



COURT OF COMMON PLEAS PROBATE / JUVENILE DIVISION
GEAUGA COUNTY, OHIO - JUDGE TIMOTHY J. GRENDALL
Courthouse Annex, 2nd Floor 231 Main Street, Suite 200
Chardon, Ohio 44024
Telephone No. 440-279-1830
Fax Probation: 440-285-5025 Fax Court: 440-285-8751

COURT POLICY REGARDING COURT EMPLOYEES PROVIDING LEGAL ADVICE

Ohio law and Codes of Conduct prohibit court employees, including deputy clerks and Resource Center staff, from providing legal advice.

Deputy clerks may review paperwork that you present for filing to determine whether you have: (i) provided all required information, including required names, initials, and addresses, (ii) signed where required, and (iii) filed all paperwork, required by law, including the local court rules, such as required affidavits or instructions for service.

However, Deputy Clerks cannot tell you whether the paperwork that you present to the Clerk's Office, or the content of that paperwork, is adequate to satisfy your needs or intentions or satisfies all legal requirements, including the local court rules.

If you need legal advice, you should contact your attorney, otherwise call the Geauga County Bar Association at 440-286-7160 or the Legal Aid Society of Cleveland at 888-817-3777.

Help Center - The Court has established a Help Center. While the Help Center staff cannot provide you with legal advice, if you are not represented by an attorney, then the Help Center can assist you by providing general legal information and providing access to legal forms. A deputy clerk or Resource Center staff can give you additional information concerning the Help Center.



**RESOURCE CENTER
INSTRUCTION SHEET FOR PRO SE FILINGS
[Custody and Parenting Time]
[For Parental Use – Motion]**

WARNING

This Instruction Sheet provides you with a brief overview of the subject matter. It may not provide you with all the information that you require to be fully informed of the law that is applicable to your case. While the Resource Center can provide you with a limited amount of information, the Resource Center cannot provide you with legal advice, and this Instruction Sheet is not intended to provide you with legal advice that is applicable to your case. You must decide how to best use the information and instructions provided without the benefit of legal advice unless you retain an attorney.

Background - The Resource Center cannot provide you with any legal advice regarding the selection or preparation of legal forms. The Court's Help Center offers a few legal forms and information sheets for your consideration, which are included in this package. Before selecting, completing, and filing the legal forms offered to you in this package, the Resource Center recommends that you first seek legal advice from an attorney of your choosing or seek assistance from the Court's Help Center.

This package includes a Motion. A Motion should be selected if there is a legal proceeding in this Court regarding the minor child, no matter how long ago that legal proceeding was initiated. If a legal proceeding was never initiated in this Court regarding the minor child, then a Complaint should be selected. The Resource Center has other packages for Complaints.

General Instructions

1. All forms must be typed or completed with blue or black ink, and the printing must be legible.
2. The Motions offered in this package is intended for a Parent of minor child. If you are a Nonparent (e.g., a grandparent, aunt, uncle, etc.) and you decide to file a Motion regarding custody or companionship time (i.e., "visitation" rights for a Nonparent) then the Resource Center has other packages for a Nonparent.
3. Certain documents must be notarized. Do not sign any document that must be notarized unless you are signing before a notary, including a deputy clerk, who is authorized to serve as a notary.
4. Do not present for filing any document in this package without first presenting to a deputy clerk (1) a government-issued photographic identification (e.g., a current driver's license or passport),

and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).¹

5. Be prepared to pay a court cost deposit, which should not exceed \$50. A deputy clerk will accept cash, personal check, or credit card. If you are an “indigent,” then you may not be required to pay the court cost deposit. In that case prepare and file the Financial Disclosure Form (ODP-206R), together with the Motion. A deputy clerk can supply you with that form.²

The Forms

1. **Motion**– Form GC Juv 007 (Motion for Change of Parental Rights and Responsibilities).

