

# **GENERAL CONTEMPT**

## ***Knox County Common Pleas Court Domestic Relations Division***

**This packet is to be used as a post-decree motion when the aggrieved party wishes to hold his or her ex-spouse in contempt of court for violating any part of a court order. However, violations of visitation orders should be dealt with by providing the party with the enforcement of visitation packet described above.**

**GENERAL CONTEMPT**  
**KNOX COUNTY COMMON PLEAS COURT**

**INSTRUCTIONS**

Attached is a form motion requesting that your ex-spouse be held in contempt of Court for disobeying a court order. These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and served on the opposing party, and thereby to get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request, nor are they intended to be a representation that you will or should win your motion. These instructions are merely to assist you in preparing and presenting your request to the Court. **YOU MUST READ AND FOLLOW THESE INSTRUCTIONS CAREFULLY.**

**A. LIST OF FORMS**

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

Also enclosed are the following:

Knox County Fee Schedule  
Rules to Follow When You Are Representing Yourself  
Representing Yourself in Court? How to Use ... Evidence to Help Prove Your Case  
How to Handle Witnesses When You Are Representing Yourself

**B. FILLING OUT THE FORMS**

1. You should fill out all of the forms before you go to the Courthouse to file them. Other than telling you the proper case number, the Clerk of Courts' staff will not help you complete the forms.
2. At the top of the Motion for Contempt (Form 1) you need to fill in the names of the Plaintiff/Petitioner and Defendant/Respondent/ Petitioner, and your addresses, Social Security numbers (don't worry if you don't have the opposing party's Social Security number), and dates of birth. Also fill in the case number. (You can find out the case number, as well as which of you is the Plaintiff/Petitioner and which of you is the Defendant/ Respondent/Petitioner from the Divorce or Dissolution Decree or other court papers filed in the case.) If you do not have such papers, you can get this information from the Clerk of Courts office at the Courthouse. Leave the line after "JUDGE" blank.
3. In the first paragraph of the Motion for Contempt, (Form 1) put your name in the blank after "Now comes" and the name of your ex-spouse after "to hold". After this paragraph are blank lines on which you can list your reason(s) for wanting your ex-spouse to be held in contempt of Court. First, you should state which judgment entry, order or decree contains the order your former spouse violated. You can do this by giving the date the judgment entry, order, or decree was file-stamped, or you can just attach a copy of it to the motion. You need to be very specific when writing the reason(s). You must write down what

specifically your ex-spouse did or did not do that you believe violated that court order. You do not have to go into all of the details; however, both the Judge and your ex-spouse must be able to know from reading your motion why you want your ex-spouse to be held in contempt of Court. Please print neatly or type. The judge must be able to read what you write.

4. At the end of the Motion for Contempt (Form 1) are two blank lines. You should sign your name on the first line and print or type your name on the second line.

5. Fill in the names of Plaintiff/Petitioner and Defendant/Respondent/Petitioner and the case number on the Affidavit in Support of Motion for Contempt. (Form 2) Put your name on the first blank line and your ex-spouse's name on the second blank line. In the set of blank lines, write why your ex-spouse should be held in contempt. It is important that you only say what you have witnessed yourself, and not what you know because others have told you. Basically, you will be repeating the same things you said in the motion. You need to do this because a sworn affidavit is required by the court. **YOU MUST SIGN THE AFFIDAVIT IN THE PRESENCE OF A NOTARY PUBLIC.** If you do not know anyone who is a Notary Public, you might be able to find one at a bank, realtor's office, or insurance company. Otherwise, check the yellow pages.

6. Request for Service (Form 3) **You must have a valid address for your former spouse so that the Clerk's Office is able to "serve" the Motion for Contempt on him/her.** (You can also use your ex-spouse's work address.) If you do not have a valid address, there is no point in filing the motion. (There are ways to serve someone even if you do not have an address, but they require information beyond this packet.) The Court has no authority to grant your Motion for Contempt unless your ex-spouse has been served properly with a copy of the motion and has been given the opportunity to be heard on the motion. Sign your name on the last blank line.

