summer.

7. **VACATION:** Each parent may arrange an uninterrupted vacation of not more than two (2) weeks with the children. Each parent shall schedule this vacation during his/her half of the summer. A general itinerary of the vacation shall be provided for the other parent, including dates, locations, addresses, and telephone numbers. Holiday and birthday celebrations with either parent shall not be missed, required scheduling of vacation around these events or that the missed occasion be made up. Alternate weekend parenting time with the other parent is missed during vacation, and there is no requirement that it be made up.

8. **TELEPHONE ACCESS:**

a.) 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.

b.) 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.

c.) Possessory parent shall not interfere with or stop the telephone communication.

9. **TRANSPORTATION:** The parties shall divide the transportation equally. The parent who is exercising parenting time shall pick up the children. Unless otherwise ordered by the Court or agreed by the parents, drop off/pick up shall be at parents' respective homes.

10. **MOVING:** Upon either parent learning that he/she shall immediately notify the other parent 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.

11. **WAITING** Neither parent shall be more than 30 minutes late picking up the children. If the non-residential parent has not arrived to pick up the children within the 30 minute period, parenting time is forfeited and shall not be made up.

12. CANCELLATION: The non-residential parent should give 24-hour notice to cancel. The time canceled by the non-residential parent is forfeited.

13. ILLNESS: If a child is ill, the residential parent should give a 24-hour notice, if possible, so appropriate plans can be made. However, if any parenting time, weekend, holiday/birthday, or vacation is missed due to non-emergency and/or critical illness, then any missed parenting time shall be made up as provided in paragraph 14.

14. 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.

15. 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.

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.

16. 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 exchange occurs.

17. CLOTHING: The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

**MODEL PARENTING SCHEDULE
KNOX COUNTY COMMON PLEAS COURT**

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.

1. **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.
2. **Winter Break**: Winter Break will be divided in half and alternated annually, by half, between the parents.
3. **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) in odd-numbered years.
4. **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 notify the non-residential parent as to their intentions by April 15.
 - a. 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 spend at the home of the non-residential parent, and in the odd-numbered years, the second half.

b. 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.

5 **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, address, and telephone numbers.

a. Summer school necessary for the child to pass to the next grade must be attended.

6. **Additional Parenting Time**:

a. *Weekend*: A once-a-month, weekend visit to the non-residential parents home shall be permitted if the child's traveling time does not exceed. **THREE AND ONE HALF HOURS**, one way. The residential parent must be notified at least one week in advance. **THE NONRESIDENTIAL PARENT SHALL PROVIDE THE TRANSPORTATION FOR WEEKEND PARENTING TIMES.**

b. Father's Day and Mother's Day should always be spent with the appropriate parent.

c. The non-residential parent shall notify the residential parent at least two days in advance of any time the non-residential parent will be in the area and wants visitation/parenting time. Absent extraordinary circumstances, this parenting time shall occur.

d. 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.

7. **Telephone Access**:

a. 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.

b. 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.

c. Possessory parent shall not interfere with or stop telephone communication.

8. **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.

9. **Moving:** Upon either parent leaving 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 visitation/parenting time schedule.

10. **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. 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.

11. **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.

12. **Clothing:** The parents shall cooperate in the exchange of the children's clothing prior to and following parenting time.

