

GENERAL CONTEMPT

Knox County Juvenile Court

This packet is to be used as a post-decree motion when the aggrieved party wishes to hold another party in contempt of court for violating any part of a court order of the Knox County Juvenile Court. However, violations of visitation orders should be dealt with by providing the party with the enforcement of visitation packet

GENERAL CONTEMPT
KNOX COUNTY COMMON PLEAS COURT
JUVENILE DIVISION

INSTRUCTIONS

Attached is a form Motion requesting that the opposing party be held in contempt of Court for disobeying a court order. These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and served on the opposing party, and thereby to get your request 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. **YOU MUST READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.**

A. LIST OF FORMS

- | | |
|---------|--------------------------------------------------------------------|
| Form 1. | Motion for Contempt (2 pages) |
| Form 2. | Affidavit in Support of Motion for Contempt (1 page) |
| Form 3. | Request for Service (1 page) |
| Form 4. | Order to Appear and Show Cause (1 page) |
| Form 5. | Summons in Contempt (2 pages) |
| Form 6. | Notice of Hearing (1 page) |
| Form 7. | Financial Disclosure/Affidavit of Indigency (Form OPD-206R) |
| Form 8. | Judgment Entry for Affidavit of Indigency |

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:

Knox County Fee Schedule
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

B. FILLING OUT THE FORMS

1. You should fill out the forms as far as you can before you go to the Juvenile Courthouse to file them. Other than telling you the time and date of the hearing and the proper case number, the Juvenile Court staff will not help you in completing the forms.

2. At the top of the Motion for Contempt (Form 1), fill in the names of the Plaintiff and Defendant or Petitioners and the case number. This information is available from your final order or on other papers that have been previously filed with the Court. If you were the Defendant in the original case, then you are still the Defendant; if you were the Plaintiff, then you are still the Plaintiff; and if you were a Petitioner, then you are still a Petitioner. If you do not have the case number, you can get it from the Juvenile Court when you go to file the Motion.
3. In the first paragraph of the Motion for Contempt (Form 1) you should fill in either Plaintiff or Defendant or Petitioner to correctly identify who you want held in contempt. After this paragraph, there is a space for you to list the reason or reasons that you have for wanting the opposing party held in contempt of Court. You should be specific. You must write down what specifically the opposing party did or did not do that you believe violated that court order. You do not have to go into all of the detail. However, you have to be specific enough so that both the Judge and the opposing party will know from reading your Motion what the opposing party is supposed to have done that violated the court order.
4. You must sign the form and print your current address and phone number. Do this on the four lines under the words "Respectfully submitted."
5. Fill in the names of Plaintiff/Petitioner and Defendant/Respondent/Petitioner and the case number on the Affidavit in Support of Motion for Contempt (Form 2). Put your name on the first blank line and your ex-spouse's name on the second blank line. In the set of blank lines, write why your ex-spouse should be held in contempt. It is important that you only say what you have witnessed yourself, and not what you know because others have told you. Basically, you will be repeating the same things you said in the motion. You need to do this because a sworn affidavit is required by the court. **YOU MUST SIGN THE AFFIDAVIT IN THE PRESENCE OF A NOTARY PUBLIC**. If you do not know anyone who is a Notary Public, you might be able to find one at a bank, realtor's office, or insurance company. Otherwise, check the yellow pages.
6. Under the words "Request for Service," (Form 3) print the opposing party's name in the first blank and the street address, city, state and zip code in the other blanks. You must have a valid address for the Clerk's office to mail the Motion to. If you do not have a valid address for the opposing party, do not bother to try to file the Motion. The Judge has no authority to grant your Motion unless the opposing party has been served with a copy of it and has been given an opportunity to come to court and be heard on the Motion. Sign your name on the blank line labeled Movant.

7. Fill in the names of Plaintiff and Defendant or Petitioners and the case number on the Order to Appear and Show Cause. (Form 4) In the first blank, fill in either Plaintiff or Defendant or Petitioner to correctly identify which you are. In the second blank, fill in either Plaintiff or Defendant or Petitioner to identify who you want held in contempt. Leave the rest of the form blank.
8. Fill in the name of the Plaintiff/Petitioner and Defendant/Petitioner and the case number on the Summons in Contempt (Form 5) form. Immediately after the word "TO:," type or write in the name of the person you want to hold in contempt, together with his/her address. On the line that asks you to state the name and address of movant, fill in your name and address. On the following line that asks you to state attorney's name and address, fill in your name and address.
9. Fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent/Petitioner and the Case Number on the Notice of Hearing (Form 6). (The Domestic Assignment Commissioner will fill in the date and time of the hearing and have a copy mailed to both you and the opposing party.)
10. Fill out the **Affidavit of Indigency** (Form 7) if you are unable to pay a deposit on the court costs for this Motion. To find out the amount of the deposit, you should call the Juvenile Court. **Sign the affidavit in front of a Notary Public**. This only prevents pre-payment of costs if the Judge signs the Entry. The Judge will later determine who will pay the court costs. Fill out the top portion only of the Entry.
11. Make three photo-copies of each form.