You must also decide how you want to have the papers "served" on your ex-spouse. If you think that your ex-spouse will sign for the papers if they are sent by certified mail, you should check the box in front of "certified U.S. mail, return receipt requested". Otherwise, check the box in front of "personal service".

7. Fill in the names of Plaintiff/Petitioner and Defendant/Respondent/Petitioner and the case number on the Order to Appear and Show Cause. (Form 4) Put your name on the first blank line and the name of your former spouse on the second blank line in the first paragraph. Leave the time and date for the hearing blank; the court staff will fill them in. Do not sign the Magistrate's/Judge's name.

8. Fill in the name of the Plaintiff/Petitioner and Defendant/Respondent/Petitioner and the case number on the Summons in Contempt. (Form 5) On the line immediately after the word "TO:", fill in the name of your ex-spouse. On the line immediately after "by:", fill in your name and address. Leave the line after "The name and address of the movant's attorney are:" blank.

9. Fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent/Petitioner and the Case Number on the Notice of Hearing (Form 6). (The Domestic Assignment Commissioner will fill in the date and time of the hearing and have a copy mailed to both you and your ex-spouse.)

10. Fill out the Affidavit of Indigency (Form 7) if you do not have the income to pay a deposit on court costs for the filing of your Motion for Contempt. (To find out the amount of the deposit, you should call the Knox County Clerk of Courts office at (740) 393-6788.) **YOU MUST SIGN THE AFFIDAVIT OF INDIGENCY IN THE PRESENCE OF A NOTARY PUBLIC.**

12. Make two (2) additional copies of each page of each form you have filled out, including any attachments such as a copy of the judgment entry, order, or decree violated.

### C. FILING THE MOTION FOR CONTEMPT

1. After the forms are filled out and copied, go to the Clerk of Courts office on the 2nd floor of the Courthouse at 117 East High Street, Mount Vernon, Ohio.
2. Give the clerk the original and all the copies of the motion and the other papers. The clerk will time-stamp the Motion for Contempt, Affidavit in Support of Motion for Contempt, and Affidavit of Indigency and keep the original documents for the court file and one copy of each document to serve on your ex-spouse. You should receive back one time-stamped copy of each document for your records. The clerk will keep the Summons in Contempt, Order to Appear and Show Cause and Judgment Entry.
3. The Court will keep both the original and the copies of the Notice to Appear and Show Cause and the Notice of Hearing and will send you and your ex-spouse a notice indicating the date and time of the hearing on your motion.

### D. PREPARATION FOR THE HEARING

1. You must be prepared for the hearing. You should dress as you would for a job interview and have any witnesses that you wish to use to support your request present. You should also have with you any receipts, papers, or other physical evidence that you want the Judge to see.
2. You should bring with you the specific part of the Court's order (which may be in your divorce or dissolution decree) that your ex-spouse has violated. You need to have this with you so you can explain to the Court how your ex-spouse has violated this order. You will probably testify first and you should be prepared to tell the Judge all the things your ex-spouse has done to violate the order. This is the only opportunity that you will have to present the facts, so make sure that you include everything. It is helpful if you write down an outline of what your ex-spouse has done that you believe violates the order before the day of your hearing so you have something to remind yourself of what to say when you testify. You should also write down before the hearing the questions you plan to ask your witnesses.
3. **VERY IMPORTANT!!! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING THAT YOUR EX-SPOUSE HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE YOU HAVE THAT SHOWS THE VIOLATION(S) OF THE ORDER THAT YOU HAVE LISTED IN YOUR MOTION. IF YOU DID NOT INCLUDE COMPLAINTS THAT YOU HAVE AGAINST YOUR EX-SPOUSE IN YOUR WRITTEN MOTION, THE JUDGE PROBABLY WON'T HEAR YOUR TESTIMONY ON THOSE POINTS. For example, if you mentioned in your written motion only that your ex-spouse also has failed to return property to you that s/he was ordered to return to you in the divorce decree, and you try to tell the Judge that you ex-spouse is also denying or interfering with visitation rights, the Judge won't hear it. So be prepared to limit your testimony to the matters raised in your written motion.**
4. At your hearing, you may be asked questions by the Judge, your ex-spouse, or your ex-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 the questions explained. Never answer a question you don't understand.

