

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

_____,

Plaintiff,

vs.

_____,

Defendant.

Case No. _____

MOTION FOR MODIFICATION
OF CUSTODY

Now comes Plaintiff/Defendant and moves this honorable Court to modify the custody rights previously granted by this Court. The circumstances have changed since the prior custody order in that: _____

I would like a hearing on this Motion.

Respectfully submitted,

SIGNATURE

MAILING ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

_____,

Plaintiff,

vs.

_____,

Defendant.

Case No. _____

AFFIDAVIT ALLOCATION OF
PARENTAL RIGHTS AND
RESPONSIBILITIES (O.R.C. 3109.27)

Name of children:

Date of Birth:

Where children currently reside:

With whom:

Residence of children for last five years:

Address:

With Whom:

Dates:

1. Have you participated as a party, a witness, or in any other way in any other litigation, in this State, or any other State, concerning the allocation of parental rights and responsibilities for the care of the children, and the designation of the resident parent and legal custodian of the children or that otherwise concerned the custody of the children?

YES NO (circle answer)

2. Do you have any information of any parenting/custody proceeding pending in this or any other State concerning the children?

YES NO (circle answer)

3. a) Do you know any one who is not a party to this proceeding who has physical custody of the children?

YES NO (circle answer)

b) Do you know any one who is not a party to this proceeding who claims to be a parent, a resident parent/legal custodian of the child or who claims to have visitation rights with the children?

YES NO (circle answer)

c) Do you know any person who is not a parent who has custody or visitation rights with the children?

YES NO (circle answer)

4. a) Have you ever been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or neglected child?

YES NO (circle answer)

b) Have you ever been found to be the perpetrator of an abusive or neglectful act that was the basis of adjudicating a child abused or neglected?

YES NO (circle answer)

YOU ARE ADVISED THAT YOU HAVE A CONTINUING DUTY TO INFORM THE COURT OF ANY PARENTING PROCEEDING CONCERNING THE CHILDREN IN THIS OR ANY OTHER STATE OF WHICH YOU OBTAIN INFORMATION DURING THIS PROCEEDING.

STATE OF OHIO, COUNTY OF _____, SS:

Affiant

Relationship to Children: _____

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

SEAL

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

_____, Case No. _____
Plaintiff,
vs.
_____, NOTICE OF HEARING
Defendant.

Take notice that a hearing will be held on the foregoing Motion in the Athens County Court of Common Pleas at _____ A.M./P.M. on the _____ day of _____, _____.

Magistrate/Judge

***** MANDATORY FOR FILING *****

INSTRUCTIONS FOR SERVICE

Please serve a copy of the foregoing Motion and Notice of Hearing upon _____ by certified mail, return receipt requested at the following address: _____

MOTION FOR MODIFICATION OF VISITATION

RECIPIENT EXPRESSLY ACKNOWLEDGES THAT NO LEGAL ADVICE HAS BEEN RENDERED IN ACCEPTING THESE FORMS.

INSTRUCTIONS

Attached is a form Motion requesting a modification in your custody rights. These instructions are intended to be a general guide to help you get the form filled out, filed with the Court, served on the opposing party and to get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request or whether you should win your Motion, but merely to assist you in preparing and presenting your request.

A. Filling out the form

1. Except for the blanks under the "Notice of Hearing," you should fill out the form before you go to the courthouse to file it. Other than telling you the time and date of the hearing and the proper case number, the Clerk of Courts' staff cannot help you in completing the form.

2. At the top, fill in the name of the Plaintiff, the Defendant and the case number. This information is available from your final divorce decree or on other papers that have been previously filed with the Court. If you do not have the case number, you can get it from the Clerk of Courts when you go to file the motion or you can search for it online at <http://coc.athenscountygovernment.com/pa>

3. In the first paragraph of the motion there is a space for you to list the reason or reasons that you have for wanting the custody changed. You should be specific.

4. You must sign the form and print your current address and phone number. Do this on the four lines under the words "Respectfully submitted."

5. Under the words "Instructions for Service," print your ex-spouse's name 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 Clerks' office to mail the motion. If you do not, you cannot file the motion. The Judge has no authority to grant your motion unless your ex-spouse has been served with a copy of it and has been given an opportunity to be heard on the motion.

6. On the Affidavit form, fill in your name at the first full line and you must sign the form in front of a Notary Public before you file the papers.

B. Filing the motion

1. After the forms are filled out, make two copies of them and bring them, plus the original, to the Clerk of Courts.

2. There is a filing fee which varies from county to county. This is to be paid in cash or by money order. The Clerk's office will not accept a personal check. The only way to avoid paying the filing fee is if you do not have the money to pay it and file a poverty affidavit, ask the Clerk to give you one or contact a local Legal Services office.

3. The Clerk or Judge's staff will tell you the time and date of the hearing. It will be scheduled approximately one month from the date that you file the motion. You should write down the time and date of the hearing on all three copies of the motion.

4. The Clerk's staff will file-stamp all three copies. One copy will be returned to you and the original and other copy will be retained to file and send to your ex-spouse. Keep the copy that is returned to you, this is your proof that you filed it.

C. Preparation for the hearing

1. Come prepared for the hearing. You should present a neat appearance to the Judge and have with you any witnesses that you wish to use to support your request. You should also have with you any papers or other physical evidence that you want the Judge to see.

2. You should have in front of you at the start of the hearing the specific part of the Court's prior custody order that you want changed. You should tell the Judge in clear and simple terms why you want the change. It would be helpful if you were to write out prior to the day of the hearing an outline of your reasons so that you will have something to remind yourself when you testify.

3. At the hearing, you may be asked questions by the Judge, your ex-spouse or an attorney. Be directly responsive to the questions. Do not volunteer information. Listen to the question and make sure that you provide the information you are asked for. If you do not understand the question or are not sure what you are being asked, you have the right to have the question explained to you before you answer it.