

**MOTION FOR CHANGE OF CHILD SUPPORT, MEDICAL SUPPORT, TAX EXEMPTION,  
OR OTHER CHILD-RELATED EXPENSES  
LAWRENCE COUNTY, OHIO**

You should only use these forms if there is already a custody order issued by the Domestic Relations Court. If you are filing a Motion for Change of child-related financial matters in a Domestic Relations Court case, the following forms must be filed:

**FORMS YOU MUST COMPLETE:**

Form	Form Name	Purpose and Instructions
OH Sup. Ct. DR Form 25	Motion for Change of Child Support, Medical Support, Tax Exemption, or Other Child-Related Expenses and Memorandum in Support.	<b>Required IF</b> you are requesting a change in any child-related expenses.
OH Sup. Ct. Affidavit 3	Parenting Proceeding Affidavit*	<b>Required</b> to advise 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).
	Poverty Affidavit*	Tells the Court that you cannot afford to prepay the filing fee.
OH Sup. Ct. Form 28	Request for Service <b>IF you do not know your spouse's address AND you are filing a poverty affidavit, you must check the box for "Other" on this form and write in "posting" so the clerk will serve by posting.</b>	<b>Required</b> because the other party must be served with your motion. This form tells the Court where to send the copies to the other party.
OH Sup. Ct. Form 27	Waiver of Service of Summons	Complete this form <b>IF</b> the other party agrees to waive service of the Motion by signing this form.
	Affidavit for Service*	Use this <b>ONLY</b> if you do not know the other party's current address.
	Legal Notice for Service by Posting	Use this form <b>ONLY</b> if you do not know the other party's address. Provide this form to the Clerk of Court for posting in the courthouse.
	Judgment Entry of Posting	Use this form <b>ONLY</b> if you do not know the other party's current address. Once you file the Affidavit for Service and legal Notice for Service by posting, take this Entry and 3 copies to the 3 <sup>rd</sup> Floor of the courthouse and give to the Judge's Clerk for signing. Once signed, take back to the Clerk and file.

**\*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 filing them with the court. The court staff will not help you complete the forms.
- Make (1) copy of the following documents:
  - Poverty Affidavit (if you completed it)
- Make three (3) copies of all other forms
- Take the original and all copies to the Clerk of the Lawrence County Common Pleas Court (111 South 4<sup>th</sup> Street, Ironton, Ohio 45638)
- NOTE: If you did not complete the poverty affidavit, the filing fee is \$\_\_\_\_\_
- Once you file the forms, the Clerk will send you notice of any court dates. You must attend all of these court dates.
- NOTE: If you move, call the Clerk with your new address

➤ **IF YOU ARE FILING THE MOTION FOR CHANGE, THEN YOU MUST ATTEND THE COURT HEARING.**

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

Plaintiff/Petitioner

Magistrate

vs.

Name

Street Address

City, State and Zip Code

Defendant/Petitioner

**Instructions:** This form is used to request a change in the child support or child support-related matters. A Request for Service (Uniform Domestic Relations Form 28) and an Affidavit of Income and Expenses (Uniform Domestic Relations Form-Affidavit 1) must be filed with this Motion.

**MOTION FOR CHANGE OF CHILD SUPPORT, MEDICAL SUPPORT,  
TAX EXEMPTION, OR OTHER CHILD-RELATED EXPENSES  
AND MEMORANDUM IN SUPPORT**

I, \_\_\_\_\_ (name), request this Court change my obligation to provide support or my right to receive support for the minor child(ren) as follows (check all that apply):

1. ☐ The amount of child support to be paid each month. The change I want the Court to order is:

Supreme Court of Ohio

Uniform Domestic Relations Form – 25

Uniform Juvenile Form – 7

**MOTION FOR CHANGE OF CHILD SUPPORT, MEDICAL SUPPORT, TAX EXEMPTION,  
OR OTHER CHILD-RELATED EXPENSES AND MEMORANDUM IN SUPPORT**

Approved under Ohio Civil Rule 84 and Ohio Juvenile Rule 46

Effective Date: 7/1/2013

2. ☐ The person responsible for providing health insurance for the child(ren). The change I want the Court to order is: \_\_\_\_\_

\_\_\_\_\_

3. ☐ The amount of non-insured health care expenses of the minor child(ren) that I have to pay. The change I want the Court to order is: \_\_\_\_\_

\_\_\_\_\_

4. ☐ The person who can claim the child(ren) as tax dependents. The change I want the Court to order is: \_\_\_\_\_

\_\_\_\_\_

5. ☐ Other child-related expenses. The change I want the Court to order is: \_\_\_\_\_

\_\_\_\_\_

6. The circumstances have changed since the Court issued the existing order. The change in circumstances and any other reason for the requested change are as follows: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. I believe that the requested changes are in the child(ren)'s best interests.

