

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO**

In Re: _____
Use child(ren) initials only

Case No. _____

I.D. No. _____

INDIGENCY MOTION

Judge Timothy J. Grendell

1. I am indigent:

according to the "Standards of Indigence" as defined in the attached Financial Disclosure Form

according to OAC 120-1-03(E) for the following reasons:

2. I have prepared and filed a Financial Disclosure Form (ODP-206R).

3. I request the following:

direct the clerk of courts to waive the payment of a security deposit that is otherwise required under Local Rule 5.

waive or reduce the following court costs:

appoint for _____ a county public defender as counsel under R.C. 120.16.

waive or reduce the \$25 Application Fee that is required under R.C. 120.36.

order that the preparation of a Transcript of Proceedings be at the public expense for

an appeal to the 11th Appellate District

an Objection to the Magistrate Order dated _____.

For the following hearing dates: _____

Other:

Your Signature

Telephone: _____

[Print Full Name]

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. R.C. 2151.352 and Juv.R. 4(A) grant a child the right to appointed counsel in actions under R.C. Chapters 2151 and 2152.
2. If Geauga County Job & Family Services filed an action under R.C. 2151.23(A)(1), *In re Williams*, 101 Ohio St.3d 398 (2004), 2004-Ohio-1500; and *In re D.M.*, 2019-Ohio-1497 explains the right of a child to have appointed counsel in addition to a guardian ad litem, especially if the guardian ad litem is also serving as attorney for the child and there is a conflict of interest.
3. R.C. 2151.352 grants an adult parent indigent with a right to appointed counsel in an action filed by Geauga County Job & Family Services under R.C. 2151.23(A)(1).
4. R.C. 2323.311 provides that if an indigent adult prepares and files a Financial Disclosure Form, together with any Pleading that requires payment of the Security Deposit, then the Clerk of Courts must accept the Pleading without payment of any security deposit. If the judge (or magistrate) approves the Financial Disclosure Form, then the clerk of court must waive payment of a security deposit, including advanced payments for the future cost of service by publication or service of process (e.g., civil subpoena). If the judge (or magistrate) disapproves the Financial Disclosure Form, then the clerk must still retain the filed pleading, and the judge shall issue an order requiring payment of the security deposit within 30 days after the order. If payment is not timely made, then the judge may dismiss the action. See R.C. 2323.33.
5. R.C. 120.36 requires that the clerk's office assess a \$25.00 application fee when an indigent adult applies for appointed counsel from the public defender's office. However, if a party submits for filing an application for appointment of counsel, together with the Financial Disclosure Form, then that party need not pay the \$25 application filing at the time of filing. R.C. 120.36 permits the party to pay the \$25 application fee within seven days after filing the application for appointed counsel and the Financial Disclosure Form. The clerk's office will accept those filings without collecting the \$25 application fee. If that party does not pay the \$25 application fee within the seven-day period, then the Court shall assess that fee upon the final disposition, as court costs. Moreover, R.C. 120.36(A)(1) permits the Court to waive or reduce the payment of that \$25 application fee.

**Court of Common Pleas
Juvenile Division
Geauga County, Ohio**

In Re _____

Case # _____

INSTRUCTIONS FOR SERVICE

ID # _____

Judge Timothy J. Grendell

Please serve the following document: _____.

Upon the following:

Name: _____

Address: _____

Certified Mail/Return Receipt Sheriff/Constable by Personal or Residence

Other _____

Name: _____

Address: _____

Certified Mail/Return Receipt Sheriff/Constable by Personal or Residence

Other _____

Name: _____

Address: _____

Certified Mail/Return Receipt Sheriff/Constable by Personal or Residence

Other _____

Name: _____

Address: _____

Certified Mail/Return Receipt Sheriff/Constable by Personal or Residence

Other _____

Sign here: _____

Print Name: _____

Telephone: _____

Attorney Reg. No. _____

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO**

In Re: _____

Case No. _____

I.D. No. _____

JUDGMENT ENTRY

Judge Timothy J. Grendell

The Court finds that:

_____ is indigent per OAC 120-1-03.

_____ is NOT indigent per OAC 120-1-03.

the Financial Disclosure Form is incomplete.

For good cause shown, the Court orders the following:

appoints _____ as counsel for _____.

waives the \$25 application fee that is required under R.C. 120.36.

directs the clerk of courts to waive the payment of a security deposit that is otherwise required under Local Rule 14(A).

waives the following court costs: _____

the preparation of a Transcript of Proceedings at the public expense.

disapproves the Financial Disclosure Form as incomplete.

orders that _____ pay the required Court Cost Security Deposit within 30 days after this Order is docketed.

denies the Indigency Motion filed by or on behalf of _____

Other: _____

IT IS SO ORDERED

Dated: _____

Judge Timothy J. Grendell
Magistrate Abbey L. King