5. Please note: because you are asking the Court to punish your former spouse for disobeying a court order, s/he is entitled to a court-appointed attorney if s/he is indigent and cannot afford to hire an attorney. You, however, are not entitled to a court-appointed attorney to represent you on your Motion. The reason for this is that your former spouse might go to jail, and you will not.

6. The Judge may make a decision while you are in Court. If the Judge does not make a decision while you are in Court, you eventually will receive a copy of the decision by mail. If you are dissatisfied with the decision, you have certain appeal rights which are not discussed here, as well as the right to file objections if the decision was made by a Magistrate. You should contact a private attorney IMMEDIATELY upon receiving the decision if you want to pursue these rights since you must do so within a very short time.

GOOD LUCK!!

Form 1

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOB: \_\_\_\_\_  
Plaintiff/Petitioner,

CASE NO. \_\_\_\_\_

vs.

JUDGE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MOTION FOR CONTEMPT  
AND MEMORANDUM IN SUPPORT**

DOB \_\_\_\_\_,  
Defendant/Respondent/Petitioner.

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

**MEMORANDUM IN SUPPORT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Motion for Contempt - Page 2

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

Respectfully Submitted,

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IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_  
Plaintt/Petitioner,

CASE NO. \_\_\_\_\_

vs.

\_\_\_\_\_  
Defendant/Respondent/Petitioner.

**AFFIDAVIT IN SUPPORT OF  
MOTION FOR CONTEMPT**

STATE OF OHIO  
COUNTY OF KNOX, SS:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Form 3

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOB \_\_\_\_\_  
Plaintiff/Petitioner,

CASE NO. \_\_\_\_\_

vs.

JUDGE \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DOB \_\_\_\_\_  
Defendant/Respondent.

**REQUEST FOR SERVICE**

TO THE CLERK OF SAID COURT:

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

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

SPECIAL INSTRUCTIONS TO SHERIFF:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
MOVANT

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_

Plaintiff/Petitioner,

vs.

\_\_\_\_\_

Defendant/Respondent/Petitioner.

\*

\*

\*

\*

\*

CASE NO. \_\_\_\_\_

**ORDER TO APPEAR  
AND SHOW CAUSE**

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

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

IT IS SO ORDERED.

\_\_\_\_\_  
MAGISTRATE/JUDGE

Form 5

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_  
PLAINTIFF/PETITIONER

Case No. \_\_\_\_\_

-VS-

Judge \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT/RESPONDENT/PETITIONER

**SUMMONS IN CONTEMPT**

TO: \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

If you are found guilty of contempt, the Court may impose the following sentences: (1) FOR A FIRST OFFENSE: A FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN THIRTY DAYS IN JAIL, OR BOTH; (2) FOR A SECOND OFFENSE: A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN SIXTY DAYS IN JAIL, OR BOTH; (3) FOR A THIRD OR SUBSEQUENT OFFENSE: A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, A DEFINITE TERM OF IMPRISONMENT OF NOT MORE THAN NINETY DAYS IN JAIL, OR BOTH. IN ADDITION, IF THE CONTEMPT CONSISTS OF THE OMISSION TO DO AN ACT WHICH YOU CAN YET PERFORM, THE COURT MAY IMPRISON YOU INDEFINITELY UNTIL YOU PERFORM THE ACT. O.R.C Sections 2705.05 and .06.