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Telephone number at which the Court may reach you  
or at which messages may be left for you

**COURT OF COMMON PLEAS**

\_\_\_\_\_ **COUNTY, OHIO**

\_\_\_\_\_  
Plaintiff/Petitioner

v./and

\_\_\_\_\_  
Defendant/Petitioner/Respondent

Case No. \_\_\_\_\_

Judge \_\_\_\_\_

Magistrate \_\_\_\_\_

**Instructions:** Check local court rules to determine when this form must be filed.

By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. 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 \_\_\_\_\_

(Print Your Name)

**Check and complete ALL THAT APPLY:**

1. ☐ I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. ☐ Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. 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:** ☐ Male ☐ Female

Period of Residence

Check if  
Confidential

Person(s) With Whom Child Lived  
(name & address)

Relationship

to present

☐ Address  
Confidential?

to

☐ Address  
Confidential?

to

☐ Address  
Confidential?

to

☐ Address  
Confidential?

**b. Child's Name:** \_\_\_\_\_ **Place of Birth:** \_\_\_\_\_  
**Date of Birth:** \_\_\_\_\_ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence		Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____

**c. Child's Name:** \_\_\_\_\_ **Place of Birth:** \_\_\_\_\_  
**Date of Birth:** \_\_\_\_\_ **Sex:** ☐ Male ☐ Female

☐ Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

Period of Residence		Check if Confidential	Person(s) With Whom Child Lived (name & address)	Relationship
_____	to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

**3. 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. For each case in which you participated, give the following information:

- a. Name of each child: \_\_\_\_\_
- b. Type of case: \_\_\_\_\_
- c. Court and State: \_\_\_\_\_
- d. Date and court order or judgment (if any): \_\_\_\_\_

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

4. **Information about other civil case(s) that could affect this case: (Check only one box.)**

☐ I **HAVE NO INFORMATION** about any other civil 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 other civil 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. Do not repeat cases already listed in Paragraph 3. Explain:

- a. Name of each child: \_\_\_\_\_
- b. Type of case: \_\_\_\_\_
- c. Court and State: \_\_\_\_\_
- d. Date and court order or judgment (if any): \_\_\_\_\_

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

5. **Information about criminal case(s):**

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.

<u>Name</u>	<u>Case Number</u>	<u>Court/State/County</u>	<u>Convicted of What Crime?</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX ☐.

**6. Persons not a party to this case who has physical custody or claims to have custody or visitation rights to children subject to this case: (Check only one box.)**

☐ I **DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has/have physical custody or claim(s) 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 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: \_\_\_\_\_

**OATH**

(Do Not Sign Until Notary is Present)

I, (print name) \_\_\_\_\_, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document 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

Sworn before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



IN THE LAWRENCE COUNTY COURT OF COMMON PLEAS  
DOMESTIC RELATIONS DIVISION

	,	:	CASE NUMBER: _____
PLAINTIFF		:	
v.		:	JUDGE
			MAGISTRATE MCWHORTER
DEFENDANT			

**POVERTY AFFIDAVIT**

I, \_\_\_\_\_ being duly sworn sayeth:

1. I am a party in the foregoing action;
2. I am without the funds or assets to give security or a cash deposit to secure costs at this time.
3. I understand that I must inform the court if my financial situation should change before the disposition of my case;
4. I understand that I am subject to criminal charges for providing false information;
5. I understand that if it is determined by the court, that I was not entitled to the suspended deposit/costs that were provided to me, I may be required to reimburse the county for the costs;
6. I understand that the court will ultimately determine which party will be responsible for the payment of costs in this case, unless costs are waived.

\_\_\_\_\_  
Affiant

Sworn before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

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

Plaintiff/Petitioner

Magistrate

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner

**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.

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Please serve the following documents on the following parties as I have indicated below:

☐ Defendant/Petitioner at the address shown above.

