

WARNING

**IF REAL ESTATE, RETIREMENT BENEFITS, OR
PENSIONS ARE INVOLVED, THIS PACKAGE MAY
NOT WORK.**

**PLEASE ATTEND THE FREE LEGAL CLINIC OR
CALL SOUTHEASTERN OHIO LEGAL SERVICES IF
PROBLEMS ARISE.**

**FILING A DIVORCE-WITH CHILDREN (Knox County)
GENERAL INSTRUCTIONS**

Notice: These forms should normally be used if the divorce is uncontested or simple, meaning everybody agrees to the terms of the divorce and there are no significant property and debts to split, and you and your spouse do not have a house or retirement benefits. If there is a house or retirement benefits involved, the divorce may become too complicated for you to complete on your own. If your spouse hires an attorney and you do not feel that you can adequately represent yourself, you should immediately hire an attorney to represent you, and request a continuance (postponement) of any hearings. If you are low-income, you can contact the Newark office of Southeastern Ohio Legal Services, which covers Knox County, at (740) 345-0850, or 1-888-831-9412 for additional advice, and possibly for representation.

Attached are forms for you to file with the court to ask for a divorce from your spouse. These instructions are intended to be a general guide to help you get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request and will not ensure you that you will receive your divorce or anything else you have requested. **IN ORDER FOR THESE FORMS TO WORK FOR YOU, YOU MUST READ AND FOLLOW THE INSTRUCTIONS CAREFULLY.**

YOU MUST HAVE LIVED IN THE STATE OF OHIO FOR AT LEAST 6 MONTHS PRIOR TO FILING THIS COMPLAINT. ADDITIONALLY, YOU MUST HAVE LIVED IN THE COUNTY IN WHICH YOU ARE FILING THE DIVORCE FOR AT LEAST 90 DAYS, UNLESS YOU ARE FILING IN THE COUNTY IN WHICH YOUR SPOUSE LIVES.

This packet should include the following forms:

FORM #

1. Complaint for Divorce - With Children (3 pages)
2. **Affidavit of Indigency (1 page)** (only to be filled out if you cannot afford to pay the court fees)
3. Judgment Entry (On Affidavit of Indigency) (1 page)
4. Motion for Temporary Orders Pursuant to ORCP 75 (2 pages)
5. **Affidavit in Support of Motion for Temporary Orders (2 pages)**
6. Judgment Entry for Temporary Orders (2 pages)
7. Motion for Restraining Order (2 pages)
8. **Affidavit in Support of Restraining Order (2 pages)**
9. Judgment Entry for Restraining Order (2 pages)
10. Instructions for Service
11. **Affidavit of Service Pursuant to O.R.C.P. 4.4(A)(2)** (only to be filled out if you cannot afford to pay the court fees AND you do not know your spouse's address)
12. **Affidavit of Income, Expenses, and Financial Disclosure (10 pages)** (the court highly recommends that you fill out this form, but it is not required)
13. **Health Insurance Disclosure Affidavit (5 pages)**
14. **Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (3 pages)**
15. **Affidavit Application for Registration of An Out-Of-State Custody or Visitation Order (2 pages)** (only to be filled out if there has previously been a custody or visitation order from a court outside the State of Ohio)

* *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:

Residential Parent - Child Support Information Sheet (Knox County) (2 pages)
Non residential Parent - Child Support Information Sheet (Knox County) (2 pages)
Standard Companionship Schedule (Knox County - Domestic Relations) (4 pages)
Long Distance Companionship Schedule (Knox County - Domestic Relations)(3 pages)
Map to Knox County Court

And three brochures:

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

TERMS AND DEFINITIONS

Advocate usually is an attorney, but is anyone who will fight for your rights or the rights of others. An **Affidavit** is a sworn statement to the Court listing facts supporting why you want what you are asking for, such as a divorce, custody, etc.

Certificate of Service (COS) is a statement to the Court that says you have already sent or hand delivered ("served") the other party (or his or her attorney) a copy of the documents you are filing with the Court. If your spouse is represented by an attorney, then you will need to send the attorney copies of all documents instead of your spouse. The date on the COS needs to be the day you send the papers in the mail. All you have to do is send the other party a copy of the documents you are filing. If you personally hand-deliver the documents, note that on your COS. You must send a copy of everything that you file with the Court throughout the divorce case to the other party (or his or her attorney).

Guardian ad Litem is a person, usually a lawyer, appointed by the Court to represent the interests of the child(ren).

An **Indigent** person is one who is found to be financially unable to pay filing fees and court costs.

Memorandum in Support is where you list your reasons why you are asking the Court to do what you want.

A **Motion** is a request to the Court. For example, a Motion for Continuance is a request asking the Court to continue (or delay) the proceedings until a date in the future.

Motion to Appoint a Guardian ad Litem is a request asking the Court to appoint someone to represent the child(ren).

Motion for In Chambers Interview is a request asking the Court to privately talk with your child(ren) to determine what their wishes and concerns are. Keep in mind that neither you, your spouse or the attorneys (except for an attorney representing your child(ren), if any), are usually allowed to sit in when the Judge or Magistrate is speaking with them.

A **Notary** is a person authorized by the state to administer oaths, certify documents, and attest to the authenticity of signatures.

Parenting Time is what used to be known as visitation.

Pro Se is a Latin word that means "by yourself, for yourself".

Residential Parent and Legal Custodian is the person who is given custody of the children.

