

NON-PARENT: MOTION FOR CUSTODY (case filed by Child Protective Services)

These forms are used for a non-parent to ask the Court to grant you custody when a case has been filed in Court or is currently pending in the Court for this child.

These forms should be filed in the Juvenile Court under the same case number as the ongoing Child Protective Services case

	Complaint for Custody	Tells the Court that you want the Court to give you custody of the minor children
	Motion to Intervene (juvenile court)	Asks the Court to let you become a party to the case when the case is filed by CPS.
	Motion and Affidavit* for Temporary Orders	Tells the Court you want to have an Order for custody in place while the court case is pending.
Uniform Dom. Relations Affidavit #3*	Parenting Proceeding Affidavit	Tells the Court where the children have lived for the last five years and the names of the adults responsible for their care during this five-year period. (or since birth if under age 5).
Uniform Dom. Relations 31/Juv. Form 10	Request for Service	Tells the Court where to send copies to the other party. *Certified Mail is the normal method of service.
OH Sup. Ct. Civil Form 20*	Civil Fee Waiver Affidavit and Order	Tells the Court you cannot afford to pay the filing fee
	Motion for Appointment of Counsel	AFTER your Motion to Intervene has been granted, file this Motion to ask for appointed counsel if you are unable to afford private counsel.

*Affidavits must be signed in front of a Notary who will administer an Oath

INSTRUCTIONS:

- All forms must either be typed or printed in ink. You must fill out the forms completely before taking them to the court. The court staff will not help you complete the forms.
- If you did not complete the poverty affidavit, there is a filing fee
- After completing the forms, you must make copies before you file the forms. You will need one copy for each other party and one copy for yourself. The original documents will be filed with the Court.
- Once you file the forms, the Clerk will send you notice of any court dates. Attend all these court dates.
- NOTE: If you move, call the Clerk with your new address.

Even if your Motion to Intervene is not granted, you still have the right to file a Motion for Custody to be ask to be appointed as guardian of the child, as long as your Motion is filed prior to the disposition hearing. If you are not allowed to file these documents, please call Southeastern Ohio Legal Services at 614-824-2503.

If your Motion to Intervene is granted, you have the right to file for the appointment of counsel. If your Motion is refused or denied, call Southeastern Ohio Legal Services at 614-824-2503.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO
_____ DIVISION

IN THE MATTER OF:

Minor Child

Case No. _____

JUDGE: _____

Magistrate: _____

**COMPLAINT/MOTION FOR
CUSTODY (NON-PARENT)**

1. The following minor child is the subject of the pending petition before the court:

Name: _____ DOB: _____

2. My name is _____ and my relationship to the child is

_____.

3. The legal mother of the child is _____ and her
current mailing address is _____.

4. The legal father of the child is _____ and his
current mailing address is _____.

5. The child currently lives with _____ at
_____ (address).

6. It is in the best interest of the minor child that I be granted legal custody for the following
reasons: _____

WHEREFORE, I, Petitioner, seeks legal custody of the minor child.

Respectfully submitted,

(Your Signature)

Print Name

Street Address

City, State, Zip

Telephone

Signed and sworn to before me on this _____ day of _____, 20____.

Notary Public

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

IN THE MATTER OF:

Case No.

Minor Child

JUDGE _____
Magistrate _____

MOTION TO INTERVENE

Petitioner, _____, requests that s/he be granted permission to intervene in the above styled case as a party pursuant to Ohio Rule of Juvenile Procedure 2(Y) and/or Ohio Rule of Civil Procedure 24.

Ohio Rule of Juvenile Procedure 2(Y) defines a party as:

. . . a child who is subject of a juvenile court proceeding, the child's spouse, if any, the child's parent or parents, or if the parent of a child is a child, the parent of the parent, in appropriate cases, the child's custodian, guardian, or guardian ad litem, the state, and any other person specifically designated by the court.

Civil Rule 24 states that:

Upon timely application anyone shall be permitted to intervene in an action . . . 2) when the applicant claims an interest relating to the property or transaction that is subject of the action *and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest*, unless the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Civ. R. 24(A)(emphasis added). Ohio courts have consistently interpreted Civil Rule 24, in conjunction with Juvenile Rule 2(Y), to hold that, in custody matters, the trial court is permitted to "include individuals not specifically otherwise designated a party but whose presence is necessary to fully litigate an issue presented in the action." See *In re Parsons* (May 29, 1997), 9th Dist. No. 95CA006217, 1996 WL 285370; *In re C.M.*, 9th Dist. No. 21720, 2004-Ohio-1984; *Christopher A.L. v. Heather D.R.*, 6th Dist. No. H-03-040, 2004-Ohio-4271.

Petitioner is an appropriate party according to Ohio Rule of Civil Procedure 24.

Petitioner believes that his/her presence is necessary to determine the best interest of the child

because: _____

Petitioner requests that this Court allow him/her to intervene and become a party to this action.

Respectfully submitted:

(signature)

(name)

(address)

(telephone number)

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

IN THE MATTER OF:

Case No. _____

Judge _____

Minor Child(ren).