KNOX COUNTY CLERK OF COURTS
FEE SCHEDULE
EFFECTIVE 02/20/2009

Civil Actions or Complaints	\$300.00
Jury Demand Fee	\$350.00
Civil Cross Complaint, Counterclaim or Third-Party Complaint	\$100.00
Divorce Complaints, Counterclaims, Dissolutions	\$250.00
All post-trial Domestic Actions, including counter motions	\$125.00
Writ of Possession	\$100.00
Writ of Habeas Corpus	\$100.00
Proceedings in aid of execution, including Garnishments & Debtors Exams	\$ 75.00
Appeals from other Tribunals	\$100.00
Foreign Cases (outside Ohio)	\$ 50.00
Court of Appeals - within ten (10) days of filing	\$ 90.00
Court of Appeals - Original Actions (Mandamus, Habeas Corpus, etc.)	\$ 85.00
Cognovit Action (plus \$25.00 CJ Fee)	\$100.00
Certificate of Judgment issuing from & recorded in Knox County	\$ 25.00
Certificate of Judgment & Renewals issuing from another county & recorded in Knox County	\$ 20.00
Issuing out of County Judgment	\$ 5.00
Release of any Judgment, full & partial, except for State of Ohio Department (e.g. Taxation) (includes court certificates of release)	\$ 5.00
Release of any State of Ohio Judgment filed <u>before</u> 01/01/1993 (includes Sales Tax & Workers Comp)	\$ 10.00
Release of any State of Ohio Judgment filed <u>after</u> 01/01/1993 (includes Sales Tax & Workers Comp ... Docket 25 Page 237)	\$ 25.00
Photocopies per page	\$.05
Certification of any document	\$ 1.00
Notary Public Applications	\$ 18.00
Expungement, Motion for Judicial Release	\$ 50.00
Shock Probation	\$ 30.00
Filing of Sheriff Election Candidacy Application	\$ 25.00
Recording of Optometry License	\$ 1.00
Passports: Under 16 = \$85 (\$60 to Passport Services & \$25 to Clerk) Adult (over 16) = \$100 (\$75 to Passport Services & \$25 to clerk)	

Rules to Follow When You Are Representing Yourself

The Court is a very traditional place. When you are representing yourself in Court, you are trying to persuade a judge or jury that you are right. So you must act, dress, and speak in a way that helps you with your case. Here are some tips:

BE ON TIME

What will happen if you are late?

- Your case can be dismissed.
- The judge may make a decision without hearing your side.

What to do if you are late?

- Call the Court, ask to speak with the secretary of the Judge assigned to your case. Ask the secretary to tell the Judge why you are late & when you expect to arrive.

DRESS NEATLY

- You do not need fancy clothes, just make sure you are neat and clean.
- Tank tops, shorts, ripped jeans, or baseball hats are not acceptable. T-shirts or hats with messages such as "Legalize Marijuana" or "Where's the Beef," while funny, are not acceptable for court.

BE RESPECTFUL

- How you act is as important as how you look. Just like an attorney, you must be respectful to everyone in the Court, including the judge, court staff, and the other party involved in your case.
- Do not speak while others are speaking. Do not get into an argument with the other side. If you disagree with what the other side is saying, wait until he or she is done and then tell the Judge.
- Speak to the judge only when you are told it is your turn. Address the judge as "your honor." Never interrupt the Judge.
- Try to control your emotions as much as possible, especially anger.

DO NOT BRING CHILDREN WITH YOU TO COURT

- It is okay to bring your child if it is a custody or visitation case and the Judge or Magistrate needs to talk with your child. In all other cases, find someone to look after your child.

NO CELL PHONES OR PAGERS IN THE COURT

- Turn your phone /pager off when you enter the court. Ringing phones and beeping pagers are very distracting and make some judges very mad, which will not help your case!

What to Expect When You Arrive at the Courthouse

Check in at the clerk's office to find out which courtroom to go to. Go into the courtroom and sit quietly until your case is called. You may have to wait for up to an hour; just be patient.

When your case is called, walk to the table or podium for lawyers in front of the judge, and stand facing the judge. The judge will tell you when to speak.

When the judge asks you to present your case, tell the judge what it is that you are requesting and why you are requesting it. After you are finished, the other side will have a chance to ask you questions.

Next, the other side will present his/her case. Don't forget, if you disagree with something the other side says, do not interrupt. You will have an opportunity to ask the other side questions when he/she is finished talking.

During the hearing the judge may ask you questions.

- If you don't understand the question, say so. Don't answer until you fully understand the question.
- If you don't know the answer say so. Do not be afraid to admit that you don't know something.

Decisions are not always given right away. In most cases, you will receive the judge's decision in the mail within two weeks.

WARNING

Do not try to try to talk to the judge about your case before your case is called.

The law prevents the judge from talking to one party if the other party is not present (unless the case is currently before the court). This one-sided conversation is called an "ex parte communication" and it is illegal.