C. FILING THE MOTION

1. After the forms are filled out and copied, go to the Juvenile Court.
2. The Judge's secretary will take your papers and look them over to make sure they are filled out properly and all the necessary forms are there. Once s/he does this, s/he will indicate the time and date of your hearing on your Order to Appear and may give them back to you. Fill in the date and time of your hearing on all three copies of your Order to Appear. Once these forms are approved by the Judge's secretary s/he will then file them.
3. When you file your Motion to Show Cause, the Clerk's staff will take the original and two copies of your papers. You should ask the Clerk to time-stamp your copy of the papers, which you can then take with you. Your copy will be your proof that you have filed papers. Do not lose it.

D. PREPARATION FOR THE HEARING

1. It helps if you are prepared for the hearing. You should present a neat appearance to the Judge and have with you any witnesses that you wish to use to support your request. You should also have with you any papers or other physical evidence that you want the Judge to see. You should have in front of you at the start of the hearing the specific part of the Court's order or decree that the opposing party has violated.
2. You will probably testify first, and you should be prepared to tell the Judge all of the things that have happened that show that the order has been violated. This is the only opportunity that you will have to present the facts, so make sure that you include everything. It would be helpful if you would write out an outline before the hearing of what the opposing party has done that you believe violates the order or decree so that you will have something to keep you on track when you testify.
3. **VERY IMPORTANT:** This is not the time to tell the Judge everything that the opposing party has done that you disagree with or that has hurt or angered you. The Judge will only want to hear the evidence that you have that shows the violation or violations of the Court's orders that you listed in your Motion. If you did not include things that you have against the opposing party in your written motion, the Judge probably will not hear your testimony on those points. So, be prepared to limit your testimony to those points raised in your written Motion.
4. At the hearing you may be asked questions by the Judge or by the opposing party or by an attorney. Directly respond to the questions. Listen to the question, make sure that you understand what is being asked, and answer the question. 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 it.

GOOD LUCK!

Form 1

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

DOB: _____

Plaintiff/Petitioner,

CASE NO. _____

vs.

JUDGE _____

**MOTION FOR CONTEMPT
AND MEMORANDUM IN SUPPORT**

DOB _____,

Defendant/Respondent/Petitioner.

Now comes _____ and moves this honorable Court to hold
_____ in contempt of this Court for disobeying a previous order of this
Court, as further explained below.

MEMORANDUM IN SUPPORT

—

I please would like a hearing before this Court to prove these facts.

Respectfully Submitted,

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

Plaint/Petitioner,

CASE NO. _____

vs.

Defendant/Respondent/Petitioner.

**AFFIDAVIT IN SUPPORT OF
MOTION FOR CONTEMPT**

STATE OF OHIO
COUNTY OF KNOX, SS:

I, _____, am requesting that _____ be
held in contempt of court for the following reasons:

I swear that the foregoing facts are true to the best of my knowledge.

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public, this _____ day of

NOTARY PUBLIC

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

DOB _____
Plaintiff/Petitioner,

CASE NO. _____

vs.

JUDGE _____

DOB _____
Defendant/Respondent.

REQUEST FOR SERVICE

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

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

Plaintiff/Petitioner,

vs.

Defendant/Respondent/Petitioner.

*

*

*

*

*

CASE NO. _____

**ORDER TO APPEAR
AND SHOW CAUSE**

This case comes before this Court on a Motion filed by _____,
requesting an Order finding _____ in contempt of this Court for
failing to comply with this Court's prior orders.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that
_____ appear personally before this Court on the _____ floor of the
Courthouse at 111 East High Street, Mount Vernon, Ohio on the ____ day of
_____, _____ at _____m. to show cause why s/he should not be punished for
failure to comply with the prior order of this Court.

IT IS SO ORDERED.