FILLING OUT THE FORMS

1. The captions will be the easiest thing to fill out. They will all look alike, except that some are shorter and have less information about the parties. Go through and insert the parties' names. You are the Plaintiff and your spouse is the Defendant. If there is more than one blank for each party, write in your and your spouse's address on the 2nd and 3rd lines, and Social Security number and date of birth, where indicated. Be sure to write in the name of the county in which you are filing the divorce in the blank at the top of the caption. You will not know the case number until you file the divorce. At that time you will be assigned a case number; be sure to include this case number on any papers which you file later on.
2. Each page after the first page has a heading. The headings will be the same for every page, except for the title of the document. Put your last name in the first blank, and your spouse's last name in the second blank.
3. Throughout the documents, you will sometimes see his/her or Plaintiff/Defendant - circle or white out or cross out one of them, as appropriate. If a document says "Plaintiff _____", or "_____ pro se", or simply "_____", insert your full name in the blank.
4. Many of the documents will have a "menu" of choices. Read the choices carefully and think about them. Check the boxes before the requests that you want to make to the Court, and the boxes with information which is relevant to your requests. You may decide to ask for something you hadn't considered before; however, you should also be sure that your requests are reasonable and fair to your spouse.
5. There are 7 different grounds for divorce listed in the Complaint for Divorce (**Form 1**). Most often, people list "gross neglect of duty" and "extreme cruelty" as reasons for divorce, in addition to incompatibility. If you and your spouse have lived apart from each other without interruption for one year, that is another ground to check. Please note: you cannot get a divorce on the basis of incompatibility if your spouse denies that you are incompatible.
6. The Motion for Restraining Orders (**Form 7**), contains a request for two separate temporary orders:

A temporary restraining order requiring Defendant not to injure, threaten, harass, or physically abuse Plaintiff;

A temporary restraining order requiring Defendant not to damage, destroy, sell or attempt to sell, dispose of, or remove marital property and/or Plaintiff's or the child(ren)'s personal property from Plaintiff's residence, or incur debts in Plaintiff's or his name for which Plaintiff may be held liable.

Such restraining orders are requested and granted in most divorce cases. Your spouse does not need to have done anything "wrong" or have hurt you to request such a restraining order. If you are certain that your spouse will not do any of the things stated in the restraining orders, you should not file **Forms 7, 8, and 9**.

Please note: "personal property" is anything you own other than land or a house on a piece of land, which are called "real property."

7. Since you and your spouse have children born before or during the marriage, the Court will have to make orders regarding custody (now called "designation of the residential parent and legal custodian") and visitation (now called "parenting time"). This packet can be used either if you are requesting custody, or if you want your spouse to have custody. If custody is not contested, and neither of you is a danger to your children, the Court is likely to award Standard Companionship or Long Distance Companionship (if you live more than 90 miles apart) to the parent who does not have custody. If you want the Court to award this parenting time to the parent who does not have custody, check the appropriate box in the Complaint for Divorce. If you want the Court to order other parenting times, then you should specify the days and times. Whether you are the parent who has custody, or the parent who has visitation, it is best for the visitation order to be very specific.

8. The Motion for Temporary Orders (Form 4) and Affidavit in Support of Motion for Temporary Orders (Form 5) are forms which allow you to ask for temporary custody (or visitation), child and/or spousal support, and various other things until the divorce is final, which will be months, and possibly a year or longer if your spouse contests what you have requested.

In the Motion for Temporary Orders, you can ask for spousal support and/or that your spouse pay for you to hire an attorney. The Court is more likely to grant a request for spousal support and/or attorney fees if your marriage is long, your spouse makes a lot more money than you do, and your spouse has money left over after paying monthly bills and reasonable living expenses. If you want money to hire an attorney, contact a couple attorneys to find out how much they would charge for a divorce, and put that information in the affidavit. Also, if you are requesting money to hire an attorney, you should explain why you cannot represent yourself. These reasons can relate to you (for example, you suffer from an anxiety disorder or you dropped out of school in 9th grade,) or to an issue in the divorce (for example, your spouse has money in bank accounts which you are afraid s/he will hide from the Court.) You should put all of this information in your affidavit.

In your Affidavit in Support of Motion for Temporary Orders, if you need more space to explain why it is in your child(ren)'s best interest that you be given custody, attach an extra sheet of paper. Be sure to refer to the attached sheet of paper on the form (for example, "continued on attached paper,") and include the header at the top of the sheet. (You should do the same anywhere else you need more space.)

9. The Instructions for Service (Form 10) tell the Court how you want your spouse to be served with the Court papers. If you think that your spouse will sign for the Court papers if they are sent by certified mail, you can have them served that way. Otherwise, ask the Court to serve the papers by personal service through the sheriff's department. If you think that your spouse can be served more easily at work than at home, you can have your spouse served at his/her work address, by writing his/her work address in the appropriate blank. You must have a valid address for the Clerk's office to be able to serve the divorce papers on your spouse. The Judge has no authority to grant a divorce unless the other party has been properly notified that you are asking for a divorce and has been given the opportunity to dispute what you are requesting in the divorce. If you do not know where your spouse is living or working, or can be found otherwise, and you filled out **Form 2**, you should file the Affidavit for Service by Posting (Form 11). (Before you can serve a divorce by posting, you must have taken all reasonable steps you can think of to find your spouse).

10. If you cannot afford to pay the filing fee, you will need to fill out the Affidavit of Indigency (Form 2) and Judgment Entry (on Affidavit of Indigency)(Form 3).

11. There are is one more affidavit which is *highly recommended* by the court and one that is *required* by the Court: Affidavit of Income, Expenses, and Financial Disclosure (Form 12) is *recommended*, and the Health Insurance Disclosure Affidavit (Form 13) is *required*. At the top, fill in the names of the Plaintiff/Petitioner (1) and the Defendant/Petitioner (2)/ Respondent and the social security number, date of birth, and address, as you have done on the other forms. Leave blank the CSEA No., Family File No., Judge and Magistrate. As with the other affidavits, you must swear that the information which you put on these affidavits is true and sign them in the presence of a notary. If you are not sure regarding exact amounts or dates, you should put "approximately" or "around" next to the amounts and dates. If the amounts vary, you should say so. On the Affidavit of Income, Expenses, and Financial Disclosure, leave the column for your spouse blank. If an item does not apply to you, or you do not have a certain expense, etc. write "0", "none" or "NA" for "not applicable" on the line. (The Court may reject the form if you leave a lot of blanks.)

12. Finally, you will need to fill out the Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act. (Form 14), and the Affidavit Application For Registration of an Out-of-State Custody/Visitation Order (**Form 15**) (if there has been a court order regarding custody or visitation from a court outside the State of Ohio).

Instructions for filling out Form 14:

If you know the case number, insert it in the first blank on the upper left hand side. If you do not know the case number, leave it blank. The next blank will ask for your full legal name, print it legibly in the blank provided.

Question 1: Check the box if you do not want the court to give your address to anyone else.

Question 2: Insert the number of children under the age of 18 that you want custody of. Then, in the boxes, write the name, place of birth, date of birth, sex/gender of the child, and the person and place where the child has been staying. Make sure to check the "Address Confidential" box if you do not want the court to disclose the address of the child(ren). Use a separate box for each child under the age of 18. If you have more than (3) three children, provide the additional information on a separate sheet of paper and check box 2e.

