

ESTABLISH VISITATION

Knox County Juvenile Court

This packet is to be used when the applicant has not been to Court before. It can be used by parents or others who have an interest in the child(ren). If the applicant has been to court before, a Modification packet should be used, even if the applicant was not granted visitation in the earlier case.

ESTABLISHMENT OF VISITATION
KNOX COUNTY JUVENILE COURT

INSTRUCTIONS

Attached is a Motion To Establish Visitation and other necessary forms to get your Motion properly before the judge. These instructions are not intended to be a legal analysis of your request nor are they intended to be a representation that you will or should win your Motion. These instructions are merely to assist you in preparing and presenting your request to the Court. **IN ORDER FOR THESE FORMS TO WORK FOR YOU, YOU MUST READ AND FOLLOW THESE DIRECTIONS CAREFULLY.**

A. LIST OF FORMS

1. Motion to Establish Parenting Times (2 pages)
2. Notice of Hearing (1 page)
3. Request for Service (2 pages)
4. **OPD/Financial Affidavits** (10 pages)
5. Judgment entry on Affidavit of Indigency (1 page)
6. **(UCCJEA) Parenting Affidavit** (3 pages)
7. Standard Companionship (visitation) Schedule (7 pages)
8. 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:

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 all of the forms before you go to the Courthouse to file them. Other than telling you the time and date of the hearing and telling you the proper case number, the Clerk of Courts' staff will not help you complete the forms.
2. At the top of all the forms, fill in the name of the child or children you are trying to get visitation with in the blank lines under the words "In the Matter of:" If you are seeking visitation for only one child and paternity of that child was determined in the Knox County Juvenile court, put the case number from the paternity case in the blank after "CASE NO." Otherwise, leave that blank empty. Leave any line after or above the word "JUDGE" blank.

3. On the Motion to Establish Visitation, fill in your name as the person asking for a visitation order where it says Now comes _____. In the first paragraph of the Motion there are also several lines for your use in writing the reasons you feel you should be given visitation rights with the child(ren). Be very specific when writing these reasons.
 4. At the bottom of the Motion To Establish Visitation under the words "Respectfully submitted," you need to sign your name above the word "PETITIONER" and print in your name and address, and telephone number on the lines below.
 5. At this time, you do not fill out anything in the "Notice Of Hearing" section.
 6. Under the words "Instructions For Service" there is a blank line in the first sentence. You need to put the person's name here who has legal custody of the child(ren). You must have a valid address for this person and list it on the next set of blank lines. If you do not have a valid address, do not file your papers. The judge cannot make a decision on visitation unless that person is served with a copy of your Motion by the Court.
 7. Fill out the Affidavit of Indigency if you do not have the income to pay the deposit on court costs for the filing of your Motion To Establish Visitation. To find out the amount of the deposit, you should call the Juvenile Court. Fill in your name as the person stating that you cannot afford to pay the costs at this time. You should also fill out the top portion of the Entry. If the Judge signs it, you will not have to pre-pay costs. The Judge will determine later who should pay the costs. **DO NOT** sign the affidavit until you are in the presence of a Notary Public.
 8. On the form marked "JUDGMENT ENTRY," fill out only the names of the parties and the case number. Leave the rest of the form blank.
 9. If there is a need for a modification of child support, then you will need to fill out the enclosed form to request the services of the Child Support Enforcement Agency.
 10. You will also need to fill out the Child Custody Affidavit. Instructions for doing so, as well as a numbered sample form, are attached.
 11. Make three copies of every page of each form.
- C. FILING THE MOTION
1. After the forms are filled out and copied, go to the Juvenile Court. That is the only place you can file your papers.
 2. The staff will give you a date and time for the hearing. Write this down on every copy of the Motion under Notice of Hearing.

3. The staff will take the original and two copies of your papers. You should ask the person assisting you to time-stamp your copy of the papers. This is your proof that you have filed the papers. However, you will not be given any copies back of the forms called "Entries" at this time.