- ☐ Certified Mail, Return Receipt Requested  
☐ Issuance to Sheriff of \_\_\_\_\_ County, Ohio for ☐ Personal or ☐ Residence service  
☐ Other (specify) \_\_\_\_\_
- ☐ Plaintiff/Petitioner at the address shown above.  
☐ Certified Mail, Return Receipt Requested  
☐ Issuance to Sheriff of \_\_\_\_\_ County, Ohio for ☐ Personal or ☐ Residence service  
☐ Other (specify) \_\_\_\_\_
- ☐ \_\_\_\_\_ County Child Support Enforcement Agency (provide address below):  
☐ Certified Mail, Return Receipt Requested  
☐ Issuance to Sheriff of \_\_\_\_\_ County, Ohio for ☐ Personal or ☐ Residence service  
☐ Other (specify) \_\_\_\_\_
- ☐ Other (address): \_\_\_\_\_  
☐ Certified Mail, Return Receipt Requested  
☐ Issuance to Sheriff of \_\_\_\_\_ County, Ohio for ☐ Personal or ☐ Residence service  
☐ Other (specify) \_\_\_\_\_

SPECIAL INSTRUCTIONS TO SHERIFF:

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\_\_\_\_\_  
Your Signature

IN THE COURT OF COMMON PLEAS

Division

COUNTY, OHIO

IN THE MATTER OF:

A Minor

Plaintiff/Petitioner

Case No.

Street Address

Judge

City, State and Zip

vs.

Magistrate

Defendant/Respondent/Petitioner

Street Address

City, State and Zip Code

WAIVER OF SERVICE OF SUMMONS

I, \_\_\_\_\_ (name), acknowledge that I am the ☐ Petitioner ☐ Plaintiff  
☐ Defendant ☐ Respondent (select one) and that I have received a copy of the following documents filed or  
to be filed by the other party:

- ☐ Complaint for Parentage
- ☐ Complaint ☐ Motion (select one) for Allocation of Parental Rights and Responsibilities (Custody)
- ☐ Complaint ☐ Motion (select one) for Parenting Time (Companionship and Visitation)
- ☐ Complaint ☐ Motion (select one) for Establishment or Change of Child Support
- ☐ Journal Entry and Findings of Fact Supporting Child Support Deviation
- ☐ Health Insurance Affidavit
- ☐ Complaint for Divorce with Children
- ☐ Complaint for Divorce without Children
- ☐ Separation Agreement
- ☐ Shared Parenting Plan
- ☐ Parenting Plan
- ☐ Petition for Dissolution
- ☐ Agreed Judgment Entry, Magistrate's Decision, Order, and/or Magistrate's Order
- ☐ Affidavit of Income and Expenses

Supreme Court of Ohio

Uniform Domestic Relations Form – 27

Uniform Juvenile Form – 9

WAIVER OF SERVICE OF SUMMONS

Approved under Ohio Civil Rule 84 and Ohio Juvenile Rule 46

Effective Date: 7/1/2013

- ☐ Affidavit of Property
- ☐ Parenting Proceeding Affidavit
- ☐ Motion for Contempt and Affidavit
- ☐ Motion and Affidavit or Counter Affidavit for Temporary Orders with Oral Hearing
- ☐ Other (specify): \_\_\_\_\_

I waive service of summons of said document by the Clerk of Court.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Telephone number at which the Court may reach you  
or at which messages may be left for you

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

Case No. \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff,**

**vs.**

\_\_\_\_\_  
**Defendant.**

**JUDGE**

**Magistrate McWhorter**

**AFFIDAVIT FOR SERVICE**  
**PURSUANT TO O.R.C. 4.4(A)(2)**

I, \_\_\_\_\_ being first duly sworn and cautioned, depose and state as follows:

1. I have filed for a change in post-divorce financial matters and am not able to prepay the filing fees;
2. I do not know the current address of the plaintiff/defendant (circle one);
3. I have made efforts to determine the plaintiff's/defendant's (circle one) current address but have been unable to do so;
4. The plaintiff's/defendant's (circle one) residence cannot be learned with reasonable effort
5. The plaintiff's/defendant's (circle one) last known mailing address is:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Affiant

STATE OF OHIO, COUNTY OF \_\_\_\_\_, SS:

Sworn to before me and signed in my presence this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

**IN THE COURT OF COMMON PLEAS  
LAWRENCE COUNTY, OHIO**

**Case No.** \_\_\_\_\_

**JUDGE**

**MAGISTRATE MCWHORTER**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**Plaintiff**

**vs.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**LEGAL NOTICE FOR SERVICE BY  
POSTING**

**Defendant**

To Defendant/Plaintiff \_\_\_\_\_ :

Defendant/Plaintiff (circle one) has brought this action naming you as a party in the above named Court by filing a post-decree Motion to modify financial matters on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ in the Adams County Court of Common Pleas, Division of Domestic Relations, located at the Courthouse, West Union, Ohio.

The object of the Motion is that Plaintiff/Defendant (circle one) be granted a change in the specified post-divorce financial matter and for any other relief whether at law or equity which this Court shall deem proper and just. The Plaintiff/Defendant (circle one) knew your last address to be

\_\_\_\_\_.

