

**IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

***** IF YOU ARE PROCEEDING WITHOUT AN ATTORNEY *****

CUSTODY OR PARENTING TIME

I. INTRODUCTION

This document provides a list of basic requirements for CUSTODY and PARENTING TIME. If you have legal questions, DO NOT CALL the Court or the Clerk of Courts. Court staff and the Clerk of Courts are prohibited from giving legal advice. As much as we would like to help you, court staff are employees and not attorneys. Court staff are not able to answer your legal questions. Only an attorney can give you legal advice. If you choose to proceed without an attorney, you are acting as your own attorney and the Court will hold you to the same standard as an attorney (by following the Rules of Civil Procedure and Rules of Evidence). This document will help explain the basic procedure, but only an attorney can explain the law to you and ensure the best outcome. YOU ARE ENCOURAGED TO SEEK LEGAL ADVICE.

II. LOCAL RULES

Each court has a set of Local Rules which explain basic procedure. PLEASE REVIEW OUR LOCAL RULES which can be found on our Court's website. The Local Rules more fully explain these documents and the procedure. This document is merely a brief summary of the Local Rules. The Local Rules provide more explanation.

III. COURT COSTS

A list of the deposits for court costs can be found on the Clerk of Courts website. Once you file an action, your deposit will be applied to court costs. Failure to successfully complete an action may or may not result in a partial refund of your deposit. Depending on the length of your case, additional court costs may be due after your deposit has been exhausted.

IV. PLEADINGS

A copy of the pleadings listed below can be found on the Court's website or on the Supreme Court of Ohio's website. Further assistance may be found at Ohiolegalhelp.org.

STEP 1 – FILE THE CASE. The following must be filed to initiate the case. If you do not file each and every one of the pleadings listed below (with the appropriate number of copies for service), your pleadings will be returned to you.

PLEASE NOTE: The original copy AND one (1) photostatic copy for EACH party must be filed. If you wish to receive a copy for your records, you must bring a copy for you as well. The Clerk of Courts retains the original copy of each pleading in their file, and a copy for each party must be filed for service. It is recommended you retain a copy for your file.

COMPLAINT / MOTION TO ESTABLISH OR CHANGE PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY):

1. Complaint OR Motion (*Uniform Domestic Relations Form 23 OR 27*)
2. A copy of any court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage
3. A copy of the most recent order pertaining to custody (if applicable)
4. Financial Affidavit (*Richland County Form 5.00*) NOTE: You MUST attach proof of income (such as a paystub or tax records)
5. Parenting Proceeding Affidavit (*Richland County Form 6.00*)
6. Notice of Case Management Conference (*see Court's website for a copy*)
7. Request for Service (*Uniform Domestic Relations Form 31*)
8. Title IV-D Form Application (*MUST be filed - see Court's website for a copy*)
9. Personal Identifiers Form (*Richland County Form 20.00*)

MOTION TO ESTABLISH OR CHANGE PARENTING TIME:

1. Motion (*Uniform Domestic Relations Form 26*)
2. A copy of any court or administrative order, acknowledgment (including birth registry entry) or other document establishing parentage
3. A copy of the most recent order pertaining to parenting time (if applicable)
4. Financial Affidavit (*Richland County Form 5.00*) NOTE: You MUST attach proof of income (such as a paystub or tax records)
5. Parenting Proceeding Affidavit (*Richland County Form 6.00*)
6. Notice of Case Management Conference (*see Court's website for a copy*)
7. Request for Service (*Uniform Domestic Relations Form 31*)
8. Title IV-D Form Application (*MUST be filed - see Court's website for a copy*)
9. Personal Identifiers Form (*Richland County Form 20.00*)

STEP 2 – OBTAIN SERVICE UPON ALL OTHER PARTIES. It is your responsibility to ensure the Clerk of Courts serves a Summons and a copy of all pleadings upon all other parties. Failure to properly serve the other parties within six (6) months of filing will result in the DISMISSAL of your action. The case cannot begin until all other parties have been served. Please see the Request for Service document found on the Supreme Court of Ohio's website. The other parties may be served by (1) certified mail, OR (2) Sheriff, OR (3) by a private process server (that you hire), OR (4) legal publication.

STEP 3 – SCHEDULING. The Court will schedule the first court date, a Case Management Conference, and notice will be served with the initial pleadings. If there are defects in the paperwork, the Court will send you notice and may schedule a hearing on the defects, known as a Document Defects Hearing. You must attend all scheduled hearings or your case may be dismissed.

EMERGENCY (EX PARTE) CUSTODY

IF YOU WISH TO FILE FOR EMERGENCY (EX PARTE) CUSTODY, YOU MUST ALSO FOLLOW LOCAL RULE 22 IN FULL AND DO THE FOLLOWING:

EX PARTE ORDER FOR PARENTAL RIGHTS AND RESPONSIBILITIES/CUSTODY:

An ex parte order allocating or reallocating parental rights and responsibilities or granting custody may be granted only upon affidavit(s) which comply with Division (D)(5) below and which establish that exigent circumstances exist for such an order. The affidavit(s) shall also establish that an ex parte order is in the best interest of the child(ren). In the event the Court overrules the motion on an ex parte basis, the Court may consider allocating or reallocating parental rights and responsibilities or custody on a temporary basis after the opposing party has been given notice and an opportunity to be heard.

GENERAL REQUIREMENTS FOR ALL EX PARTE MOTIONS:

1. **Statement Regarding Counsel:** All ex parte motions shall include a statement as to whether the nonmoving party is presently represented by counsel, even if that that attorney has not entered an appearance in the case. If the nonmoving party is represented, the motion shall be served on the nonmoving party's attorney.
2. **Certification of Counsel:** All ex parte motions shall include a Certification of Counsel (Form 19.00).
3. **Disclosure of Other Orders:** All ex parte motions shall disclose any other orders issued by this Court, or by any other Court, which are currently in effect and relevant to the relief requested in the motion. A time-stamped copy of any relevant and current order shall be attached to the ex parte motion.
4. **Efforts to Give Notice:** All ex parte motions shall disclose the efforts which have been made to give notice to the opposing party of the issues being raised, or the reasons that notice has not been given.
5. **Affidavits:** All ex parte motions shall be supported by one or more affidavits. A supporting affidavit shall be made on personal knowledge, shall set forth such facts as would be admissible as evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated in the affidavit. Affidavits must contain specific facts and information to support the claim for relief and establish that exigent circumstances exist.
6. **Notice of Right to Hearing:** Any proposed Order granting ex parte relief shall contain the following language notifying the nonmoving party of his or her right to request a hearing on the motion:

NOTICE: Any party to this action may request that the Court set a hearing on the ex parte motion and order. All requests for hearing shall be made in writing and shall be filed with the Court within fourteen (14) days after service of this Order.

7. **Hearings on Ex Parte Motions:** In the event a party requests a hearing on an ex parte motion, the Court shall set a hearing on an expedited basis. The moving party shall bear the burden of proof at an ex parte hearing, and shall present sufficient, competent evidence to establish that continuation of the ex parte order is warranted. Evidence at the hearing shall be confined and limited to the issues raised in the ex parte motion, except as otherwise permitted by the Court.