

Instructions for filing a
“MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)”
(to be filed in an existing case)

*****NOTE:** If you are not a current party to the case, you will need to file a “MOTION TO INTERVENE” contemporaneously when filing this Motion.

This packet contains four forms that must be used to request a change in a shared parenting plan or a change in the designation of the sole residential parent and legal custodian. The forms enclosed are (A) “MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)”, (B) “PARENTING PROCEEDING AFFIDAVIT” containing child custody information, (C) “REQUEST FOR SERVICE” and (D) “SUPPLEMENTAL INFORMATION FORM”.

These instructions are intended to be a general guide to help you complete the forms, file them with the Court, serve them on the opposing party, and get your request properly before the Court. These instructions are not intended to be a legal analysis of your request and do not guarantee you will be successful in your Motion, but are merely to assist you in preparing and presenting your request.

- **A \$63.00 filing fee for each Motion MUST be paid at the time of filing.**
- **A separate Motion (and accompanying documents) must be filed for each child.**

*****It will be helpful to read ALL the instructions prior to completing the forms and you may refer back to them as much as you need. The clerks cannot help you with the forms, but will verify that all sections are completed prior to filing. Incomplete forms will not be accepted.**

A. MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)

(Fill out the form completely and entirely)

1. Header & Case Caption:
 - a. If you are filing in the Juvenile Court of Holmes County, you will use “Juvenile” Division and “Holmes” County. Please fill in the blank spaces at the top of the Complaint.
 - b. IN THE MATTER OF: is the minor child’s name.
 - c. Plaintiff/Petitioner 1: **Must be the same as the existing case caption.**
 - d. Case No.: current case number.
 - e. The current Judge and Magistrate presiding are Judge Thomas C. Lee and Magistrate Julie Dreher.
 - f. Defendant/Petitioner 2/Respondent: **Must be the same as the exiting case caption.**
2. If you do not know the existing Case No. the clerk will assist you with this information.
3. Fill in your name, as the Movant, and the date of the custody order currently in place.
4. List the children’s name(s) and date of birth that are part of the current custody order.
5. Completely fill in the remainder of the form. Be descriptive. Indicate the check box beside the item(s) that apply if necessary.
6. You must include your signature, name, address, and phone # at the end of the motion.

Instructions for:
MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)

B. PARENTING PROCEEDING AFFIDAVIT (Fill out the form completely and entirely)

1. Fill out the Header & case Caption (see detailed instructions in section A).
2. Do not leave any section blank. If not applicable mark “N/A” or if unknown mark “unknown”.
3. This document must be **signed in the presence of a Notary Public**. A notary can typically be found at a bank or credit union, a library, a hotel, law enforcement offices, auto dealerships, Department of Motor Vehicle (DMV) offices, UPS Store, as well as some insurance companies and pharmacies.

C. REQUEST FOR SERVICE

1. Fill out the Header & Case Caption (see detailed instructions in section A).
2. Indicate which document(s) you are filing that needs to be served.
3. Indicate who the document(s) should be served to. Service should be made to any party upon whom service of summons is sought. If a current child support order is in place or requesting changes to child support, please include the Holmes County Child Support Enforcement Agency.
4. You must have a valid address for the parties in order to obtain proper service of your Motion. The case cannot proceed until proper service has been made on all the parties.
 - a. If you don’t know their home address, you may use their work address.
 - b. If you have made every effort to locate an address and are unsuccessful, write “unknown” in the address field. A separate “Unknown Address Affidavit” pursuant to the Court’s Local Rule (available in the clerk’s office or on the Court’s website) regarding the unknown address must be filed along with the Motion.
5. You need to choose which type of service (certified mail or personal service) you want for each of the parties served. Any service costs may be taxed as Court Costs at the end of your case.
6. The filing party of the Motion will receive a copy of the filings by regular mail along with a Hearing Notice, therefore, you do not need to indicate service to yourself.
7. You must sign the form at the bottom.