Questions 3-6 tell the court whether you have previously participated in any custody proceedings for any of the children in this case, whether you have any additional information concerning any of the children in this case, whether there is another person with visitation or custody rights over the children in this case, or whether there are any existing child support orders for the children in this case. Read each question carefully, then check (1) one blank for each of the questions.

Question 7 says that you agree to inform the court about any court proceedings regarding the children in this case. You must tell the court how you delivered a copy of this form to your husband/wife or his/her attorney and provide the court with the address you sent it to. You must also put the date, your name, address, phone number, fax (if you have access to one) and your signature. **Remember, you must sign this form in front of a notary public.**

Instructions for filling out Form 15(this form is to be used only if you have a custody or visitation order from another court outside the State of Ohio):

If you know the case number, insert it in the first blank on the upper left hand side. If you do not know the case number, leave it blank. In the next blank, write the names of the child(ren) and the date(s) of birth.

Question 1: Write your full name and your address in the blank spaces. Also tell this court the name and state/county of the court (outside of Ohio) that has issued the custody or visitation order. If you do not want the court to tell anyone else where you or your children are living, check the box under question 1.

Question 2: Write the names and addresses of any other persons (other than yourself) who has been given custody or visitation rights by a court.

Question 3: Write the name of the State or County of the court that issued the custody/visitation order referred to in question 2 and tell the court whether the order has been accepted, denied, or is still pending.

Then sign and date the form in front of a notary public.

Make (2) two copies of this form and file it with the court clerk.

13. On the forms which are Judgment Entries, only fill in the caption. Leave the rest of these forms blank.

**** If you need assistance completing these forms, you can attend the free legal clinic held in Knox County every 3 months. You can contact Southeastern Ohio Legal Services at (740) 345-0850, or (888) 831-9412, to find out the date and location of the next clinic. You should arrive no later than 5:30 p.m., and have completed as much of the forms as you can.****

FILING THE DIVORCE PAPERS

1. After the forms are filled out, signed and notarized, make **three (3)** copies of every document. Leave one copy of every document at home.
2. Take the original and the two (2) copies to the Clerk's Office of the Court of Common Pleas, which is located on the second floor at 117 E. High Street, Mt. Vernon, Ohio. (*Please note:* the Clerk will not check the forms to ensure that they are filled out correctly, and cannot give you any legal advice.)
3. The Clerk should keep the original of every document for the Court's file, and one copy of every document to have served on your spouse. The Clerk should time-stamp the other copy of every document for you to keep. This will be your proof that you have filed the original.

OTHER MATTERS, FORMS, AND PROBLEMS

This packet does not include the following forms, but Southeastern Ohio Legal Services can provide them to you if you think they are necessary (and the library binder should have a copy of these forms as well):

Motion for In Chambers Interview
Motion for Appointment of Guardian Ad Litem
Motion for In Chambers Interview and Appointment of Guardian Ad Litem
Notice of Dismissal

If custody is contested, you may want to ask for an in chambers interview of your child(ren) and/or that a Guardian ad Litem be appointed for your child(ren). Should you change your mind about getting a divorce, you will want to file a Notice of Dismissal. Please note: If your spouse has filed a counterclaim for divorce, you will not be able to dismiss the case by filing a Notice of Dismissal. (Both of you would have to agree to dismiss the case.)

If you move during your divorce, be sure to notify the Court in writing regarding your new address.

If your spouse answers the divorce papers and asks for something different than what you have requested, the Court will evaluate the case for mediation. All mediation assessments and mediations are handled by the Court, unless a conflict exists. There is no charge for court appointed mediations.

You and your spouse are both required to complete a seminar called "Children First". The Court will send you a letter with the cost and the date and time when you are scheduled to attend the seminar. (Be sure to contact the Court if you cannot attend the seminar on the date and time you are scheduled.) Also, you can attend a comparable seminar elsewhere if it is more convenient or less expensive. (The Woodlands in Newark offers a similar seminar. The Woodlands can be reached at (740) 349-7066.) You should file proof that you attended the seminar with the Clerk's Office.

WHAT HAPPENS NEXT?

Service will be completed by the Clerk of Courts. Sometimes the Court is unable to complete service. This could be for various reasons, but most often it is because your spouse is no longer living where you thought s/he was living. If service is not completed, the Court will notify you, and you should provide another address to the Court at which to serve your spouse. (Be sure your request has the caption, including the case number, on it.)

After your court papers are filed and service is completed, your spouse has 28 days to respond. If your spouse responds, s/he will do so by filing a document called an "Answer." The answer usually admits or denies each item stated in your Complaint. Your spouse probably will only file an Answer if he/she opposes something you are requesting in the divorce. If your spouse files an Answer, you should get a copy of this document in the mail. Your spouse could also file a "Counterclaim" asking for what s/he wants.

Look at the bottom of the document to see if your spouse has an attorney representing him or her. If your spouse has an attorney, it is not recommended that you represent yourself. If you are low-income, you can contact the Newark office of Southeastern Ohio Legal Services at (740) 345-0850, or (888) 831-9412 for additional advice, and possibly for representation.

Once 28 days after service have passed, the Court generally will set your case for a non-oral hearing on the Motion for Temporary Orders. A non-oral hearing is one which you do not need to attend. (If it is set for an oral hearing, be sure to go to Court for the hearing.) After the hearing, the Court will issue Temporary Orders using the form you have submitted, or its own document.

If your spouse answers your divorce papers, the Court will set your case for a Status Conference and/or a Pre-Trial Conference. The purpose of these conferences is for the Court to determine the status of your case, including what issues are disputed by you and your spouse, and what needs to happen before a trial or final hearing can be scheduled. Usually, the Court does not make decisions regarding the issues in the

case at these conferences. If the Court schedules a Pre-Trial Conference, you must submit a Pre-Trial Statement identifying the assets, liabilities, contested issues, and witnesses to be called at trial.

You may want to request a copy of the Local Rules at the Clerk's Office to find out more about the procedures of the Court.