Date: \_\_\_\_\_

\_\_\_\_\_ CLERK OF COURTS

By: \_\_\_\_\_

RETURN OF SERVICE (PERSONAL)

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Sheriff - Bailiff - Process Server

By \_\_\_\_\_ Deputy

Form 6

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_, \*  
Plaintiff/Petitioner, \* CASE NO. \_\_\_\_\_  
vs. \*  
\_\_\_\_\_, \*  
Defendant/Respondent/Petitioner. \* **NOTICE OF HEARING**

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

cc: Plaintiff  
Defendant

**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
Name	Age	Relationship	Name	Age	Relationship

## III. MONTHLY INCOME/EMPLOYMENT INFORMATION

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

## IV. ALLOWABLE MONTHLY EXPENSES

## V. TOTAL INCOME

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

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

## VI. ASSET INFORMATION

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

GRAND TOTAL D (45)

VII. MONTHLY LIABILITIES/OTHER EXPENSES

VII. GRAND TOTALS

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

IX. AFFIDAVIT OF INDIGENCY

I, \_\_\_\_\_ (62) \_\_\_\_\_ being duly sworn, say:

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

\_\_\_\_\_ (63) \_\_\_\_\_  
 Client Signature Date

**Notary Public:**

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

\_\_\_\_\_ (68) \_\_\_\_\_  
 Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

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

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

\_\_\_\_\_ (70) \_\_\_\_\_  
 Judge/Attorney Signature Date

# FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

## I. PERSONAL INFORMATION

Name	SS#	D.O.B.
Mailing Address	City	State
	Zip	Phone ( )
Residence (if different from above)	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)	<b>SUBTOTAL A</b>			
Address				Phone ( )

## IV. ALLOWABLE MONTHLY EXPENSES

## V. TOTAL INCOME

Type of Expense	Amount							
Child Support Paid Out		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%;"></td></tr> <tr><td>- SUBTOTAL B</td><td></td></tr> <tr><td><b>GRAND TOTAL C</b></td><td></td></tr> </table>	SUBTOTAL A		- SUBTOTAL B		<b>GRAND TOTAL C</b>	
SUBTOTAL A								
- SUBTOTAL B								
<b>GRAND TOTAL C</b>								
Child Care (if working only)								
Transportation for Work								
Insurance								
Medical/Dental								
Medical & Associated Costs of Caring for Infirm Family Members								
<b>SUBTOTAL B</b>								

## VI. ASSET INFORMATION

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

**GRAND TOTAL D**

VII. MONTHLY LIABILITIES/OTHER EXPENSES

VII. GRAND TOTALS

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

IX. AFFIDAVIT OF INDIGENCY

I, \_\_\_\_\_ being duly sworn, say:

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

\_\_\_\_\_  
Client Signature

\_\_\_\_\_  
Date

Notary Public:

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

\_\_\_\_\_  
Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

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

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

\_\_\_\_\_  
Judge/Attorney Signature

\_\_\_\_\_  
Date

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_

Plaintiff,

vs.

\_\_\_\_\_

Defendant.

Case No. \_\_\_\_\_

(Court will complete)

Judge/Magistrate \_\_\_\_\_

(Court will complete)

**AFFIDAVIT OF INDIGENCY**

STATE OF OHIO,  
COUNTY OF KNOX

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

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

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

\_\_\_\_\_  
Affiant (Sign here in front of notary)

Sworn to before me and signed in my presence this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

IN THE COURT OF COMMON PLEAS  
KNOX COUNTY, OHIO

\_\_\_\_\_  
Plaintiff,

Case No. \_\_\_\_\_

vs.