D. SUPPLEMENTAL INFORMATION FORM

- Please complete this form with your information (the filing party). It will remain confidential and separate from case documents, however, may be used in future collection efforts if you fail to pay costs as ordered.

*If you have additional information to include that does not fit on the forms, please attach those documents to the Motion. Said documents will be considered part of the Motion and will be served contemporaneously to the other parties.

FILING YOUR PAPERWORK

After you have completed all the forms and have signed the “Parent Proceeding Affidavit” in the presence of a Notary Public as required, return them to the Juvenile Court Clerk’s office on the 2nd floor of the Courthouse, Suite 202.

At this time you will be required to pay a \$63.00 filing fee per Motion (each child).

NEXT STEP: INITIAL HEARING

- The case will be set for an initial hearing, usually 2-3 weeks from the time of filing, depending on what the Court docket allows.
- Preparing for the hearing:
 - ◆ Dress appropriately as you would for a job interview.
 - ◆ Be prepared to tell the Judge or Magistrate in clear simple terms why you want a change in the shared parenting plan or a change in the designation of the sole residential parent and legal custodian and why it is in the best interest of the child.
 - ◆ This is your chance to present the facts. Written notes outlining your reasons can be helpful in Court when you testify.
 - ◆ This is not the time to tell the Judge or Magistrate all the things the other party has done that you disagree with or that has hurt or angered you. The Judge or Magistrate will only want to hear evidence you have that shows or supports your request.
 - ◆ You may be asked questions at the hearing by the Judge or Magistrate, by the other party or by an attorney. Be directly responsive to the questions. Listen to the questions and make sure you provide the information you are asked for. If you do not understand the questions or are not sure what you are being asked, you have a right to have the question explained to you before answering it.

COUNSEL

The Court encourages you to retain counsel (an Attorney) to represent you during this process. It may be difficult, if not impossible, to represent yourself at a trial should the case proceed in that direction.

The clerk’s office has a brochure titled “Representing Yourself in Court”, that includes information regarding your options and responsibilities should you choose to proceed without legal representation.

IN THE COURT OF COMMON PLEAS

DIVISION
COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

Case No.

Street Address

Judge

City, State and Zip Code

Magistrate

Plaintiff/Petitioner 1

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner 2/Respondent

**WARNING: This form is not a substitute for the benefit of the advice of legal counsel.
It is highly recommended that you consult an attorney.**

Instructions: This form is used to request a change in a Shared Parenting Plan, a Parenting Plan, or a change in the designation of the sole residential parent and legal custodian. A Request for Service (Uniform Domestic Relations Form 31/Uniform Juvenile Form 10) and a Parenting Proceeding Affidavit (Uniform Domestic Relations Form – Affidavit 3) must be filed with this Motion. **YOU MUST UPDATE THE CLERK OF COURTS IF ANY OF THE ABOVE CONTACT INFORMATION CHANGES.**

MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)

Now comes _____ (name), the Movant, and requests a change in the allocation of parental rights and responsibilities (custody) order filed on _____ (date) regarding the following minor child(ren):

Name of Child

Date of Birth

_____	_____
_____	_____
_____	_____
_____	_____

Parental rights and responsibilities are currently allocated as follows:

Since the Court issued the existing order, circumstances of the child(ren), residential parent, or legal custodian have changed as follows:

Movant requests that the Court change the existing order as follows:

Movant believes that the requested changes are in the child(ren)'s best interest.

Movant requests that the Court order the following: *(check all that apply)*

- ☐ Assessing reasonable attorney fees;
- ☐ Assessing Court costs of the proceedings;
- and any further relief deemed proper.