PREPARATION FOR THE HEARING

1. You must dress as you would for a job interview. Dressing properly shows respect for the Judge, and will help ensure that the Judge takes you seriously. Bring along any witnesses that you want to testify for you. (If you want to subpoena witnesses to the hearing, you should ask the *clerk* for a subpoena form at least a few weeks before the hearing.) You should also have any receipts, photographs, or other evidence that you want the Judge to see. Be sure to write down before the hearing what you want to tell the Judge, and what you want to ask your witnesses, or your spouse and his/her witnesses.
2. You should bring a second witness in Court to testify to the grounds for your divorce in case your spouse denies that you are incompatible.
3. **VERY IMPORTANT!!!! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING YOUR SPOUSE HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE REGARDING WHAT YOU HAVE ASKED FOR IN YOUR COMPLAINT AND MOTION(S). BE PREPARED TO LIMIT YOUR TESTIMONY TO ONLY THOSE ISSUES RAISED IN YOUR COMPLAINT AND MOTIONS. THE JUDGE MAY LOSE PATIENCE IF YOU SPEND A LOT OF TIME ON IRRELEVANT ISSUES.**
4. At your hearing, you may be asked questions by the Judge, your spouse, or your spouse's attorney. Before answering each question, listen carefully to it. Be sure you provide the information that you are asked. If you do not understand the question, ask to have the question explained to you before answering. You have the right to have these questions explained. It is not your fault if the person asking the question cannot make him or herself understood.
5. Read the three enclosed pamphlets: Rules to Follow When You Are Representing Yourself; Representing Yourself in Court? How to Use ... Evidence to Help Prove Your Case; and How to Handle Witnesses When You Are Representing Yourself. These pamphlets can help you prepare for any hearings.

GOOD LUCK!

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name) : Case Number _____
: (Court will complete)

(Your Address) :

: :

DOB: _____ : :

Plaintiff, : :

vs. : Judge/Magistrate _____

(Court will complete)

(Your Spouse's Name) : :

(Your Spouse's Address) : **COMPLAINT FOR DIVORCE -**

WITH CHILDREN

: :

DOB: _____ : :

Defendant. : :

1. Plaintiff has been a resident of the State of Ohio for more than six months immediately prior to the filing of this Complaint, and (Check One)

of _____ County for more than 90 days immediately prior to filing this Complaint and/or

Defendant is a resident of _____ County.

2. Plaintiff and Defendant were married on _____ in
(Insert Date)

(City) _____, (State) _____. There have been _____ children born

as issue of the marriage, and the Plaintiff/Defendant is not currently pregnant.:

_____, born _____;

_____, born _____;

_____, born _____.

3. Defendant has been guilty of: (Check all that apply)

- | | |
|--|--|
| <input type="checkbox"/> Gross Neglect of Duty | <input type="checkbox"/> Spouse is currently in prison |
| <input type="checkbox"/> Adultery | <input type="checkbox"/> Habitual Drunkenness |
| <input type="checkbox"/> Incompatibility | <input type="checkbox"/> Living separately for at least one year |
| <input type="checkbox"/> Extreme Cruelty | |

THE PLAINTIFF ASKS THE COURT FOR THE FOLLOWING RELIEF:

a. Grant this divorce;

b. That the Court: **(Check all that apply)**

- restore wife to her former name of _____;
- grant me designation as temporary and permanent residential parent and legal custodian of the minor children;
- grant parenting time for the Plaintiff/Defendant pursuant to this Court's Local Rules;
- grant parenting time for the Plaintiff/Defendant as follows: _____;
- order the Defendant to pay temporary and permanent child support;
- order the Defendant to pay temporary and permanent spousal support;
- grant me an order requiring Defendant to pay me attorney's fees pursuant to R.C. 3105.73 so that I can hire an attorney;

- grant me temporary and permanent possession of the marital premises;
 - grant me an award of real property located at _____
_____;
- c. Order the Defendant to pay the costs of this action; and
- d. Award any other relief the Court feels is fair and equitable.

Respectfully submitted,

Plaintiff Signature (Your Signature)

Print Name

Street Address

City, State, Zip

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**AFFIDAVIT OF INDIGENCY AND
APPLICATION FOR WAIVER OF
FILING FEE**

STATE OF OHIO,
COUNTY OF KNOX

I, _____, am the Plaintiff 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**

(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/Defendant be allowed to proceed without prepayment of costs in this matter.

IT IS SO ORDERED

MAGISTRATE/JUDGE

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**MOTION FOR TEMPORARY
ORDERS**

The Plaintiff asks the Court for the following temporary orders: **(Check each that you are asking for)**

- 1. Designation of Plaintiff as the temporary residential parent and legal custodian of the minor child(ren);
- 2. Parenting time for Plaintiff/Defendant as requested in Complaint;
- 3. That Defendant not be awarded parenting time;
- 4. An order requiring Defendant to pay temporary child support;
- 5. An order requiring Defendant to pay temporary spousal support;
- 6. Order the Defendant to continue to pay the following marital debts:
(Check each that you are asking for)

- | | |
|--|---|
| <input type="checkbox"/> rent | <input type="checkbox"/> health insurance |
| <input type="checkbox"/> housing payment | <input type="checkbox"/> property taxes |
| <input type="checkbox"/> car | <input type="checkbox"/> auto insurance |
| <input type="checkbox"/> utilities | |
| <input type="checkbox"/> credit card | |
| <input type="checkbox"/> other | |

7. Give the Plaintiff exclusive possession of the following vehicle(s):

Year	Model	License No.	VIN Number
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8. Possession of the house and land located at:

9. An order requiring Defendant to pay Plaintiff money for attorney's fees pursuant to R.C. 3105.73 so that Plaintiff can hire an attorney;

Respectfully submitted,

Plaintiff

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**AFFIDAVIT OF PLAINTIFF
FOR TEMPORARY ORDERS**

I, _____, being first duly sworn, depose
(Your Name)

and state the following:

- 1. I am the Plaintiff in the above-captioned divorce case.
- 2. I have lived in Ohio for at least six (6) months and in _____ County for more than ninety (90) days.