You are required to answer the Motion within twenty-eight (28) days after the last publication of this office, which will be posted at the required location for six successive weeks. The date last posted will be \_\_\_\_\_, 20\_\_\_\_\_.

In case of your failure to answer or otherwise respond as permitted by the Ohio Rules of Civil Procedure within the time stated, judgment will be rendered against you for the relief demanded in the Motion.

\_\_\_\_\_  
Plaintiff/Defendant (circle one)

\_\_\_\_\_  
Clerk of Courts



**IN THE COURT OF COMMON PLEAS  
LAWRENCE COUNTY, OHIO**

_____	<b>Plaintiff,</b>	<b>Case No.</b>	_____
<b>vs.</b>		<b>JUDGE</b>	_____
		<b>Magistrate</b>	_____
_____	<b>Defendant.</b>	<b><u>JUDGMENT ENTRY OF POSTING</u></b>	

The Court finds that Plaintiff/Defendant (circle one) filed a Motion for Change of the Divorce Decree on \_\_\_\_\_. The Court finds that on this same date, Plaintiff/Defendant (circle one) filed a Request for Service requesting that the Clerk proceed with service by posting and an Affidavit for Service by posting.

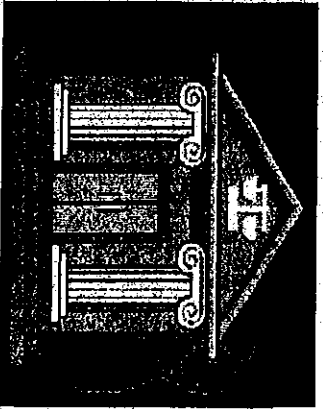
It is therefore the ORDER of the Court that the issuance of service of Summons and Complaint be issued pursuant to Civil Rule 4.4(A)(2).

\_\_\_\_\_  
Judge



# REPRESENTING YOURSELF IN COURT

## A CITIZENS GUIDE



### Preparing Your Case

If you do decide to represent yourself, you need to manage all aspects of your case.

☒ **Familiarize yourself with the local court rules.** Rules and procedures vary slightly from court to court, and you need to know the rules that apply in the court that will hear your case. Obtain a copy of the local rules from your court.

☒ **Make sure your filings and documents conform to local standards.** Generic forms and sample filings are available in books and on the internet. However, these generic documents may not conform to the standards of the court that will hear your case. To make sure that your documents will be accepted, ask your court for forms and sample filings.

☒ **Respond to all inquiries on time.** During trial preparations, you may receive inquiries from the court or the opposing party. For example, the opposing party may be entitled to "discovery"—to learn about evidence or testimony you plan to introduce (you may be entitled to the same). If you fail to respond to such inquiries, you may limit your ability to present your case.

☒ **Rules about admissible evidence are complicated.** There are many possible reasons that evidence or testimony you think is relevant and important may not be admissible in court. Since questions about what evidence is admissible are legal questions that are often contested, neither court staff nor the judge may answer them ahead of time. This can be frustrating for non-attorneys: if your case will involve contested evidence, consider again whether you need an attorney.

☒ **Make sure evidence you plan to use will be acceptable and available in court.** If your case will involve evidence—documents, pictures, cost estimates, receipts, or other items—you must prepare it for court use. In particular, you must

- ♦ bring at least three copies of all documents (for the court, for the opposing party, and for yourself); and

- ♦ be able to verify that documents are what you say they are or contain accurate information.

☒ **Make sure any witnesses are prepared and available in court.** If your case will involve testimony from witnesses, you need to work with them before you and they appear in court. Make sure your witnesses know what you will ask, and instruct them to answer truthfully. And remember that your witnesses must be

- ♦ present at your trial (they may not, for example, prepare written statements or appear by telephone); and
- ♦ prepared to answer questions from the opposing party or his or her attorney.

When you decide to represent yourself, you take on full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses, and any other issues that may come up. Even a seemingly simple case can demand a lot of your time and attention.

### In the Courtroom

At the trial or hearing itself, you need to present your case in its strongest way. Here are some simple tips:

☒ **Make a good impression.** Dress appropriately. Arrive on time with all your materials.

☒ **Respect the court.** Stand when the judge enters or leaves the courtroom and when you speak to the judge. Address the judge as "Your Honor."

☒ **Respect the opposing party.** Never argue with the opposing party in front of the judge. Use respectful terms of address.

☒ **Speak clearly and succinctly.** Be prepared to state your case in a few sentences. Listen carefully and answer questions directly.

☒ **Be prepared.** Courts are very busy. You want to present your case in the strongest way, but you also want to help the proceedings move efficiently. The better prepared you are, the better the case will go.