MAGISTRATE/JUDGE

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

PLAINTIFF/PETITIONER

Case No. _____

-VS-

Judge _____

DEFENDANT/RESPONDENT/PETITIONER

SUMMONS IN CONTEMPT

TO: _____

A written charge of CONTEMPT has been filed against you in this court by: (State the name and address of the movant.)

A copy of the Order to Appear and Show Cause is attached. The name and address of the movant's attorney are: (State attorney's name and address.)

You are hereby SUMMONED AND ORDERED TO APPEAR. Failure to appear may result in the issuance of an order for your arrest and, if the matter relates to child or spousal support, the issuance of an order for the withholding of support from your income or assets.

You have the right to have an attorney represent you in this matter. If you are indigent, you have the right to have the Court appoint an attorney to represent you at no cost to you. If you believe you are indigent, you MUST apply to the Court for an appointed attorney within three (3) business days after you receive this summons. The Court may refuse to grant a continuance at the time of the hearing for the purpose of providing you an opportunity to retain an attorney if you have failed to make a good faith effort to retain an attorney or apply for a court-appointed attorney prior to the hearing.

If you are found guilty of contempt, the Court may impose the following sentences: (1) FOR A FIRST OFFENSE: A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN THIRTY DAYS IN JAIL, OR BOTH; (2) FOR A SECOND OFFENSE: A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN SIXTY DAYS IN JAIL, OR BOTH; (3) FOR A THIRD OR SUBSEQUENT OFFENSE: A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN NINETY

DAYS IN JAIL, OR BOTH. IN ADDITION, IF THE CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH YOU CAN YET PERFORM, THE COURT MAY IMPRISON YOU INDEFINITELY UNTIL YOU PERFORM THE ACT. O.R.C Sections 2705.05 and .06.

Date: _____ COURTS _____ CLERK OF

By: _____

RETURN OF SERVICE (PERSONAL)

Received this Summons on the _____ day of _____, _____, at _____ o'clock _____ M., and the _____ day of _____, _____ I served the same upon

By delivering to _____ personally a true copy of the Summons, Motion for Contempt, Affidavit in Support of Motion for Contempt, Order to Appear and Show Cause, and Notice of Hearing.

Sheriff - Bailiff - Process Server

By _____ Deputy

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

Plaintiff/Petitioner,

vs.

Defendant/Respondent/Petitioner.

*

*

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*

*

CASE NO. _____

NOTICE OF HEARING

Take notice that a hearing in the above-captioned Motion for Contempt has been scheduled for the _____ day of _____, _____ at _____ .m. in the Knox County Court of Common Pleas, at 111 East High Street, Mt. Vernon, Ohio

JUDGE/MAGISTRATE

cc: Plaintiff
Defendant

Form 7

**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	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)
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)

Total Monthly Income - Total Allowable Expenses = Total Income

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)

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)		
Taxes Owed	(56)	Total Monthly Liabilities and Other Expenses	Grand Total E (61)
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	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)				
Address				SUBTOTAL A
				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

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,

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

Form 8

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

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

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.

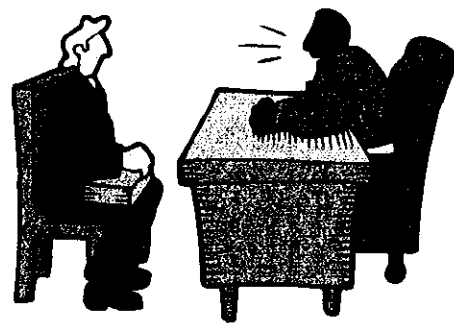
How to Handle Witnesses When You Are Representing Yourself

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:

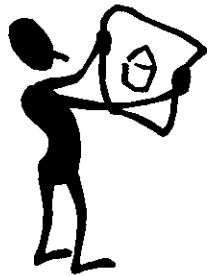
- How would you describe my husband’s condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

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.



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.
- 3.

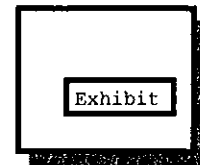
How Do I Present Evidence to the Court?

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

- ⑤ 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."

- ① 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:

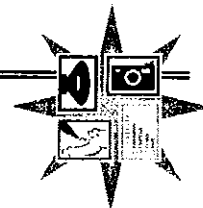
- **Explain to the court: that you are familiar with the other party's signature, how you came to know that person's signature, and that it is your opinion that the signature on the letter is the other party's signature.**
- **Call a witness who is familiar with the party's signature, and ask the witness:**
“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”.



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.