D. PREPARATION FOR THE HEARING

1. It helps a lot if you are prepared for the hearing. You should have a neat appearance and have with you any witnesses that you wish to use to support your request. You should also have with you any receipts, papers or other physical evidence that you want the Judge to see.
2. You should tell the Judge in clear and simple terms why you want visitation and why it is in the best interests of your child(ren) for you to have visitation with them. This is the only chance you will have to present the facts, so make sure you include everything. It would be helpful if you were to write out, before the day of your hearing, an outline of the reasons that you have for wanting visitation, so that you will have something to remind yourself of the facts when you testify.
3. 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. VERY IMPORTANT! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING THAT THE OTHER PARTY HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE YOU HAVE THAT SHOWS OR SUPPORTS THE SPECIFIC REASON(S) AS TO WHY YOU WANT VISITATION WITH YOUR CHILD(REN). BE PREPARED TO LIMIT YOUR TESTIMONY TO ONLY THOSE ISSUES RELATING TO YOUR MOTION TO ESTABLISH VISITATION.
5. At the hearing you may be asked questions by the Judge or by the other party or his/her attorney. Before answering each question, listen carefully to them. Be sure you provide the information that you are asked. If you do not understand the question, you need to ask that the question be explained to you before answering. You have the right to have these questions explained. Never answer a question that you do not understand.
6. You may consider asking that the Judge grant you the Standard Order of Visitation (attached for your convenience). Read this over and see if it is what you would consider reasonable visitation.

GOOD LUCK!!!!

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

*

*

*

DOB _____,

Plaintiff/Petitioner,

CASE NO. _____

vs.

*

JUDGE _____

*

MOTION TO ESTABLISH
PARENTING TIMES

DOB _____,

Defendant/Respondent

*

Now comes _____ and asks this honorable Court for an Order to
Establish Parenting Times for the following child(ren): _____,
_____, _____ and _____.

The reason(s) that I want visitation is as follows:

A hearing is requested to enable me to establish these facts as true.

Respectfully submitted,

Movant

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

DOB _____,

Plaintiff/Petitioner,

vs.

DOB _____,

Defendant/Respondent

*
*
*
*
*
*
*
*

CASE NO. _____

NOTICE OF HEARING

Take notice that a hearing in the above-captioned Motion to Change Parenting Times has been scheduled for the _____ day of _____, 20____ at _____m. in the Court of Common Pleas of Knox County, Ohio.

cc: Plaintiff
Defendant

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

DOB _____
Plaintiff/Petitioner,

CASE NO. _____

vs.

JUDGE _____

REQUEST FOR SERVICE

DOB _____
Defendant/Respondent.

TO THE CLERK OF SAID COURT:

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

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

SPECIAL INSTRUCTIONS TO SHERIFF:

MOVANT

**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#	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
Name	Age	Relationship	Name	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	Total Monthly Income - Total Allowable Expenses = Total Income <table border="1" style="margin: auto;"> <tr><td style="width: 60%;">SUBTOTAL A</td><td style="width: 40%; text-align: right;">(31)</td></tr> <tr><td>- SUBTOTAL B</td><td style="text-align: right;">(32)</td></tr> <tr><td>GRAND TOTAL C</td><td style="text-align: right;">(33)</td></tr> </table>	SUBTOTAL A	(31)	- SUBTOTAL B	(32)	GRAND TOTAL C	(33)
SUBTOTAL A	(31)							
- SUBTOTAL B	(32)							
GRAND TOTAL C	(33)							
Child Support Paid Out	(24)							
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)							

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)	Total Monthly Liabilities and Other Expenses	Grand Total E (61)
Loans	(55)		
Taxes Owed	(56)		
Other	(57)		
GRAND TOTAL E	(58)		

IX. AFFIDAVIT OF INDIGENCY

I, _____ (62) _____ 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 Section 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.