## The Role of the Judge

Your case will be heard and decided by a judge (or a magistrate). Keep in mind that the role of the judge is to be an impartial referee in the dispute between you and the opposing party. Among other things, this means that

- ✓ **The judge may not help you present your case.** Helping you—by pointing out possible mistakes or by letting you know what you need to do next—would be unfair to the opposing party. When you represent yourself, you take on the full responsibility of presenting your case.
- ✓ **The judge may not speak with you about your case when the opposing party is not present.** This is true even if the issue you want to speak with the judge about seems like a simple procedural question. Again, such communications would be unfair to the opposing party.
- ✓ **The judge will decide the case on the basis of the facts presented in court and the applicable law.** The judge may only consider the facts as they are presented in court, through evidence and testimony. You need to make sure that all facts supporting your case are properly presented. The judge also needs to follow the laws that apply. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure that you present the facts that the law requires or permits.

## Legal Advice

It is always a good idea to consult with an attorney and be represented by an attorney in court.

- ✓ **The law is complex.** Attorneys are trained professionals who understand the law and how it relates to your case.
  - ✓ **Even matters that initially look simple may raise complicated issues.**
  - ✓ **Your interests will be best protected by a legal professional.**
- Attorneys can be expensive, but consider this:**
- ✓ **What might you lose if your case goes badly?** Paying for an attorney may be a good investment.
  - ✓ **Meet with several attorneys to discuss your case and their fees—don't let one consultation make up your mind.**
  - ✓ **You may qualify for legal aid or help from legal clinics or other programs—be sure to investigate the resources in your community.**
- Ohio courts and judges will provide a fair hearing for your case whether or not you are represented by an attorney, and it is your right to represent yourself if you so choose.
- When you bring a case to court without the help of an attorney, you are taking on a complex task that is normally done by highly trained professionals. You may do yourself a disservice.

For help with finding an attorney, you might turn to your local bar association. Your local bar association is:

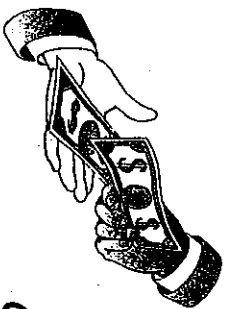
## Asking Court Staff

Court staff may not give legal advice. You may have questions that court staff are not permitted to answer.

- ✓ **Court staff may not**
  - ✗ provide you with legal research;
  - ✗ tell you what sorts of claims to file or what to put on forms;
  - ✗ tell you what to say in court;
  - ✗ give an opinion about how a judge is likely to decide your case;
  - ✗ give you information that they would not give to the opposing party;
  - ✗ tell you about a judge's decision before it is issued by the judge.
- ✓ **Court staff may**
  - ✓ answer questions about how the court works;
  - ✓ explain terms used in the court process;
  - ✓ give you information from your case file;
  - ✓ provide you with court forms and sample filings and documents.

Court staff are there to help those who use the court. They can usually tell you *how* to do things, but may not advise you about *what* you ought to do. Please be courteous to staff and respect the limits on what they may do for you.

# Modifying Child Support Orders



## How To Increase, Decrease, or Terminate Child Support Orders

### Where Do I Apply for a Change?

If your child support order was issued as part of a divorce or dissolution, you can modify the amount of support you receive or pay by:

1. Filing a Motion to Modify Child Support with the Court that issued your divorce decree

OR

2. Requesting the Child Support Enforcement Agency to modify your previous child support order.

If your child support order was issued by Juvenile Court or the Child Support Enforcement Agency (not part of a divorce or dissolution), you can modify the amount of support you receive or pay by:

1. Filing a Motion to Modify Child Support with the Juvenile Court that issued the original order

OR

2. Requesting the Child Support Enforcement Agency to modify your previous child support order.

### Why Go to the Court?

1. You can apply to the Court at any time. You may not be able to apply to the CSEA under certain circumstances (for example: you must apply to the Court when your support order is less than three years old and you have lost your job through no fault of your own, yet haven't been out of work for six months.)
2. If your case is simple and the other parent files no objections, the Court may rule faster than the CSEA.
3. You get to appear in person and tell your story to a magistrate or a judge

### Why Go to the CSEA?

1. You do not need a lawyer.
2. You do not have to pay a fee to file your request.
3. You don't have to attend the hearing – everything can be done by phone or mail.

### What You must Prove to Get a Child Support Order Changed

If your request is to the Court, you must prove:

- 1) a *significant change in circumstances* (change in needs of child or income/earning capacity of parent) since the first order was issued

AND

- 2) that this change will result in at least a 10% reduction in the amount of child support you currently pay or a 10% increase in the amount of support you are currently receiving.

