

GENERAL MOTION **FOR MODIFICATION**

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

This packet is designed to be used where there is an order from Knox County Court of Common Pleas. It is a motion, and can be used by parties to modify an original divorce or dissolution decree.

GENERAL MOTION FOR MODIFICATION
KNOX COUNTY COMMON PLEAS COURT

INSTRUCTIONS

Attached are forms requesting a change in your court order. 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 are not intended to assure you that you will win your Motion. They are merely to assist you in preparing and presenting your request. **IN ORDER FOR THESE FORMS TO WORK FOR YOU, YOU MUST READ THESE INSTRUCTIONS AND FOLLOW THEM CAREFULLY.**

A. LIST OF FORMS

- | | |
|---------|--|
| Form 1. | Motion (2 pages) |
| Form 2. | Notice of Hearing (1 page) |
| Form 3. | Request for Service (1 page) |
| Form 4. | OPD/Financial Affidavits (10 pages) |
| Form 5. | Judgment Entry for Affidavit of Indigency (1 page) |
| Form 6. | UCCJEA Parenting Affidavit (3 pages) |

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

Also enclosed are the following:

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

B. FILLING OUT THE FORMS

1. At the top of the Motion, (Form 1) you need to fill in the names of the Plaintiff/Petitioner and Defendant/Respondent (whichever the case may be) and the addresses, social security numbers and dates of birth under each parties' name. You need to also fill in the Case Number. This information is available from your final Divorce or Dissolution Decree or on other papers that have been previously filed in your case with the Court. If you do not have the case number, you can get it from the Clerk of Courts Office at the Domestic Relations Courthouse.

2. In the first paragraph of the Memorandum in Support, fill in your name in the blank after "Now comes." Then in the spaces provided, list the reason(s) that you have for wanting the order modified. You need to be very specific when writing the reason(s). You must write down what specifically has happened since the last Order. Please print or type neatly. The Judge must be able to read what you write.

3. Below the Memorandum in Support are four blank lines. You should sign your name on the first line where it says "movant" and print or type your address and phone number on the last three lines.

4. For the Notice of Hearing, (Form 2) fill in the names of the Plaintiff/Petitioner and the Defendant/Respondent and the Case Number. The Assignment Clerk will fill in the date and time for the hearing on the Notice of Hearing.

6. On the form "Request for Service,"(Form 3) print or type the name of the opposing party in the first blank and the street address, city, state, and zip code in the second blank. You must have a valid address for the Clerk's office to be able to mail the Motion to the other party. If you do not have a valid address, do not even bother to try to file your papers. The Judge has no authority to grant a Motion unless the other party has been served with a copy of the Motion and has been given the opportunity to be heard on this Motion. Please make sure you sign your name on the last line.

7. If you cannot afford to pay the filing fee, you will need to fill out the **AFFIDAVIT OF INDIGENCY** (Form 4). Please read the **disclosure** form carefully and make sure that you include all information asked for. If an item does not apply to you, do not leave it blank. Rather state "none." As to the **Affidavit of Indigency form** go to the top of the form, and fill in the names of both parties. In the blank after the word "I" put in your name. In the blank line below the paragraph, sign your name where it says "movant." You must sign both of these forms but **YOU MUST SIGN THEM IN THE PRESENCE OF A NOTARY PUBLIC**. (To find out the amount of the filing fee, you should call the Licking County Clerk of Courts office at (740) 349-1677)

8. You may also need to complete the form titled **UCCJEA Parenting Affidavit (Form 6)**. At the top fill in the names of the Plaintiff/Petitioner and the Defendant/ Respondent. Also put in the Case Number, if you know it. Leave the line for the judge's name blank.

After the words "full legal name" put in your name.

In item 1. you may check the box asking the court to not disclose your current address or that of your child(ren) if you feel that the health, safety, or liberty of yourself or your child(ren) will be jeopardized by the disclosure of that information. Question 2. requests information about where the child(ren) have lived, with whom and for what period of time. Questions 3., 4. and 6. require a "yes" or "no" answer and additional information depending on your answer. In item 5. you must list all criminal convictions (including guilty pleas) for you and the members of your household for specific offenses. Be sure to read this paragraph carefully before answering. Item 7. is a statement of understanding that you agree to by signing the document.

When you have completed this affidavit, **YOU MUST SIGN IT IN THE PRESENCE OF A NOTARY PUBLIC**. You should sign on the line above the word "Affiant."

NOTE: Please answer all of the questions on this affidavit truthfully. If you lie on this form or misrepresent any of the facts, the Court may dismiss your petition, hold you in contempt of court, sentence you to jail, or charge you with criminal perjury.

9. On the form marked "Judgment Entry for Affidavit of Indigency, (Form 5)," only fill out the names of the parties and the case number. Leave the rest of these forms blank.

10. If this motion will result in the establishment of child support, you will need to immediately go to your local Child Support Enforcement Agency to apply for child support.

11. Make two (2) copies of all of the forms you have filled out. One copy is for you, one is for the residential parent (custodian) and the original is for the Court's file.

B. FILING THE MOTION

1. After the forms are filled out and copied, go to the Domestic Relations Court which is located at 75 East Main Street, Newark, Ohio.
2. Someone in the Domestic Relations Court will take your papers and look them over to make sure they are filled out properly and all the necessary forms are there. Once s/he does this, you will be given a hearing date for your motion. At this time you need to fill in the date and time of your hearing on all three copies of your Notice of Hearing. Then, take the forms to the Clerk of Courts office, ask someone in the Domestic Relations Court to tell you where the clerk of courts office is located.
3. When you file your Motion, the Clerks's staff will take the original and two copies of your papers. You should ask the Clerk to time-stamp your copy of the Motion, which you may keep. This will be your proof that you have filed the original.