MOTION FOR TEMPORARY
CUSTODY PENDING HEARING

Child(ren) of

Petitioner moves this Court for temporary custody of the minor child/ren,

_____, subject to

_____’s right to reasonable visitation pending hearing for the

reason that it is in the best interest of the minor child(ren). See attached affidavit.

Petitioner

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IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION

_____, OHIO

IN THE MATTER OF:

Case No. _____

AFFIDAVIT IN SUPPORT OF MOTION

Minor Children.

I, _____, being first duly cautioned and sworn,

depose and state:

1. _____.
2. _____.
3. _____.
4. _____.
5. _____.
6. _____.

Sworn to and subscribed in my presence this _____ day of _____,
20_____.

NOTARY PUBLIC

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IN THE COURT OF COMMON PLEAS
 _____ **DIVISION**
 _____ **COUNTY, OHIO**

Plaintiff/Petitioner 1 _____ Case No. _____
 vs./and _____ Judge _____
 _____ Magistrate _____
 Defendant/Petitioner 2/Respondent _____

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 _____

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 <input type="checkbox"/> M <input type="checkbox"/> F
_____		_____	_____	
Period of residence	Address Confidential	Person child lived with (name and address)		Relationship
_____ to present	<input type="checkbox"/>	_____		_____
_____ to _____	<input type="checkbox"/>	_____		_____
_____ to _____	<input type="checkbox"/>	_____		_____
_____ to _____	<input type="checkbox"/>	_____		_____

b. Child's name _____		Place of birth _____	Date of birth _____	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Period of residence	Address Confidential	Person child lived with (name and address)		Relationship
_____ to present	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____

c. Child's name _____		Place of birth _____	Date of birth _____	Sex <input type="checkbox"/> M <input type="checkbox"/> F
Period of residence	Address Confidential	Person child lived with (name and address)		Relationship
_____ to present	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____
_____ to _____	<input type="checkbox"/>	_____ _____		_____

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 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 has/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

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 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) _____

- Plaintiff/Petitioner 1 at _____ (address) by:
 - Certified Mail, Return Receipt Requested
 - Issuance to Sheriff of _____ County, Ohio for Personal or Residence service
 - Other: (specify) _____

- _____ 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) _____

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)

FORM 20. CIVIL FEE WAIVER AFFIDAVIT AND ORDER

IN _____

)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>FINANCIAL DISCLOSURE / FEE-</u>
)	<u>WAIVER AFFIDAVIT</u>
Defendant.)	<u>AND ORDER</u>

Pursuant to R.C. 2323.311, the below-named Applicant requests that the Court determine that the Applicant is an indigent litigant and be granted a waiver of the prepayment of costs or fees in the above captioned matter. The Applicant submits the following information in support of said request.

Personal Information			
Applicant's First Name		Applicant's Last Name	
Applicant's Date of Birth		Last 4 Digits of Applicant's SSN	
Applicant's Address			
Other Persons Living in Your Household			
First Name	Last Name	Is this person a child under 18?	Relationship (Spouse or Child)
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Public Benefits			
I receive the following public benefits and my gross income, including the cash benefits marked below, does not exceed 187.5% of the federal poverty guidelines.			
Place an "X" next to any benefits you receive.			
Ohio Works First ¹ : ___ SSI ² : ___ Medicaid ³ : ___ Veterans Pension Benefit ⁴ : ___ SNAP / Food Stamps ⁵ : ___			
Monthly Income			
I am NOT able to access my spouse's income <input type="checkbox"/>			
	Applicant	Spouse (If Living in Household)	Total Monthly Income

Gross Monthly Employment Income, including Self-Employment Income (Before Taxes)	\$	\$	\$
Unemployment, Worker's Compensation, Spousal Support (If Receiving)	\$	\$	\$
TOTAL MONTHLY INCOME			\$
Liquid Assets			
Type of Asset	Estimated Value		
Cash on Hand	\$		
Available Cash in Checking, Savings, Money Market Accounts	\$		
Stocks, Bonds, CDs	\$		
Other Liquid Assets	\$		
Total Liquid Assets			\$
Monthly Expenses			
Column A		Column B	
Type of Expense	Amount	Type of Expense	Amount
Rent / Mortgage / Property Tax / Insurance	\$	Insurance (Medical, Dental, Auto, etc.)	\$
Food / Paper Products/Cleaning Products/Toiletries	\$	Child or Spousal Support that You Pay	\$
Utilities (Heat, Gas, Electric, Water / Sewer, Trash)	\$	Medical / Dental Expenses or Associated Costs of Caring for a Sick or Disabled Family Member	\$
Transportation / Gas	\$	Credit Card, Other Loans	\$
Phone	\$	Taxes Withheld or Owed	\$
Child Care	\$	Other (e.g. garnishments)	\$
Total Column A Expenses	\$	Total Column B Expenses	\$
TOTAL MONTHLY EXPENSES (Column A + Column B)			

I, _____, hereby certify that the information I have provided on
(Print Name)
this financial disclosure form is true to the best of my knowledge and that I am unable to prepay the costs or fees in this case.