Any letter, motion, or request you send to the court will be ignored by the judge (because it is an ex parte communication) unless you send a copy of that letter or request to the opposing party as well.

For example: If you write a letter to the judge requesting that the court date for your divorce be changed, you must send a copy of this letter to your spouse as well and let the judge know that you have done this.

Otherwise the judge will not even read your letter.

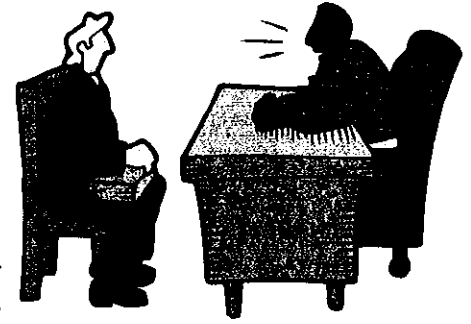
Do not ask court staff for legal advice.

Court staff are not attorneys and cannot provide legal advice. More importantly, they are employees of the court and must treat both sides in a case fairly. It is unfair and illegal for them to help one party and not the other.

Court staff can answer questions about court procedure, court rules, and the meaning of certain legal terms.

How to Handle Witnesses

When You Are Representing Yourself



When Should I Bring a Witness to Court?

It is always a good idea to bring a witness with you simply to tell the Court that you are an honest person or to confirm that what you are telling the Court is true.

In most cases that come before the Court, both sides are telling a different version of the same story. The Court knows that each side may be telling the version that best serves his or her own interests. The testimony of a witness (someone not involved in the case directly) will make your side of the story more believable.

In some types of cases, you are required by law to bring a witness. For example, in divorce cases, many Courts require a that you bring a witness to testify that you are a person known to have good character in your community (that you are an honest and good person).

What If My Witnesses Can't Come to the Hearing?

Your witness **must** come to the hearing! A handwritten note from a person will not be accepted by the Court—the witness must show up at the hearing and testify live. Live testimony is required so that the other side has an opportunity to ask questions of your witness as well.

To make sure your witnesses will show up, make sure you call them the week of the hearing and again the day before the hearing to remind them.

Who Should I Bring as a Witness?

- People who know you and your reputation in the community.
- People who know about the situation that brought you to the Court from things they have seen or heard. Only use witnesses after you have talked to them and are sure that they will tell the Court what is helpful to your case.

While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With family members and friends, the Court may assume that the person is testifying for you simply because they like you and want you to win.

How Do I Prepare My Witnesses?

- Think about what is the most valuable thing each witness could say on your behalf.
- Write down a few questions that will help the witness get the idea across.
- Practice with your witness ahead of time, so you know what answers will be given.

What Should I Do With My Witnesses at the Court Hearing?

- Start by asking the witness their name and address.
- If your witness is a professional, you should ask what their job is, what their educational degrees are, and how long they have been doing their job.
- Then ask specific questions about what information they have about your case.

With your own witness, it is not okay to ask "leading questions." Leading questions give the witness the answer you want them to say.

You must keep your questions open-ended. *Open-ended questions are Who, What, Where, When, How, and Why questions.*

Examples to use:

- How would you describe my husband's condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

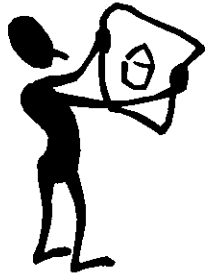
Rules To Follow When Questioning Witnesses

- Keep your questions short.
- Never ask a question when you do not know what the answer will be—the answer could hurt your case more than help it.
- If you don't get the answer you were expecting from a witness, do not argue with them or accuse them of lying. It makes you look bad before the judge. Remember . . . politeness at all times!
- If a witness refuses to answer a question, ask the judge to make the person answer.

Samples of Questions to Ask My Witnesses

- What is your name?
- What is your address?
- How long have you known me?
- During the time that you have known me, have you become familiar with my reputation in the community?
- Do I have a reputation for good character and honesty in the community?
- From what you know about me, am I someone the Court can rely upon to tell the truth?
- You have heard what I have said in Court. To the best of your knowledge, do you know it to be true?
- Please explain how you know this to be true.