(Determine the amount of the reduction by completing the child support worksheet)

Examples of change of circumstances you could argue to the Court: you lost your job, your work hours were cut back or you were laid off, you got a new job and are making less money, the custodial parent got a job or an increase in income since the last order, you now have another child that you are paying child support to, or your child has become ill or disabled.

## If your request is to the Child Support Enforcement Agency . . .

When your support order is *more than three years old*, you can apply for a change for *any reason*.

When your support order is *less than three years old*, you must prove *one of the following specific reasons*:

- Either party has experienced a 30% change in income for at least six months.
- Either party was under-employed (worked below their skill level) or unemployed at the time the first order was set and now is employed full time.
- You have been out of work for at least six months.
- You began receiving Supplemental Security income.
- You become permanently disabled and can provide medical proof of your disability.
- You are in jail or in an institution and have no assets to pay support.
- You want health insurance coverage for your children.

### What Happens after You File a Motion with the Court?

1. A copy of the motion will be sent to the opposing party. This is called "Service." You must call the Clerk of Courts periodically to ensure service is completed. If you do not know where the opposing party is living, call the CSEA and they will help you.

2. Once service is completed, a hearing date will be set. You must attend the hearing and prove to the judge that a "change in circumstances" has occurred. Bring whatever you need to prove your case with you to Court. Always bring the following financial information:
  - copies of your checks, pay stubs, or income tax returns;
  - if you receive welfare or unemployment compensation - documents proving receipt of these benefits (letter from employer/welfare office.)

### What If You Disagree with the CSEA Ruling or Court Decision?

If your case was decided in Court by a magistrate, you can file objections to the magistrate's decision and then the judge will review your case.

If your case was heard by the CSEA:

- When the CSEA ruling modifies an original CSEA order you can appeal that order in Juvenile Court.
- When the CSEA ruling modifies a Juvenile or Domestic Relations order, you can request an administrative CSEA hearing. If you still disagree, you can appeal to the Court that issued the original order.



#### CAUTION

While your case is pending (being heard) before the Court or the CSEA, the law requires you to keep paying support at the old amount. If you fail to make any payments, the amount of these payments will pile up into an arrearage that you will also be required to pay.

## How to Determine the Amount of Child Support Owed

In Ohio, there are child support guidelines and a worksheet that determine the amount of support you must pay.

The Court will automatically order child support in the amount calculated by this worksheet unless one or both of the parents show that *this amount is unjust or inappropriate and would not be in the best interest of the child or children involved*.

### When Does My Duty to Pay Child Support End?

The law states that when one of the following events occur, you, as the parent, no longer have to pay child support:

- Your child turned 18 years of age. (If your child is still attending high school when he/she turns 18, you are obligated to pay support until the child turns 19 years of age.)
- Your child lives on his/her own, joined the military, or got married (even though he or she has yet to turn 18).
- Your child no longer lives with the custodial parent or has moved in with you.
- You have moved in with the custodial parent.

### How Do I Terminate a Child Support Order?

You must let the Court or CSEA know that one of the events listed above has occurred before your obligation to pay support ends. You can either:

1. call the CSEA and request termination,
- OR
2. file a Motion to Terminate Child Support with the Court.

If you file a motion with the Court, they will either send you a notice that child support has terminated or schedule a hearing on the matter. At the hearing, be prepared to prove that one of these events has occurred.

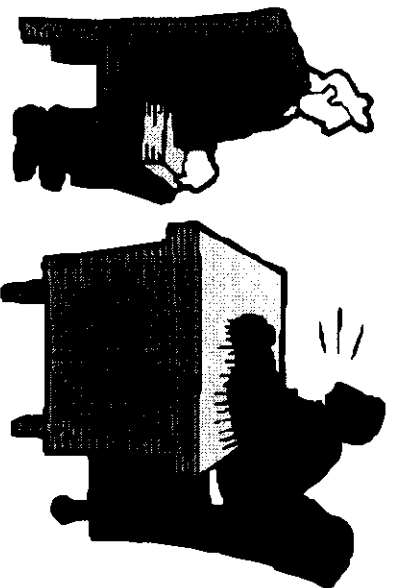
*This pamphlet was developed from information provided by:  
"Paying Child Support, Here's How to Apply for a Change"  
Legal Aid Society of Cleveland*

*Prepared by NAPIL Fellow, Ohio State Legal Services Association  
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# How to Handle Witnesses When You Are Representing Yourself



## When Should I Bring a Witness to Court?

It is always a good idea to bring a witness with you simply to tell the Court that you are an honest person or to confirm that what you are telling the Court is true.