Signature

NOTARY PUBLIC:

Sworn to before me and signed in my presence this _____ day of _____, 20____,
in _____ County, Ohio.

Notary Public (Signature)

Notary Public (Printed)
My Commission expires: _____

If available, an individual duly authorized to administer this oath at the Clerk of Court's Office will do so at no cost to the Applicant.

ORDER

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant IS an indigent litigant and **GRANTS** a waiver of the prepayment of costs or fees in this matter. Pursuant to R.C. 2323.311(B)(3), upon the filing of a civil action or proceeding and the affidavit of indigency under division (B)(1) of this section, the clerk of the court shall accept the action, motion, or proceeding for filing.

- Upon the request of the Applicant and the Court's review, the Court finds that the Applicant is NOT an indigent litigant and **DENIES** a waiver of the prepayment of costs or fees in this matter. Applicant is granted thirty (30) days from the issuance of this Order to make the required advance deposit or security. Failure to do so within the time allotted may result in dismissal of the applicant's filing.

IT IS SO ORDERED

Judge / Magistrate

Date

[Effective: April 15, 2020.]

APPENDIX

2020 FEDERAL POVERTY LIMIT (FPL)

Persons in family/household	100% Poverty	100% Poverty Monthly Gross Income	187.5% Poverty	187.5% Poverty Monthly Gross Income
1	\$12,760	\$1,063.33	\$23,925	\$1,993.74
2	\$17,240	\$1,436.67	\$32,325	\$2,693.75
3	\$21,720	\$1,810	\$40,725	\$3,393.75
4	\$26,200	\$2,183.33	\$49,125	\$4,093.75
5	\$30,680	\$2,556.67	\$57,525	\$4,793.75
6	\$35,160	\$2,930	\$65,925	\$5,493.75
7	\$39,640	\$3,303.33	\$74,325	\$6,193.75
8	\$44,120	\$3,676.67	\$82,725	\$6,893.75

R.C. 2323.311(B)

(4) A judge or magistrate of the court shall review the affidavit of indigency as filed pursuant to division (B)(2) of this section and shall approve or deny the applicant's application to qualify as an indigent litigant. The judge or magistrate shall approve the application if the applicant's gross income does not exceed one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio and the applicant's monthly expenses are equal to or in excess of the applicant's liquid assets as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision. If the application is approved, the clerk shall waive the advance deposit or security and the court shall proceed with the civil action or proceeding. If the application is denied, the clerk shall retain the filing of the action or proceeding, and the court shall issue an order granting the applicant whose application is denied thirty days to make the required advance deposit or security, prior to any dismissal or other action on the filing of the civil action or proceeding.

(6) Nothing in this section shall prevent a court from approving or affirming an application to qualify as an indigent litigant for an applicant whose gross income exceeds one hundred eighty-seven and five-tenths per cent of the federal poverty guidelines as determined by the United States department of health and human services for the state of Ohio, or whose liquid assets equal or exceed the applicant's monthly expenses as specified in division (C)(2) of section 120-1-03 of the Administrative Code, as amended, or a substantially similar provision.

¹Ohio Works First Income Limit: 50% FPL (R.C. 5107.10(D)(1)(a))

²SSI Income Limit: cannot have countable income that exceeds the Federal Benefit Rate (FBR). 2019 FBR: \$771 monthly for single disabled individual; \$1157 monthly for disabled couple (20 CFR 416.1100)

³Medicaid Income Limit:

Modified Adjusted Gross Income (MAGI): 138% FPL (OAC 5160:1-4-01; 42 USC 1396a(a)(10)(A)(i)(VIII))
Aged, Blind or Disabled: \$791 for single person; \$1177 for disabled couple

⁴Veterans Pension Benefit Income Limit: \$13,535 annually / \$1,127 monthly for a single person; \$17,724 annually / \$1,477 monthly for a veteran with one dependent

⁵Supplemental Nutrition Assistance Program (SNAP) Income Limit: 130% FPL for assistance groups with nondisabled/nonelderly member; 165% FPL for elderly and disabled assistance groups (OAC 5101:4-4-11; Food Assistance Change Transmittal No. 61)

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

IN THE MATTER OF:

Case No.

Minor Child

JUDGE _____
Magistrate _____

**MOTION FOR APPOINTMENT OF
COUNSEL**

I, _____, relative of minor child _____, have been added as a party to this case and pursuant to R.C. §2151.352 hereby request the appointment of counsel in this matter. I am unable to afford an attorney. I have also filed an Affidavit of Inability to Prepay Costs in this matter.

Respectfully submitted,

(signature)

(address)

PROOF OF SERVICE

I certify that a copy of the foregoing was served upon the following by regular mail this _____ day of _____, 2020.

Prosecutor's office at _____ (address)

Child Protective Services at _____ (address)

Attorney for child at _____ (address)

Guardian Ad Litem at _____ (address)

(signature)