3. I am married to the Defendant.

4. The reasons I need: **(Check all that apply)**

to stop the Defendant from disposing of marital property are: **(Give details of any joint accounts, credit cards or property your spouse may be using.)**

the Defendant to continue to pay the following debts: **(Check all that apply)**

- | | | |
|---|--|--------------------------------|
| <input type="checkbox"/> rent | <input type="checkbox"/> utilities | <input type="checkbox"/> Other |
| <input type="checkbox"/> car | <input type="checkbox"/> credit card | |
| <input type="checkbox"/> auto insurance | <input type="checkbox"/> property taxes | |
| <input type="checkbox"/> health insurance | <input type="checkbox"/> housing payment | |

because: _____

- exclusive possession of the family vehicle (**Give reasons you need this vehicle**)

Year	Model	License No.	VIN Number
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- exclusive possession of the family home located at _____

because (**Give reasons you need the home**) _____

the Defendant may have alternative living arrangements at:

- spousal support because: (**give reasons why spouse should be paying you support**)

- to stop the Defendant from incurring any further debt in my name or by using marital property as collateral because: _____

- I cannot afford to hire an attorney. Defendant can afford to pay an attorney. I need Defendant to pay me money to hire an attorney. I cannot protect my rights and interests if I am not awarded reasonable attorney fees.

Affiant says that the allegations are true and statements contained in the Affidavit are true to the best of the Affiant's knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant (Sign in front of notary)

STATE OF OHIO
COUNTY OF _____, SS:

SWORN TO and subscribed in my presence before me, a Notary Public, in and for said County and State, this _____ day of _____, 20____.

Notary Public

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)
Plaintiff,

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

JUDGMENT ENTRY -
TEMPORARY ORDERS

Upon Motion for Temporary Orders and affidavits of Plaintiff and for good cause shown, this Court ORDERS the following:

1. Defendant shall pay temporary spousal support in the amount of _____ a month:

2. Defendant shall pay Plaintiff _____ For attorney's fees no later than _____. Plaintiff would be prevented from fully litigating his/her rights and adequately protecting his/her interests if this Court did not award Plaintiff reasonable attorney's fees.

3. Plaintiff is awarded temporary possession of the house and land located at _____.

4. Plaintiff is awarded temporary possession of the following motor vehicle:

5. Defendant shall pay the following bills and/or debts: _____

6. Defendant shall not injure, threaten, harass, or physically abuse Plaintiff;

7. Defendant shall not damage, destroy, sell or attempt to sell, dispose of, remove marital property and/or Plaintiff's of the child(ren)'s personal property from Plaintiff's residence, or incur debts in Plaintiff's or Defendant's name for which Plaintiff may be held liable.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**MOTION FOR RESTRAINING
ORDERS**

Now comes the Plaintiff/Defendant and respectfully moves this Court for an order restraining the Defendant/Plaintiff during the pendency of this action from directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere.

Further, the Plaintiff/Defendant asks this Court for an order restraining the Defendant/Plaintiff from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of, or in some manner secreting the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

Further, the Plaintiff/Defendant moves this Court for an order restraining the Defendant/Plaintiff from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of the automobiles or other vehicles of the parties.

Further, the Plaintiff/Defendant moves this Court for an order restraining the Defendant/Plaintiff from directly/indirectly changing beneficiaries, making loans on, terminating or otherwise closing out, or reducing life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant or the child(ren) thereof.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from directly or indirectly causing the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant or the child(ren) thereof to be terminated or lessened as to the benefits or value.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from contracting upon Plaintiff's/Defendant's credit in any manner.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from permanently removing the minor child(ren) of the parties during the pendency of this action.

Plaintiff further moves this Court that no bond be required of him/her.

This Motion is supported by the Affidavit Supporting the Motion for Restraining Order.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Case No. _____

(Court will complete)

Judge/Magistrate _____

(Court will complete)

**AFFIDAVIT IN SUPPORT OF THE
MOTION FOR RESTRAINING ORDERS**

_____, being first duly sworn, deposes and says that she/he is the Plaintiff/Defendant herein and that:

(1) He/She fears that, unless restrained, the Defendant/Plaintiff will directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere as he/she has on occasion done.

(2) Plaintiff/Defendant fears that, unless restrained, the will sell, damage, destroying, remove, encumber, dispose of, lessen the value of, or in some manner secret the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

(3) He/She fears that, unless restrained, the Defendant/Plaintiff will sell, damage, destroying, remove, encumber, dispose of, lessen the value of the automobiles or other vehicles of the parties.

(4) He/She fears that, unless restrained, the Defendant/Plaintiff will directly/indirectly change beneficiaries, make loans on, terminate or otherwise close out, or reduce life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant or the child(ren) thereof.

(5) He/She fears that, unless restrained, the Defendant/Plaintiff will withdraw, spend, encumber, or dispose of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

(6) He/She fears that, unless restrained, the Defendant/Plaintiff will directly or indirectly cause the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant or the child(ren) thereof to be terminated or lessened as to the benefits or value.

(7) He/She fears that, unless restrained, the Defendant/Plaintiff will contract upon Plaintiff's/Defendant's credit in any manner.

(8) He/She fears that, unless restrained, the Defendant/Plaintiff will permanently remove the minor child(ren) of the parties during the pendency of this action.

Further Affiant sayeth naught.

(Affiant sign here in the presence of notary)

STATE OF OHIO,
COUNTY OF _____, SS:

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

Notary Public

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

**JUDGMENT ENTRY FOR
RESTRAINING ORDERS**

Defendant.

Upon Application and Affidavit of the Plaintiff/Defendant and for good cause shown, the Defendant/Plaintiff is restrained from directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere.

It is further ordered that the Defendant/Plaintiff is restrained from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of, or in some manner secreting the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

It is further ordered that the Defendant/Plaintiff is restrained from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of the automobiles or other vehicles of the parties.

It is further ordered that the Defendant/Plaintiff is restrained from directly/indirectly changing beneficiaries, making loans on, terminating or otherwise closing out, or reducing life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant or the child(ren) thereof.

It is further ordered that the Defendant/Plaintiff is restrained from withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

It is further ordered that the Defendant/Plaintiff is restrained from directly or indirectly causing the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant or the child(ren) thereof to be terminated or lessened as to the benefits or value.

It is further ordered that the Defendant/Plaintiff is restrained from contracting upon Plaintiff's/Defendant's credit in any manner.

It is further ordered that the Defendant/Plaintiff is restrained from permanently removing the minor child(ren) of the parties during the pendency of this action.

No bond shall be required of Plaintiff/Defendant.

Judge

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve the Defendant with the Summons and the following documents:

(Check all that you filed.)