In most cases that come before the Court, both sides are telling a different version of the same story. The Court knows that each side may be telling the version that best serves his or her own interests. The testimony of a witness (someone not involved in the case directly) will make your side of the story more believable.

In some types of cases, you are required by law to bring a witness. For example, in divorce cases, many Courts require a that you bring a witness to testify that you are a person known to have good character in your community (that you are an honest and good person).

~ ~ ~

## What If My Witnesses Can't Come to the Hearing?

Your witness must come to the hearing! A handwritten note from a person will not be accepted by the Court—the witness must show up at the hearing and testify live. Live testimony is required so that the other side has an opportunity to ask questions of your witness as well.

To make sure your witnesses will show up, make sure you call them the week of the hearing and again the day before the hearing to remind them.

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## Who Should I Bring as a Witness?

→ People who know you and your reputation in the community.

→ People who know about the situation that brought you to the Court from things they have seen or heard. Only use witnesses after you have talked to them and are sure that they will tell the Court what is helpful to your case.

While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With family members and friends, the Court may assume that the person is testifying for you simply because they like you and want you to win.

~ ~ ~

## How Do I Prepare My Witnesses?

→ Think about what is the most valuable thing each witness could say on your behalf.

→ Write down a few questions that will help the witness get the idea across.

→ Practice with your witness ahead of time, so you know what answers will be given.

~ ~ ~



## What Should I Do With My Witnesses at the Court Hearing?

- Start by asking the witness their name and address.
- If your witness is a professional, you should ask what their job is, what their educational degrees are, and how long they have been doing their job.
- Then ask specific questions about what information they have about your case.

**With your own witness, it is not okay to ask "leading questions."** Leading questions give the witness the answer you want them to say.

You must keep your questions open-ended. *Open-ended questions are Who, What, Where, When, How, and Why questions.*

### **Examples to use:**

- How would you describe my husband's condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

~ ~ ~

## What About the Other Side's Witnesses?

The other side will question them first. The judge will give you an opportunity to "cross examine" them (that is, ask them your own questions). You do not have to ask any questions if you think the witness will only repeat what was already said.

**When asking questions of the other side's witnesses, you are allowed to ask leading questions. Leading questions have Yes or No answers.**

### **Examples to use:**

- Was my husband ever drunk when he dropped the children off at your house?
- Didn't my husband yell and swear at the children when he came to pick them up from day care?

~ ~ ~

## Rules To Follow When Questioning Witnesses

- Keep your questions short.
- Never ask a question when you do not know what the answer will be—the answer could hurt your case more than help it.
- If you don't get the answer you were expecting from a witness, do not argue with them or accuse them of lying. It makes you look bad before the judge. Remember... politeness at all times!
- If a witness refuses to answer a question, ask the judge to make the person answer.

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## Samples of Questions to Ask My Witnesses

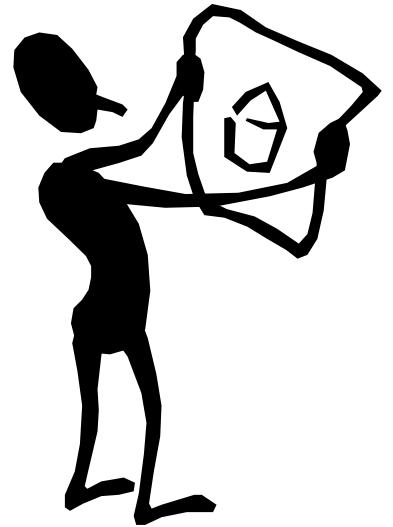
- What is your name?
- What is your address?
- How long have you known me?
- During the time that you have known me, have you become familiar with my reputation in the community?
- Do I have a reputation for good character and honesty in the community?
- From what you know about me, am I someone the Court can rely upon to tell the truth?
- You have heard what I have said in Court. To the best of your knowledge, do you know it to be true?
- Please explain how you know this to be true.

### **Prepared by:**

NAPIL Equal Justice Fellow  
Ohio State Legal Services Association  
September 2000

# Representing Yourself in Court?

## How to Use Photographs, Letters, Business Records, and Other Evidence to Help Prove Your Case



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### What is Evidence?

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Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

*Your case probably will be decided by a judge. If there is a jury, it will look at admitted exhibits during its deliberations.*

For example:

- **In a request for change of custody**, the child's school records could be introduced as evidence that the child's grades have dropped or he/she has missed a significant amount of school while living with the other parent.
- **In a domestic violence or stalking civil protection order case**, a photograph of any injury you suffered or a threatening letter written by your abuser may help your case.
- **In a divorce case**, a copy of tax return documents or documents showing who has title to a car may be introduced as evidence.