Key Notes

- DO NOT insert a minor child’s name in the Motion. Only insert the child’s initials where appropriate. You will provide the Court with the minor child’s name and other pertinent information by preparing and filing a confidential document as explained below in item 2.
 - Supporting Facts – It is critical that you describe in detail the specific facts, in paragraph 4, which support your claim for a need to change custody or parenting time.
 - **Emergency Order** – If you want the Court to issue an emergency custody order, then in paragraph eight of the Motion, in the first item, be sure to check the box requesting an emergency order and the type of order (i.e., custody or parenting time).
2. **PARENT HISTORY AFFIDAVIT** – Form GC JF 2.0 (Parent History Affidavit) if this is a motion to reopen a legal proceeding that was closed by the court.

Key Notes

- The purpose of this form is to alert the Court to a Parent’s relevant felony history. Ohio law and the Court’s Local Rules require that this form be prepared and filed whenever a new legal proceeding is initiated in this Court by a Parent.
3. **INSTRUCTIONS FOR SERVICE** - Form GC JF 7.0 (Request for Service).

Key Notes

- A deputy clerk must provide all persons, who have a direct interest in the matter and the minor child,³ a copy of the Motion. Those persons are identified either in form GC JF 5.0 (Disclosure of Confidential Child Information) or the Court’s docket. Persons who may have to be served include any attorney of record (including the county prosecutor), a guardian ad litem, and possibly Geauga County Job and Family Services. This form must be prepared and filed in order to give the deputy clerk the necessary information and directions. If you are unsure who are the parties or their attorneys, then a deputy clerk

¹ Rule 10 of the Geauga County Juvenile Court Local Rules.

² Rule 5 of the Geauga County Juvenile Court Local Rules.

³ Again, see Rule 2(Y) of the Ohio Rules of Juvenile Procedure.

should be able to provide you with their names and addresses.

- If the address of an interested person is unknown, then you must arrange for that person to be notified by “publication” of a copy of the Motion.
 - Form GC JF 3.1 (Affidavit for Service by Publication) – you must prepare and file this form together with Form GC JF 7.0 (Request for Service) if the address of an interested person is unknown.
 - Note that at the bottom of Form GC JF 3.1 (Affidavit for Service by Publication) you must select whether “publication” should be made by newspaper or by the Court’s website. Newspaper publication will have a significant cost while website publication does not. If you select publication by the Court’s website, then prepare the top portion (including the person’s name and last known address) of form GC JF 3.2A – Court’s Website Publication Notice. The clerk will insert the hearing information.
 - If you select newspaper publication, then you must prepare and file Form GC JF 3.2 (Instructions for Service by Newspaper Publication).

4. **ALLEGATION AFFIDAVIT** – Form GC Juv 038 (Affidavit)

Key Notes

- If you are requesting in the Motion that the Court issue an emergency (ex parte) custody or parenting time order, then you should prepare and file with the Motion an affidavit that sets forth specific facts, which support your allegation that there is an emergency regarding the minor child and thus the Court should issue an immediate emergency order.

5. **CONFIDENTIAL INFORMATION** – Form GC JF 5.0 (Disclosure of Confidential Child Information).

Key Notes

- The purpose of this form is to keep confidential the identity of minor children. Accordingly, this form is not a public record and will be kept in a separate confidential file.

Help Center Information Sheets

Before preparing and filing any pleading or other documents with the Court, you should read the following Help Center Information Sheets that may be applicable, which can be obtained from the Court’s website, the Resource Center, or the Help Center.

- Allocation of Parental Rights and Responsibilities
- Child Support
- Jurisdiction of Ohio Juvenile Courts
- Temporary Emergency Jurisdiction

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

In Re: _____
A Minor

Case No. _____

I.D. No. _____

**MOTION FOR CHANGE OF
PARENTAL RIGHTS AND RESPONSIBILITIES**

Filed by: _____

- 1. This Motion concerns the minor child(ren), whose initials are set forth below and whose name, date of birth, and current address are described in a separate confidential document filed with the Court, (the "Children.").