_____ (63) _____
 Client Signature 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)___.

_____ (68) _____
 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: _____ (69) _____.

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

_____ (70) _____
 Judge/Attorney Signature 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			
Loans			
Taxes Owed		Total Monthly Liabilities and Other Expenses	Grand Total E
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,

Case No. _____
(Court will complete)

vs.

Judge/Magistrate _____
(Court will complete)

Defendant.

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

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____

(Court will complete)

Judge/Magistrate _____

(Court will complete)

JUDGMENT ENTRY
(ON AFFIDAVIT OF INDIGENCY)

Upon Affidavit of the Plaintiff and for good cause shown, it is hereby ordered that Plaintiff 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 DIVISION**

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

Case No. _____

I, (print 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 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: MALE or FEMALE (Circle One)
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and address)		Relationship
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			

a. Child's name:		Place of birth:	Date of birth:	Sex: MALE or FEMALE (Circle One)
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and address)		Relationship
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			

a. Child's name:		Place of birth:	Date of birth:	Sex: MALE or FEMALE (Circle One)
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with (name and address)		Relationship
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			
to	<input type="checkbox"/>			

b. Additional children are listed on an attached addendum. (Provide all information for additional children on an attachment.)

3. Participation in custody proceeding(s): (Check 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): (Check 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 that a parent or any member of their household has been convicted of a sexually oriented offense or adoptions concerning any child subject this proceeding.

I HAVE 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, convictions of a sexually oriented offense or adoptions concerning any child subject to this proceeding, other than set out in item three (3). Explain:

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

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

I DO NOT KNOW OF ANY PERSON not a party to this proceeding who has physical custody of 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: (Check one only)

_____ The child(ren) described in this affidavit are **NOT** subject to existing child support order(s) in this or any other 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 t his state of any other state about which information is obtained during this proceeding.

I certify that a copy of this document was (Check 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 of Party: _____
Address: _____
City, State, Zip: _____ Fax Number: _____

STATE OF OHIO
COUNTY OF _____ : SS

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

Notary Public

My Commission Expires: _____

Print or Stamp Name

**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 proceeding 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.

SAMPLE

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)	

**APPLICATION FOR CHILD SUPPORT SERVICES
NON-PUBLIC ASSISTANCE APPLICANT/RECIPIENT**

I the undersigned, _____, request Child Support Services from the _____ County Child Support Enforcement Agency. I understand and agree to the following conditions:

- A. I am a resident of the County in which services are requested.
- B. Recipients of child support services shall cooperate to the best of their ability with the CSEA. (See attached rights and responsibility information).

The Child Support Enforcement Agency can assist you in providing the following services:

- 1. Location of Absent Parents.

The agency can assist in finding where an absent parent is currently living, in what city, town or state. The applicant can request "Location Services Only", if the sole need is to find the whereabouts of the absent parent.

- 2. Establishment or Modification of Child Support and Medical Support.

The CSEA can assist you to obtain an order for support if you are separated, have been deserted or need to establish paternity (*fatherhood*). The CSEA can also assist you in changing the amount of support orders (*modification*), and to obtain medical support.

- 3. Enforcement of Existing Orders.

The CSEA can help you collect current and back child support.

- 4. Federal and State Income Tax Refund Offset Submittals for the Collection of Child Support Arrearages.

The agency can collect back support (*arrearages*) by intercepting a non-payor's federal and state income tax refunds on some cases.

- 5. Withholding of Wages and Unearned Income for the Payment of Court Ordered Support.

The agency can help you get payroll deductions for current and back child support and can intercept unemployment compensation to collect child support.

- 6. Establishment of Paternity.

The agency can obtain a court order for the establishment of paternity (*fatherhood*) if you were not married to the father of the child.

- 7. Collection and Disbursement of Payments.

The CSEA can collect the child support for you and send you a check for the amount of the payments received. Back support collected will be paid to you until all of the back support you are owed is paid.