Judge/Magistrate \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**JUDGMENT ENTRY**  
**(ON AFFIDAVIT OF INDIGENCY)**

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

IT IS SO ORDERED

\_\_\_\_\_  
MAGISTRATE/JUDGE

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

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

# *Rules to Follow When You Are Representing Yourself*

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

## **BE ON TIME**

### ***What will happen if you are late?***

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

### ***What to do if you are late?***

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

## **DRESS NEATLY**

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

## **BE RESPECTFUL**

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

## **DO NOT BRING CHILDREN WITH YOU TO COURT**

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

## **NO CELL PHONES OR PAGERS IN THE COURT**

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

## **What to Expect When You Arrive at the Courthouse**

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

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

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

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

During the hearing the judge may ask you questions.

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

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

### **WARNING**

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

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

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

***For example:*** If you write a letter to the judge requesting that the court date for your divorce be changed, you must send a copy of this letter to your spouse as well and let the judge know that you have done this. Otherwise the judge will not even read your letter.

**Do not ask court staff for legal advice.**

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

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

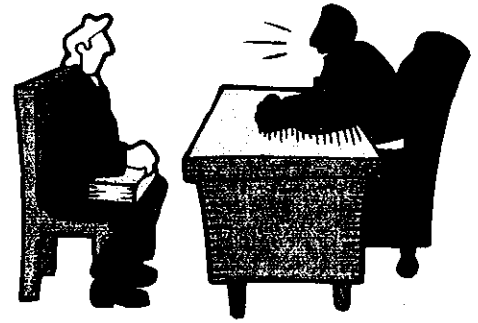
## How to Handle Witnesses When You Are Representing Yourself

### When Should I Bring a Witness to Court?

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

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

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



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

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

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

### Who Should I Bring as a Witness?

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

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

### How Do I Prepare My Witnesses?

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

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

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

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

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

### **Examples to use:**

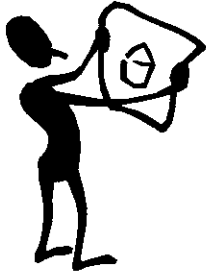
- How would you describe my husband’s condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

## Rules To Follow When Questioning Witnesses

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

## Samples of Questions to Ask My Witnesses

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



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

## What is Evidence?

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

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

For example:

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

## Why Use Evidence?

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1. Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
2. Evidence may make something **easier to understand**. "A picture is worth a thousand words." Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.
- 3.

## How Do I Present Evidence to the Court?

Each court is different, but in most courts, you can't just walk into court with photograph

or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be "admitted".

### Steps to Follow to Admit Evidence

---

- ⑤ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1," "Exhibit 2," etc.)



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

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

### Laying the Foundation for Photographs

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- ① Explain why a photo is connected to your case. For example:

"This photo shows the injury I suffered after my ex-boyfriend punched and kicked me."

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

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

3. Explain that the photo is timely. For example:

"At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend."

4. Explain that the photo "fairly and accurately" shows what is depicted in the photo as it appeared on the date relevant to your case. For example:

"This photo is a fair and accurate depiction of how my face and side looked 2 hours after the incident and for the next two weeks."



### **TIP:**

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

### **Foundation for Letters**

1. Explain why the letter is connected to your case. For example:

“This is the letter that I received from my ex-boyfriend shortly before he beat me up.”

2. Explain when and how you got the letter. For example:

“This letter was shoved under the door to my apartment some time before 6:00 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day.”

3. Prove that the signature is that of a party to the case. Ways to prove this:

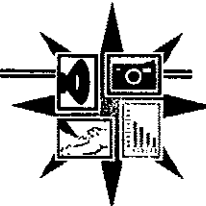
- **Explain to the court: that you are familiar with the other party's signature, how you came to know that person's signature, and that it is your opinion that the signature on the letter is the other party's signature.**
- **Call a witness who is familiar with the party's signature, and ask the witness:**  
“Do you know the other party in this case? Are you familiar with the party's signature? How?”  
Then show them the letter and ask “Is this the other party's signature?”
- **Call the person who signed the letter. Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).**

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

### **TIPS**

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

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



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

### **TIP**

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