Representing Yourself in Court



How to Use Photographs, Maps, Drawings, and Other Evidence to Help Prove Your Case

What is Evidence?

Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

Your case probably will be decided by a judge. If there is a jury, it will look at admitted exhibits during its deliberations.

For example:

- **In a request for change of custody**, the child's school records could be introduced as evidence that the child's grades have dropped or he/she has missed a significant amount of school while living with the other parent.
- **In a domestic violence or stalking civil protection order case**, a photograph of any injury you suffered or a threatening letter written by your abuser may help your case.
- **In a divorce case**, a copy of tax return documents or documents showing who has title to a car or automobile may be introduced as evidence.

Why Use Evidence?

1. Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
2. Evidence may make something **easier to understand**. "A picture is worth a thousand words." Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.

How Do I Present Evidence to the Court?

Each court is different, but in most courts, you can't just walk into court with photograph or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be "admitted".

Steps to Follow to Admit Evidence

3. Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1," "Exhibit 2," etc.)



Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:

1. Show the exhibit to the other party or the other party's attorney.
2. Then "lay the foundation" for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for "laying the foundation" - explaining why and how the exhibit is connected to your case.
3. Either you or your witness must testify about the exhibit.
4. Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can't, let the judge decide.
5. If there are no objections from the other party, or the judge has ruled in your favor, ask the court to "admit the Exhibit into evidence."

Laying the Foundation for Photographs



1. Explain why a photo is connected to your case. For example:
"This photo shows the injury I suffered after my ex-boyfriend punched and kicked me."
2. Explain how you know about what is in the photo. For example:
"I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day."
3. Explain that the photo is timely. For example:
"At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend."
4. Explain that the photo "fairly and accurately" shows what is depicted in the photo as it appeared on the date relevant to your case. For example:
"This photo is a fair and accurate depiction of how my face and side looked 2 hours after the incident and for the next two weeks."

TIP:

When using photographs, it is best to use color photos and enlarge them, if possible.

Foundation for Letters

1. Explain why the letter is connected to your case. For example:
"This is the letter that I received from my ex-boyfriend shortly before he beat me up."

2. Explain when and how you got the letter. For example:
"This letter was shoved under the door to my apartment some time before 6:00 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day."

3. Prove that the signature is that of a party to the case. Ways to prove this:
 - **Explain to the court: that you are familiar with the other party's signature, how you came to know that person's signature, and that it is your opinion that the signature on the letter is the other party's signature.**
 - **Call a witness who is familiar with the party's signature, and ask the witness:**
"Do you know the other party in this case? Are you familiar with the party's signature? How?"

Then show them the letter and ask "Is this the other party's signature?"
 - **Call the person who signed the letter. Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).**

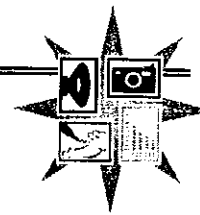
4. Explain that the letter is in the same condition now as when you received it. ("The letter was kept in a safe place and nothing has been changed since I received it.")

TIPS

Do not read anything from the letter until the court has admitted it into evidence.

If the other party objects to the letter saying that it is hearsay, respond by saying: "The letter shows the letter writer's state of mind".

Laying the Foundation for Documents and Records From Businesses



1. Explain how the document or record is related to your case.
2. Call a witness from the business/agency that produced the record, ask the witness what his or her responsibilities are at the business/agency and how he or she is involved in record keeping.
3. Show the witness the record and ask him/her if it is a record from the business/agency.
4. Ask the witness:
 - ▶ Was the record made by a person with knowledge of the acts or events appearing on it.
 - ▶ Was the record made at or near the time of the acts or events appearing on it.
 - ▶ Is it the regular practice of the business/agency to make such a record, and
 - ▶ Was the record kept in the course of a regularly conducted business activity.

TIP

If the record is certified (a statement is attached to the record stating that it is in fact a record from a public agency or it has an agency seal on it) you do not need to do anything before you show it to the judge. Just let the judge know it is certified.