If you received ADC in the past and support was assigned to the state, back support collected will be paid to the state after you receive back support owed to you.

- 8. Interstate Collection of Child Support.

The agency can assist you in collecting support if the payor is living in another state or in some foreign countries.

- C. The only fee you can be charged for services is a one dollar application fee. Some counties pay this fee for the applicants.

- D. If you use a private attorney to help you collect child support on your case you are responsible for any attorney fees. The CSEA will provide you an attorney free of charge to work on your case, if one is needed.

APPLICANT INFORMATION (INFORMATION ABOUT YOU)	
Name	Date of Birth
Social Security Number (SSN)	Current Marital Status (Check One) <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Deserted <input type="checkbox"/> Widowed

Type(s) of Service(s) Requested: All services listed _____ Location of absent parent only _____
 Other (please explain) _____

FOR AGENCY USE ONLY	
(Do Not Write in This Space) Case Name	Date Mailed/Picked Up
Case Number	Date Returned or File Date

Applicant's Name (Last, First, Middle)	Telephone Number (Home)
Address (Street/Route, P.O. Box)	(Work)
City, State, and Zip Code	

INFORMATION ON CHILDREN

	Child 1	Child 2	Child 3	Child 4
a. Name				
b. Sex				
c. SSN				
d. Date of Birth (DOB)				
e. Name(s) of Absent Parent				
f. Has Paternity (Fatherhood)				
g. Is There a Court Order For Support (Yes or No)				

ABSENT PARENT INFORMATION OR PARENT ORDERED TO PAY CHILD SUPPORT

	Absent Parent #1	Absent Parent #2	Absent Parent #3
Name			
Address City, State, Zip Code			
SSN			
Date of Birth (DOB)			
Name of Employer			
Address of Employer (City, State, Zip Code)			
Amount of Support Ordered (Wk, Bi-Wk, Mo)			
Case Number on Support Order			
Court Where Order Was Issued (City, County, State)			
Military Service Give Date and Branch Entered			
Arrest Record: Give Date and Place of Arrest			
If the absent parent has been on Public Assistance: Give Date and Place			
Give Name and Address of Current Spouse of Absent Parent			

• Have you ever been on public assistance? Yes No

When _____ Date _____ Where _____ City and State _____ County _____

I understand that the Child Support Agency within 20 days of receiving this application will contact me by a written notice to inform me if my case has been accepted for child support services (IV-D Services).

Signature of Applicant	Date
------------------------	------

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 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.

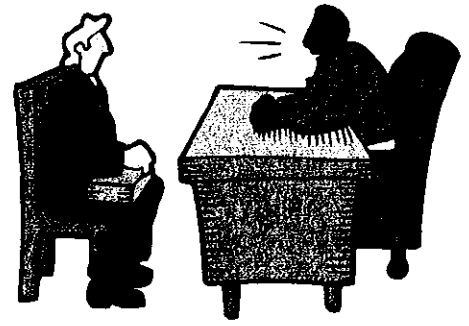
Do not ask court staff for legal advice.

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?

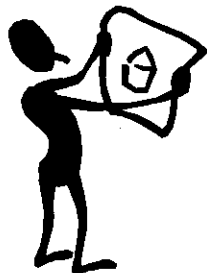
Rules To Follow When Questioning Witnesses

- 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?

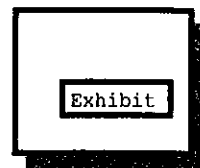
1. Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape 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

- ⑥ 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."

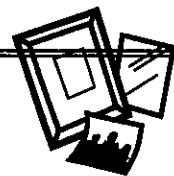
Laying the Foundation for Photographs

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).**

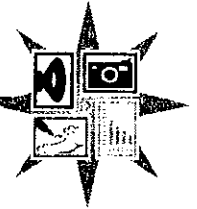
4. Explain that the letter is in the same condition now as when you received it. ("The letter was kept in a safe place and nothing has been changed since I received it.")

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.