Minor Children Initials: _____

- 2. I am the noncustodial parent and _____ is the residential parent and resides in the _____ school district.

- 3. Select one:

I am current in the payment of child support under the present court order.

I am in arrears in the payment of child support under the present court order in the amount of \$_____.

I have no duty to pay child support

- 4. Based on facts, described below, that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, there is a change in the circumstances of (i) the Child(ren), (ii) the residential parent, or (iii) either of the parents if subject to a shared parenting decree. The supporting facts are:

5. At least one of the following applies [Select one or more]:

- The harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the Child(ren).
- The residential parent agrees to a change in the residential parent or both parents under a shared parenting decree agree to a change in the designation of residential parent.
- The Child(ren), with the consent of the residential parent or of both parents under a shared parenting decree, has/have been integrated into the family of the person seeking to become the residential parent.

6. Other:

7. The court order requested below is in the best interest of the Child(ren).

Request

8. I request that this Court (select as applicable):

- Grant me an emergency order (i.e. ex parte order) regarding: child custody or parenting time because the best interest and welfare of the Child(ren) require immediate issuance. The facts supporting this request are set forth in the attached affidavit.
- Designate me as the residential parent of the Child(ren); otherwise determine and grant me reasonable parenting time.
- Terminate my obligation to pay child support.
- Waive any arrears of child support pertaining to the Child(ren) to the extent the arrears may be waived by the Court
- Establish a payment plan for any arrears of child support pertaining to the Child(ren)
- Order the repayment of any overpayment of child support pertaining to the Child(ren)

Grant me temporary legal custody of the Child(ren), otherwise grant me temporary parenting time.

Order that _____ pay to me the appropriate amount of child support of the Child(ren), allocate the child tax credit for the Child(ren), determine who should provide private health insurance coverage for the Child(ren), and determine the duty to pay for non-insured health care expenses for the Child(ren)

Order that _____ pay to me temporary support of the Child(ren).

Other:

9. I seek such additional relief as the Court determines appropriate in law or in equity.

Street Address

Signature

City, State, Zip code

Telephone Number

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. R.C. 3109.04(E)(1)(a) states:

(a) The court shall not modify a prior decree allocating parental rights and responsibilities for the care of children unless it finds, based on facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that the modification is necessary to serve the best interest of the child.

In applying these standards, the court shall retain the residential parent designated by the prior decree or the prior shared parenting decree, unless a modification is in the best interest of the child and one of the following applies:

- (i) The residential parent agrees to a change in the residential parent or both parents under a shared parenting decree agree to a change in the designation of residential parent.
- (ii) The child, with the consent of the residential parent or of both parents under a shared parenting decree, has been integrated into the family of the person seeking to become the residential parent.
- (iii) The harm likely to be caused by a change of environment is outweighed by the advantages of the change of environment to the child.

2. A “change in circumstances” is not necessarily a “significant” change in circumstances. See *Davis v. Flickinger*, 77 Ohio St. 3d 415, 1997-Ohio-260 (1997). However, the facts – e.g. the event, occurrence, or situation – must have a material and adverse effect upon the child.¹ The change of circumstances must be one of substance, not a slight or inconsequential change.² For example, relocation of a parent alone is not sufficient to constitute a change of circumstances, but it may be a factor in the determination of change of circumstances.³ R.C. 3109.04(E)(1)(a) “creates a strong presumption in favor of retaining the residential parent designation . . .”⁴

3. The custodial parent has a rebuttable presumption that having the custodial parent retain custody is in the child’s best interest.⁵

4. R.C. 3109.04(F) lists 10 non-exclusive factors the Court must consider when determining the “best interest” of the child.

5. R.C. 2151.231 grants this Court the power to determine child support without regard to the marital status of the child’s parents.