Attorney or Self Represented Party Signature

Printed Name

Address

City, State, Zip

Phone Number

Fax Number

E-mail

Supreme Court Reg No. (if any)

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

Plaintiff/Petitioner 1

vs./and

Defendant/Petitioner 2/Respondent

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed. By law, this affidavit must be filed and served with any Complaint, Petition or Motion regarding the allocation of parental rights and responsibilities, parenting time, custody, or visitation. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____

(Print Your Name)

ONLY CHECK THE FOLLOWING BOX IF YOU BELIEVE THAT THE HEALTH, SAFETY, OR LIBERTY OF YOURSELF OR YOUR CHILD(REN) WOULD BE JEOPARDIZED BY THE DISCLOSURE OF YOUR ADDRESS OR IDENTIFYING INFORMATION. YOU ACKNOWLEDGE THAT THE COURT MAY CONDUCT A HEARING REGARDING THE BASIS FOR YOUR REQUEST.

- ☐ Pursuant to R.C. 3127.23(D), I allege that my health, safety, or liberty or that of my child(ren) would be jeopardized by the disclosure of identifying information to my spouse or the public. Therefore, I request that my address be placed under seal. I have marked the corresponding box next to each address I am requesting to be sealed.

1. (Number): _____ Minor child(ren) is/are subject to this case as follows:

Insert the information requested below for all minor or dependent children of the parties. You must list the residences for all places where the children have lived for the last **FIVE** years.

a. Child's name _____		Place of birth _____	Date of birth _____	Sex ☐ M ☐ F
Date of residence	Address Confidential	Person child lived with (name and address)		Relationship
_____ to present	☐	_____ _____		_____
_____ to _____	☐	_____ _____		_____

to _____	☐	_____	_____
to _____	☐	_____	_____

b. Child's name _____	Place of birth _____	Date of birth _____	Sex ☐ M ☐ F
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☐ Check this box if the information below is the same as in Section 1(a). Skip to the next question.

Date of residence	Address Confidential	Person child lived with (name and address)	Relationship
_____ to present	☐	_____	_____
to _____	☐	_____	_____
to _____	☐	_____	_____
to _____	☐	_____	_____

c. Child's name _____	Place of birth _____	Date of birth _____	Sex ☐ M ☐ F
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☐ Check this box if the information below is the same as in Section 1(a). Skip to the next question.

Date of residence	Address Confidential	Person child lived with (name and address)	Relationship
_____ to present	☐	_____	_____
to _____	☐	_____	_____
to _____	☐	_____	_____
to _____	☐	_____	_____

d. Additional children are listed on Attachment 1(d). (Provide requested information for additional children on an attachment labeled 1(d).)

2. **Participation in custody case(s): (Check only one box)**

- ☐ I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time), with any child subject to this case.
- ☐ I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time), with any child subject to this case.

Explain: _____

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

3. **Information about custody case(s): (Check only one box)**

- ☐ I **HAVE NO INFORMATION** of any cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning any child subject to this case.
- ☐ I **HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning a child subject to this case, other than listed in Paragraph 2.

Explain: _____

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

4. **Information about criminal convictions:**

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/COUNTY/STATE	CHARGE

5. **Persons not a party to this case: (Check only one box)**

- ☐ I **DO NOT KNOW OF ANY PERSON** not a party to this case who has physical custody **or** claims to have custody or visitation rights with respect to any child subject to this case.
- ☐ I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

- a. Name/Address of Person: _____
☐ has physical custody ☐ claims custody rights ☐ claims visitation rights
 Name of each child: _____
- b. Name/Address of Person: _____
☐ has physical custody ☐ claims custody rights ☐ claims visitation rights
 Name of each child: _____
- c. Name/Address of Person: _____
☐ has physical custody ☐ claims custody rights ☐ claims visitation rights
 Name of each child: _____

6. I understand that I have a continuing duty to advise this Court of any custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or protection order from domestic violence case concerning the children about whom information is obtained during this case.