- _____ Complaint for Divorce
- _____ Affidavit of Indigency
- _____ Motion for Temporary Orders
- _____ Affidavit for Temporary Orders
- _____ Motion for Restraining Order
- _____ Affidavit for Restraining Order
- _____ Affidavit of Income, Expenses, and Financial Disclosure
- _____ Health Insurance Disclosure Affidavit
- _____ Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

- by CERTIFIED MAIL, ADDRESSEE ONLY at the following address: **(Check if you know your spouse's address)**

(Your Spouses Address)

- by PERSONAL SERVICE at the following address: **(Check if you know your spouse's home or work address, and you do not think he/she will accept certified mail)**

(Your Spouses Work or Home Address)

- Pursuant to O.R.C.P. 4.4(A)(2) so that notice is posted in the courthouse and two additional public places. Additionally, the complaint and summons will be mailed by ordinary mail, address correction requested to the defendant's last known address. **(Check if you filled out Form ● and you do not know your spouse's address. Also complete Form ●)**

Plaintiff Signature (Your Signature)

Print Name (Your Name)

Street Address (Your Address)

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

AFFIDAVIT FOR SERVICE
PURSUANT TO O.R.C.P. 4.4(A)(2)

Defendant.

I, _____, being first duly sworn and cautioned, depose
(Your Name)

and state as follows:

1. I have filed for a divorce and am not able to prepay the filing fees;
2. I do not know the current address of the defendant, my spouse;
3. I have made efforts to determine the defendant's current address but have been unable to do so;
4. The defendant's residence cannot be learned with reasonable effort;
5. The defendant's last known mailing address is:

(Your Spouse's Last Known Address)

Affiant (Sign Here in Front of Notary)

STATE OF OHIO, COUNTY OF _____, SS:

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

Notary Public

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

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

TO BE COMPLETED BY THE APPLICANT

I. PERSONAL INFORMATION

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

II. OTHER PERSONS LIVING IN HOUSEHOLD

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

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

III. MONTHLY INCOME / EMPLOYMENT

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

List monthly income figures for the following:

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

IV. ALLOWABLE MONTHLY EXPENSES

List monthly household expenses for the following:

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

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

V. TOTAL INCOME

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

VI. ASSET INFORMATION

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

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

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

VII. MONTHLY LIABILITIES · OTHER EXPENSES

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

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

VIII. GRAND TOTALS

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

IX. AFFIDAVIT OF INDIGENCY

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

TO BE COMPLETED BY A NOTARY PUBLIC

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

TO BE COMPLETED BY THE JUDGE

X. JUDGE CERTIFICATION

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

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

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

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

II. OTHER PERSONS LIVING IN HOUSEHOLD

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

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

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

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

Type of Expense	Amount							
Child Support Paid Out	(24)	Total Monthly Income - Total Allowable Expenses = Total Income <table border="1" style="margin: auto;"> <tr><td style="width: 50%;">SUBTOTAL A</td><td style="width: 50%;">(31)</td></tr> <tr><td>- SUBTOTAL B</td><td>(32)</td></tr> <tr><td>GRAND TOTAL C</td><td>(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 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
Food	(47)		(59)
Electric	(48)		
Gas	(49)	Total Assets	Grand Total D
Fuel	(50)		(60)
Telephone	(51)		
Cable	(52)		
Water/Sewer/Trash	(53)		
Credit Cards	(54)	Total Monthly Liabilities and Other Expenses	Grand Total E
Loans	(55)		(61)
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.

 Client Signature (63) _____ Date

Notary Public:

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

 Notary Signature (68)

X. JUDGE/ATTORNEY CERTIFICATION

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

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

 Judge/Attorney Signature (70) _____ Date

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

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

II. OTHER PERSONS LIVING IN HOUSEHOLD

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

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

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

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

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

Total Monthly Income - Total Allowable Expenses = Total Income

SUBTOTAL A	
- SUBTOTAL B	
GRAND TOTAL C	

VI. ASSET INFORMATION

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

GRAND TOTAL D

VII. MONTHLY LIABILITIES/OTHER EXPENSES

VII. GRAND TOTALS

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

IX. AFFIDAVIT OF INDIGENCY

I, _____ being duly sworn, say:

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

Client Signature Date

Notary Public:

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

Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

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

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

Judge/Attorney Signature Date

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

Plaintiff/Petitioner _____ : Case No. _____

Address _____ : CSEA No. _____

_____ : Family File No. _____

v. _____ : JUDGE _____

Defendant/Petitioner _____ : MAGISTRATE _____

Address _____

Health Insurance Disclosure Affidavit (HIDA)

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

Children Subject To Support Order

Husband / Father / Other	
DOB	SS#
Street Residence Address	

Wife / Mother / Other	
DOB	SS#
Street Residence Address	

Name	
DOB	SS#

Name	
DOB	SS#

Name	
DOB	SS#

Name	
DOB	SS#

**Part I
Husband / Father / Other**

**Part II
Wife / Mother / Other**

Name
Employer
Employer Address
Employer Phone

Name
Employer
Employer Address
Employer Phone

Is Medicaid coverage available? Yes No

Is Medicaid coverage available? Yes No

Is Medicare coverage available? Yes No

Is Medicare coverage available? Yes No

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

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

If not, is Private insurance available? Yes No

If not, is Private insurance available? Yes No

Is coverage presently in effect? Yes No

Is coverage presently in effect? Yes No

Who is presently covered? Yes No

Who is presently covered? Yes No

Name	Relationship

Name	Relationship

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

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

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

Part I (Continued)
Husband / Father / Other

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

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

What is the annual cost for Family coverage?

\$ _____

What is the annual cost for individual coverage?

\$ _____

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

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

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

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

If yes, what is the deductible?

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

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

If yes, what is the co-payment?

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

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

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

If yes, what is the deductible?

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

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

If yes, what is the co-payment?

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

Part II (Continued)
Wife / Mother / Other

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

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

What is the annual cost for Family coverage?

\$ _____

What is the annual cost for individual coverage?

\$ _____

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

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

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

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

If yes, what is the deductible?

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

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

If yes, what is the co-payment?

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

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

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

If yes, what is the deductible?

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

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

If yes, what is the co-payment?