6. This Court has exclusive original jurisdiction to determine child support under R.C. §2151.23(A)(11).

¹ *Pierson v. Gorell*, 2012-Ohio-3878 (12th App. Dist.); *Thompson v. Thompson*, 2019-Ohio-274 (5th App. Dist.); and *In re A.P.*, 2019-Ohio-139 (2nd App. Dist.).

² *Davis v. Flickinger*, 77 Ohio St.3d 415 (1997).

³ *Thompson v. Thompson*, 2019-Ohio-274 (5th App. Dist.).

⁴ *Huffman v. Eachus*, 2019-Ohio-910 (3rd App. Dist.).

⁵ *Haskett v. Haskett*, 2013-Ohio-145 (11th App. Dist.).

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

In Re: _____ Case No. _____ I.D. No. _____

Judge Timothy J. Grendell

PARENT HISTORY AFFIDAVIT [R.C. § 3109.04(M)]

INSTRUCTION: In any proceeding in this Court regarding custody or visitation of minor child(ren), each parent must prepare, execute, and file this Parent History Affidavit. After filing, and until a final dispositional hearing, you must promptly inform the Court, by filing a new Parent History Affidavit, of any new information related to the information requested below.

I, _____, am the mother father of the minor child(ren), whose initials are set forth above and whose name, date of birth, and current address are described in a separate confidential document filed with the Court.

I have, or a member of my household has, been convicted or pleaded guilty to any criminal offense defined in R.C. 3109.04(C) or R.C. 3109.04(F)(1)(h), including a criminal act that (i) resulted in a child being an abused child or a neglected child, (ii) is a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; or (iii) resulted in physical harm to a member of the family or household that is the subject of the current proceeding.

If you answered in the affirmative, then complete the information required on the following page, which is part of this affidavit.

I have not, and no member of my household has, been convicted or pleaded guilty to any criminal offense defined in R.C. 3109.04(C) or R.C. 3109.04(F)(1)(h), including a criminal act that (i) resulted in a child being an abused child or a neglected child, (ii) is a sexually oriented offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the current proceeding; or (iii) resulted in physical harm to a member of the family or household that is the subject of the current proceeding.

I, _____, swear and affirm that I have read this affidavit. To the best of my knowledge and belief, the facts and information stated in this affidavit are true, accurate, and complete. I acknowledge that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

State of Ohio
County of Geauga

Sworn to and subscribed before me by _____ this _____, 20____.

Notary Public

PARENT HISTORY AFFIDAVIT [R.C. § 3109.04(M)]

By: _____

EXPLANATION

- 1. Offender Name: _____
Court and State: _____ Case No. _____
Describe Offense: _____

- 2. Offender Name: _____
Court and State: _____ Case No. _____
Describe Offense: _____

- 3. Offender Name: _____
Court and State: _____ Case No. _____
Describe Offense: _____

- 4. Offender Name: _____
Court and State: _____ Case No. _____
Describe Offense: _____

Your Signature

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

In Re _____

Case # _____

REQUEST FOR SERVICE

ID # _____

Judge Timothy J. Grendell

Please serve the following document: _____.

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 _____

Print Name: _____

Telephone: _____

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

In Re: _____
A Minor

Case No. _____

I.D. No. _____

AFFIDAVIT

Judge Timothy J. Grendell

I, _____, state the following:

Your Signature

State of Ohio
County of Geauga

Sworn to or affirmed and subscribed before me by _____, this
____ day of _____, 20__.

Notary Public

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

In Re: _____
A Minor

Case No. _____

I.D. No. _____

**DISCLOSURE OF CONFIDENTIAL
CHILD INFORMATION**

Judge Timothy J. Grendell

Filed by: _____

The following is **CONFIDENTIAL** information concerning the identity of Child(ren), who are identified in this court proceeding by their initials, and the parents.

1. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B _____ Paternity Established Yes No

2. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B _____ Paternity Established Yes No

3. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B _____ Paternity Established Yes No

4. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B _____ Paternity Established Yes No

5. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B _____ Paternity Established Yes No

Mother is: _____ D.O.B. _____

Dated: _____

Signature