OATH OR AFFIRMATION
(Do not sign until Notary Public is present)

I, (print name) _____, swear or affirm that I have read this Affidavit and, to the best of my knowledge and belief, the facts and information stated in this Affidavit are true, accurate, and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

 Your Signature

STATE OF _____)
) SS
 COUNTY OF _____)

Sworn to or affirmed before me by _____ this _____ day of _____, _____.

 Signature of Notary Public

 Printed Name of Notary Public

Commission Expiration Date: _____

(Affix seal here)

IN THE COURT OF COMMON PLEAS

DIVISION

COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

Street Address

City, State and Zip Code

Case No. _____

Judge _____

Magistrate _____

Plaintiff/Petitioner 1

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner 2/Respondent

WARNING: This form is not a substitute for the benefit of the advice of legal counsel. It is highly recommended that you consult an attorney.

Instructions: This form is used when you want to request documents to be served on the other party. You must indicate the requested method of service by marking the appropriate box. The Court may require additional forms to accompany this document. You must check the requirements of the county in which you file. **YOU MUST UPDATE THE CLERK OF COURTS IF ANY OF THE ABOVE CONTACT INFORMATION CHANGES.**

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Please serve the following documents: (*check all that apply*)

☐ Complaint for Divorce with Children

- ☐ Complaint for Divorce without Children
- ☐ Complaint for Parentage, Allocation of Parental Rights and Responsibilities
- ☐ Petition for Dissolution
- ☐ Motion and Affidavit or Counter Affidavit for Temporary Orders
- ☐ Motion for Change of Parental Rights and Responsibilities (Custody)
- ☐ Motion for Change of Parenting Time (Companionship and Visitation)
- ☐ Motion for Change of Child Support, Medical Support, Tax Exemption, or Other Child-Related Expenses
- ☐ Motion for Contempt and Affidavit
- ☐ Separation Agreement
- ☐ Parenting Plan
- ☐ Shared Parenting Plan
- ☐ Affidavit of Income and Expenses
- ☐ Affidavit of Property
- ☐ Parenting Proceeding Affidavit
- ☐ Health Insurance Affidavit
- ☐ Explanation of Health Care Bills
- ☐ Agreed Judgment Entry
- ☐ Other: (specify) _____

Please serve the following parties with the above marked documents:

- ☐ Defendant/Petitioner 2/Respondent at _____(address) by:
 - ☐ Certified Mail, Return Receipt Requested
 - ☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
 - ☐ Other: (specify) _____

Publication. Use this option if address is unknown. Must be accompanied by an "Unknown Address Affidavit."
- ☐ Plaintiff/Petitioner 1 at _____(address) by:
 - ☐ Certified Mail, Return Receipt Requested
 - ☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
 - ☐ Other: (specify) _____

Publication. Use this option if address is unknown. Must be accompanied by an "Unknown Address Affidavit."
- ☐ _____County Child Support Enforcement Agency at _____(address) by:
 - ☐ Certified Mail, Return Receipt Requested
 - ☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
 - ☐ Other: (specify) _____

☐ Other _____ at _____ (address) by:

☐ Certified Mail, Return Receipt Requested

☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service

☐ Other: (specify) _____

Publication. Use this option if address is unknown. Must be accompanied by an "Unknown Address Affidavit."

SPECIAL INSTRUCTIONS TO SHERIFF:

Attorney or Self Represented Party Signature

Printed Name

Address

City, State, Zip

Phone Number

Fax Number

E-mail

Supreme Court Reg No. (if any)

The Court of Common Pleas

JUVENILE DIVISION
HOLMES COUNTY, OHIO

In the Matter of:

Case No. _____

(Child's Name)

JUDGE THOMAS C. LEE

MAGISTRATE _____

Plaintiff

vs

Defendant

SUPPLEMENTAL INFORMATION FORM

(to be provided in all custody, visitation and child support cases)

Name of filing party:

(your name)

Social Security Number of filing party:

(your ssn)

NOTE:

Your social security number will be kept separate from case documents. However, your social security number may be used in future collection efforts if you fail to pay costs as ordered in this case.