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

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

Part I (Continued)
Husband / Father / Other

Is a Prescription card available? Yes No

Is there a co-payment required? Yes No

If yes, what is the co-payment?
\$_____ Per Prescription

Is Dental coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Is there a cost for Dental coverage? Yes No

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

What is the annual cost for Family Dental coverage?

\$_____

What is the annual cost for individual Dental coverage?

\$_____

Is a Dental insurance card available? Yes No

Are Dental insurance cards required for services? Yes No

Is Vision coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Part II (Continued)
Wife / Mother / Other

Is a Prescription card available? Yes No

Is there a co-payment required? Yes No

If yes, what is the co-payment?
\$_____ Per Prescription

Is Dental coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

Is there a cost for Dental coverage? Yes No

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

What is the annual cost for Family Dental coverage?

\$_____

What is the annual cost for individual Dental coverage?

\$_____

Is a Dental insurance card available? Yes No

Are Dental insurance cards required for services? Yes No

Is Vision coverage available? Yes No

Insurer / Plan Name	Phone
Address	
Policy / Group #	

**Part I (Continued)
Husband / Father / Other**

**Part II (Continued)
Wife / Mother / Other**

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

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

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

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

What is the annual cost for Family Vision coverage?

What is the annual cost for Family Vision coverage?

\$ _____

\$ _____

What is the annual cost for individual Vision coverage?

What is the annual cost for individual Vision coverage?

\$ _____

\$ _____

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

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

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

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

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

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

If yes, at what cost?

If yes, at what cost?

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

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

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

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

I hereby swear or affirm that the information set forth in this health insurance disclosure affidavit above is true, complete and accurate. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury (O.R.C. 2921.11).

AFFIANT - Husband/Father/Other

AFFIANT - Wife/Mother/Other

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

Notary Public

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

**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

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

AFFIDAVIT APPLICATION FOR REGISTRATION
OF AN OUT-OF STATE CUSTODY VISITATION
ORDER - UCCJEA

Case No.: _____

Division: Domestic Relations/Juvenile

In Re: _____

Name of child(ren) subject of the attached order

Date(s) of birth

(1) I, {full legal name} _____, residing at {list current address} _____, being sworn according to law, am petitioning this Court to register the attached out-of-state custody visitation order that has been issued by [indicate the court, state or other jurisdiction and date]:

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

(2) The name(s) and address(es) of any person(s), other than myself, who have been awarded custody or visitation (parenting time) in the attached custody and/or visitation order are as follows {specify}:

Name(s)	Relationship to Child(ren)	Address
---------	----------------------------	---------

(3) This order has been registered in the following other jurisdiction(s) or State(s) {specify}:

Jurisdiction/State	Registration accepted/denied/pending (list only one)
--------------------	--

I understand I am swearing or affirming under oath to the best of my knowledge and belief, the attached order which I am seeking to register is in effect and has not been stayed or modified. I understand if I knowingly make a false statement to this regard I can be fined or imprisoned.

Date

Petitioner

State of Ohio, County of _____:

Sworn to or affirmed and signed before me on this _____ Date by _____ Notary Public

My commission expires: _____

NOTICE: Attach two (2) copies of the order sought to be registered with at least one of the orders being certified.

INSTRUCTIONS TO THE CLERK

Please serve a copy of this **APPLICATION FOR REGISTRATION OF AN OUT-OF STATE ORDER** to the individual(s) listed in item number two (2) by certified U.S. mail.

NOTICE TO RECIPIENT

An application for registration of an out-of-state custody or visitation order has been filed with this court. The registered order is enforceable in the same manner as a custody or visitation order issued by an Ohio court as of the date of registration. If you wish to contest the validity of the registered custody or visitation order, you **must** request a hearing with this court within thirty (30) days following service of this notice. If you fail to request a hearing to contest the registered custody or visitation order, then the order will be confirmed by this court and you will be precluded from contesting the registration with respect to any matter that could have been asserted.

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

FOR PARENTS TRAVELING UNDER 90 MILES ONE WAY

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

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

1. **Weekends**: Alternate weekends from Friday at 6:00 p.m. until Sunday at 6:00 p.m. This alternating weekend schedule shall not change, even when interrupted by holiday and birthday, summer end/or vacation parenting time. (See Section 5(a) below)
2. **Weekdays**: One weekday evening per week from 5:00 p.m. until 8:00 p.m. which shall be Wednesday, unless otherwise agreed and designated herein as follows:
3. **Extracurricular Activities**: Regardless of where the children are living, their participation in existing and renewed extracurricular activities, school related or otherwise, shall continue uninterrupted. The parent with whom they are residing at the time of the activity shall provide the transportation to these activities. Notice of all extracurricular activities, school related, or otherwise, in which the children participate, schedules of all extracurricular activities (handwritten, if no formal schedule is provided by the activity) and the name of the activity leader (including address and telephone number if reasonably available) shall be exchanged between the parents.
4. **Pre-School Age**: Unless otherwise agreed, pre-school age children shall follow the same schedule as school age children in the school district where they live, regardless of whether or not schoolage children live in the family. Frequent contact with both parents each week is recommended for very young children.

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

a) In the event of a conflict between regular parenting time and holiday parenting time, holiday visitation parenting time prevails. The alternating weekend parenting time continues, however, as if the holiday had not intervened. This means that one parent may have the children three weekends in a row. This process equalizes itself over the course of time for each parent. For any holiday falling on a Monday or Friday, if the weekend immediately preceding or following the holiday parenting time is spent with the same parent, there is no need for that parent to return the children that evening and then pick them up the next morning. For a holiday falling on a Friday, visitation/parenting time commences Friday a.m. and continues to Sunday evening; or for a holiday falling on a Monday, parenting time commences Friday evening and continues to Monday evening.

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

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

d.) Hours for parents who can not agree are as follows: Martin Luther King Day (9:00 a.m. to 7:00 p.m.; Spring Break (6:00 p.m. on the day school is out to 7:00 p.m. the day before school recommences; Memorial day and Labor Day (6:00 p.m. Friday to 6:00 p.m. Monday); July 4th 9:00 a.m. to 9:00 p.m. the next day); Thanksgiving (6:00 p.m. Wednesday to 6:00 p.m. Sunday); Winter Break (first half commences at 6:00 p.m. the last day of school before Winter Break begins, until December 25 at 1:00 p.m.; second half commences at 1:00 p.m. December 25 until 6:00 p.m. the day before school recommences).

e.) 48-hour notice should be given by the parent with whom the holiday is being spent for any arrangements for out of town travel on the holidays or of a change in pick-up/return times.