## Why Use Evidence?

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- ❶ Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
- ❷ Evidence may make something **easier to understand**. “A picture is worth a thousand words.” Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.

## How Do I Present Evidence to the Court?

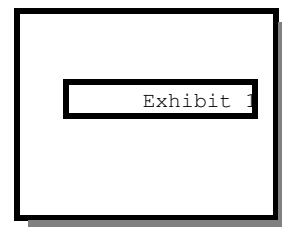
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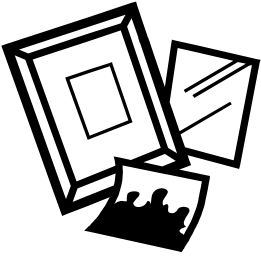
Each court is different, but in most courts, you can’t just walk into court with a photograph or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be “admitted”.

## Steps to Follow to Admit Evidence

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- ➔ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled “Exhibit 1,” “Exhibit 2,” etc.)
- ➔ Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:
  - ❶ Show the exhibit to the other party or the other party’s attorney.
  - ❷ Then “lay the foundation” for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for “laying the foundation” - explaining why and how the exhibit is connected to your case.
  - ❸ Either you or your witness must testify about the exhibit.
  - ❹ Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can’t, let the judge decide.
  - ❺ If there are no objections from the other party, or the judge has ruled in your favor, ask the court to “admit the Exhibit into evidence.”





## Laying the Foundation for Photographs

1. Explain why a photo is connected to your case. For example:  
“This photo shows the injury I suffered after my ex-boyfriend punched and kicked me.”
2. Explain how you know about what is in the photo. For example:  
“I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day.”
3. Explain that the photo is timely. For example:  
“At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend.”
4. Explain that the photo “fairly and accurately” shows what is depicted in the photo as it appeared on the date relevant to your case. For example:  
“This photo is a fair and accurate depiction of how my face and side looked two hours after the incident and for the next two weeks.”

### **TIP**

When using photographs, it is best to use color photos and enlarge them, if possible.

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## **Foundation for Letters**

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1. Explain why the letter is connected to your case. For example:  
“This is the letter that I received from my ex-boyfriend shortly before he beat me up.”
2. Explain when and how you got the letter. For example:  
“This letter was shoved under the door to my apartment some time before 6 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day.”
3. Prove that the signature is that of a party to the case. Ways to prove this:
  - **Explain to the court: that you are familiar with the other party’s signature, how you came to know that person’s signature, and that it is your opinion that the signature on the letter is the other party’s signature.**



- **Call a witness who is familiar with the party's signature, and ask the witness:**  
"Do you know the other party in this case? Are you familiar with the party's signature? How?"

Then show them the letter and ask "Is this the other party's signature?"

- **Call the person who signed the letter.**  
Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).

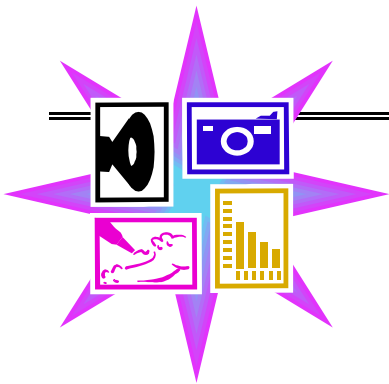
4. Explain that the letter is in the same condition now as when you received it. ("The letter was kept in a safe place and nothing has been changed since I received it.")

### **TIPS**

Do not read anything from the letter until the court has admitted it into evidence.

If the other party objects to the letter saying that it is hearsay, respond by saying: "The letter shows the letter writer's state of mind."

## **Laying the Foundation for Documents and Records From Businesses**



1. Explain how the document or record is related to your case.
2. Call a witness from the business/agency that produced the record, ask the witness what his or her responsibilities are at the business/agency and how he or she is involved in record keeping.

3. Show the witness the record and ask him/her if it is a record from the business/agency.

4. Ask the witness:

- Was the record made by a person with knowledge of the acts or events appearing on it.
- Was the record made at or near the time of the acts or events appearing on it.
- Is it the regular practice of the business/agency to make such a record, and
- Was the record kept in the course of a regularly conducted business activity.

### **TIP**

If the record is certified (a statement is attached to the record stating that it is in fact a record from a public agency or it has an agency seal on it) you do not need to do anything before you show it to the judge. Just let the judge know it is certified.

In addition to the forms in this packet, you may find additional forms and informational pamphlets to help you on the internet at the following website:

[www.ohiolegalhelp.org](http://www.ohiolegalhelp.org)

Click on “Statewide Forms and Information”

Locate and click on the legal area that you would like to review – use the “search this site” box if you are not sure which area to review

You can also search this website to learn how to access the local legal services program for your area