C. PREPARATION FOR THE HEARING

1. You must be prepared for the hearing. You must dress as you would for a job interview and have any witnesses that you wish to use support your request. You should also have 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 previous Order (which may be in your decree) that you want to change. You need to have this with you so you can explain to the Court why this Order is not working for you and why you need the requested changes. You should tell the Judge why it would be in the best interests of your child to have the changes. This is your only chance to present the facts, so make sure you include everything. It would be helpful if you were to write down, before the day of your hearing, an outline of your reasons for wanting this change, so that you will have something to remind yourself of what to say when you testify.
3. **VERY IMPORTANT!!!! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING THAT THE OTHER PARTY HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE THAT SHOWS OR SUPPORTS THE SPECIFIC CHANGES THAT YOU WANT. BE PREPARE TO LIMIT YOUR TESTIMONY TO ONLY THOSE ISSUES RAISED IN YOUR MOTION. THE JUDGE WILL LISTEN TO NOTHING ELSE.**
4. At your hearing, you may be asked questions by the Judge, the other party or that person'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.
GOOD LUCK!

Form 1

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

_____*
_____*
_____* CASE NO. _____
DOB _____,*
Plaintiff/Petitioner,*
vs. _____* JUDGE _____
_____*
_____*
_____*
DOB _____,*
Defendant/Respondent.

MOTION

Now comes _____, and moves this Court to change the previous Order of the Court. Circumstances have changed since the last Order, as explained below in the Memorandum of Support.

MEMORANDUM IN SUPPORT

Motion - Page Two

An oral hearing is requested to enable me to establish these facts.

Respectfully submitted:

MOVANT

Form 2

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

DOB _____,
Plaintiff/Petitioner,

vs.

DOB _____,
Defendant/Respondent

*
*
*
*
*
*
*
*
*
*
*
*
*
*

CASE NO. _____

NOTICE OF HEARING

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

cc: Plaintiff
Defendant

Form 3

IN THE COURT OF COMMON PLEAS
KNOX COUNTY, OHIO

DOB _____,
Plaintiff/Petitioner,

*
*
*
*

vs.

DOB _____,
Defendant/Respondent

*
*
*
*
*

CASE NO. _____

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

Form 4

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 2)	Age	Relationship	Name 4)	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)	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.

_____ (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)				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		Total Assets	Grand Total D
Fuel			
Telephone			
Cable			
Water/Sewer/Trash			
Credit Cards		Total Monthly Liabilities and Other Expenses	Grand Total E
Loans			
Taxes Owed			
Other			
GRAND TOTAL E			

IX. AFFIDAVIT OF INDIGENCY

I, _____ being duly sworn, say:

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

Client Signature Date

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

Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

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

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

Judge/Attorney Signature Date

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

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

Form 6

**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

**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)	

Representing Yourself

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

BE ON TIME

What will happen if you are late?

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

What to do if you are late?

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

DRESS NEATLY

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

BE RESPECTFUL

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

DO NOT BRING CHILDREN WITH YOU TO COURT

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

NO CELL PHONES OR PAGERS IN THE COURT

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

What to Expect When You Arrive at the Courthouse

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

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

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

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

During the hearing the judge may ask you questions.

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

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

WARNING

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

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

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

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

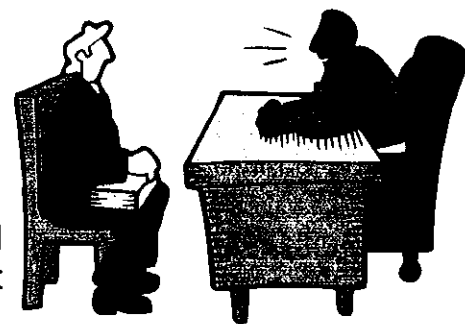
Otherwise the judge will not even read your letter.

☒ Do not ask court staff for legal advice.

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

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

How to Handle Witnesses When You Are Representing Yourself



When Should I Bring a Witness to Court?

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

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

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

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

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

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

Who Should I Bring as a Witness?

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

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

How Do I Prepare My Witnesses?

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

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

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

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

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

Examples to use:

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

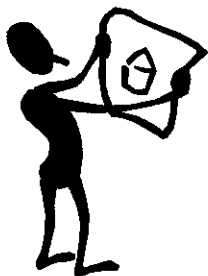
Rules To Follow When Questioning Witnesses

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

Samples of Questions to Ask My Witnesses

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

Representing Yourself in Court



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

What is Evidence?

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

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

For example:

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

Why Use Evidence?

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

How Do I Present Evidence to the Court?

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

Steps to Follow to Admit Evidence

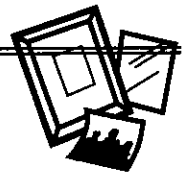
- ⑤ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1," "Exhibit 2," etc.)



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

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

Laying the Foundation for Photographs



- ① Explain why a photo is connected

to your case. For example:

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

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

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

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

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

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

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

TIP:

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

Foundation for Letters

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

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

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

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

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

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

"Do you know the other party in this case? Are you familiar with the party's signature? How?"

Then show them the letter and ask "Is this the other party's signature?"

- **Call the person who signed the letter.** Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).

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

TIPS

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

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

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.