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

6. SUMMER: In odd numbered years, Mother shall have parenting time with the children the first half of the summer, and Father shall have parenting time with the children the second half of the summer. This schedule reverses in even numbered years. The summer school vacation commences the day after

the children are out of school and continues until seven (7) days before school begins. Each parent's time is calculated by taking the number of intervening weeks (full and/or partial) and dividing in half.

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

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

8. **TELEPHONE ACCESS:**

a.) Children can call either parent as often as they wish, at reasonable times, so long as the call is collect, if it is a long distance call.

b.) In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.

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

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

10. **MOVING:** Upon either parent learning that he/she shall immediately notify the other parent except in those circumstances wherein notice is not required by R.C. 3109.051(G), and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new parenting time schedule.

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

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

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

14. **MAKE-UP PARENTING TIME:** Any make-up parenting time required by this schedule shall occur the first weekend of the other parent immediately following the missed parenting time and shall continue during the other parent's weekends until made up in full, including partial weekends.

15. **CURRENT ADDRESS AND TELEPHONE NUMBER:** Except as provided in the Court order, each parent shall keep the other informed of his/her current address and telephone number at all times.

EMERGENCY CONTACT: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

16. **CAR SEAT:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchange occurs.

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

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

FOR PARENTS TRAVELING OVER 90 MILES ONE WAY

This schedule is merely a guideline for parenting time. It is the parties' responsibility to tailor this schedule as necessary to meet the best interests of their children and their situation before the schedule becomes a court order.

Liberal parenting time arrangements are encouraged, as contact with both parents is important to the children. Specific items in the Journal Entry take precedence over this schedule. Changes or modifications can be made by the Court if need for such is shown. This schedule does not affect support payments.

Activities you engage in with your children, skills you teach them, or friends you help them make will make their time with you more rewarding. Additionally, regardless of how much time each parent spends with the children, there are many opportunities to be involved in their lives, such as participation and attendance at their school, sporting and extracurricular activities.

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

1. **Pre-School Age**: Unless otherwise agreed, pre-school age children shall follow the same schedule as school age children in the school district where they live, whether or not a school age child resides in the family. Frequent contact with both parents is recommended for very young children.
2. **Winter Break**: Winter Break will be divided in half and alternated annually, by half, between the parents.
3. **Spring Break**: The non-residential parent shall be entitled to the entire school vacation (the day school is out to the day before school recommences) in odd-numbered years.
4. **Summer**: Each parent shall be entitled to one half of the school summer vacation. Summer school necessary for the child(ren) to pass to the next grade must be attended. The residential parent shall notify the non-residential parent as to their intentions by April 15.
 - a. If the parties cannot agree which half of the summer they prefer, in the even-numbered years, the first half of the summer shall be spend at the home of the non-residential parent, and in the odd-numbered years, the second half.
 - b. A general itinerary should be provided either parent if more than 2 days will

b. A general itinerary should be provided either parent if more than 2 days will be spent away from either home when the children are in that parent's care.

5 **Vacations**: Each parent may arrange an uninterrupted vacation of not more than two weeks with the children. If this includes a trip away from home a general itinerary of the vacation shall be provided for the other parent, including dates, locations, address, and telephone numbers.

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

6. **Additional Parenting Time**:

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

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

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

d. The residential parent shall notify the non-residential parent at least two days in advance when the residential parent and child(ren) will be in the area of the non-residential parent, and parenting time must be allowed.

7. **Telephone Access**:

a. Children can call either parent as often as they wish, at reasonable times, so long as the call is collect if it is a long distance call.

b. In addition, the non-possessory parent shall be entitled to telephone communication with the children not less than three times per week for not less than 15 minutes per call.

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

8. **Transportation**: Responsibility for transportation costs should be decided in advance and a plan written into an Order of the Court. The costs of transportation, in the appropriate case, may be a basis for deviation from the child support schedule. Parties shall also decide and provide in the plan where the child(ren) shall be picked up and dropped off.

9. **Moving:** Upon either parent leaving or determining, whichever first occurs, that he/she will be moving, he/she will immediately notify the other parent and provide the other parent with the moving date, new residence address and telephone number, and such other pertinent information necessary to effectuate a smooth move for the children. The parents shall attempt, in good faith, to renegotiate an appropriate and beneficial new visitation/parenting time schedule.

10. **Current Address and Telephone Number:** Except as provided in the Court order, each parent shall keep the other informed of his/her current address and telephone number at all times. Emergency Contact: Both parents shall at all times, regardless of whether the children are with him/her, provide the other parent with a telephone number for contact in the event of an emergency.

11. **Car Seat:** For any and all children required by law to ride in a car seat, the parents shall transfer the car seat with the child as parenting time exchanges occur.

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

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

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

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

ODHS 7076 (REV. 7/90)

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 (<i>Check One</i>) <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 _____ Where _____

 Date 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
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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.

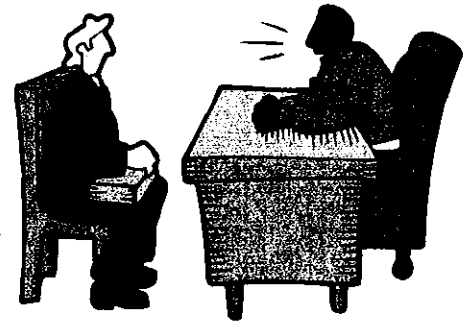
Do not ask court staff for legal advice.

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?

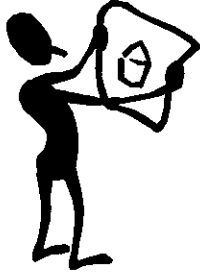
Rules To Follow When Questioning Witnesses

- 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."

- ① Explain how you know about what is in the photo. For example:

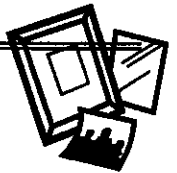
"I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day."

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).**

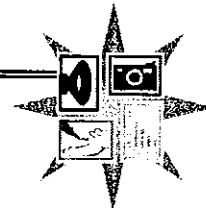
4. Explain that the letter is in the same condition now as when you received it. ("The letter was kept in a safe place and nothing has been changed since I received it.")

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".

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.