

**AGREED MOTION TO MODIFY PRIOR COURT ORDER
POST-DIVORCE OR DISSOLUTION
COMMON PLEAS**

THESE ARE PACKETS OF LEGAL FORMS AND INSTRUCTIONS FOR USE IN THE STATE OF OHIO COURTS AND THEY ARE INTENDED TO BE A GENERAL GUIDE TO GET THE FORMS FILLED OUT, FILED WITH THE COURT, AND TO GET A REQUEST PROPERLY BEFORE THE JUDGE. THESE ARE NOT INTENDED TO BE A LEGAL ANALYSIS OF A REQUEST OR A STATEMENT AS TO WHETHER OR NOT THE REQUEST WILL BE GRANTED. THESE ARE MERELY TO ASSIST THE USER IN PREPARING AND PRESENTING A REQUEST TO THE COURT.

Type or Print all Forms - If you are downloading the forms from the website, the forms are in PDF and can be typed online and then saved on your computer or flash drive for revision and printing. You can also access these fillable forms on the website - www.seols.org - at the Get Help page

AGREED MOTION TO MODIFY A PRIOR ORDER POST-DIVORCE/DISSOLUTION (not custody or child support or alimony). This packet can be used to modify by agreement any other court order (use a different packet if you want to modify custody or child support). It should be filed in the Court where the divorce was granted.

This packet has several parts to it. To help you know that you have each part and to help you figure out how they go together, please note the parts and numbers of pages below.

<u>Document Identification</u>	<u># Pages</u>
Agreed Motion to Modify Prior Court Order-----	2
Instructions and sample poverty affidavit -----	2
Poverty Affidavit (blank for you to fill in) -----	1
Instructions for Entry and Sample Entry -----	2
Entry (blank for you and the Judge to complete) -----	1

YOU SHOULD ALWAYS CALL THE CLERK OF COURTS TO FIND OUT HOW MUCH THE COURT COSTS WILL BE SO YOU CAN PAY THE COSTS WHEN YOU FILE IF AT ALL POSSIBLE. YOU SHOULD ALSO ASK IF THERE ARE OTHER LOCAL PAPERS THE COURT WOULD LIKE YOU TO FILE WITH THESE PAPERS

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____,

Plaintiff/Petitioner,

Case No. _____

Judge _____

vs/and

_____,

Defendant/Petitioner.

AGREED MOTION FOR MODIFICATION
OF PRIOR COURT ORDERS with Memorandum
In Support

Now comes _____ and _____ and

respectfully move this Court for an order modifying the previous order of this Court as follows:

1. On _____, the Court made the following ORDER(S):
(date order was filed)

2. By agreement, the parties hereby request the following modification of this prior ORDER:

3. The parties request an order granting whatever other and further relief as this Court may deem reasonable, necessary and/or proper under the circumstances.

4. The parties agree to assess costs to _____.

MEMORANDUM IN SUPPORT

The modification is hereby requested due to the following (use additional sheets if needed):

Respectfully submitted by:

(signature of Plaintiff/Petitioner) _____

(print name) _____

(address) _____

(city, state zip) _____

and

(signature of Defendant/Petitioner) _____

(print name) _____

(address) _____

(city, state zip) _____

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

IN THE MATTER OF:

A Minor

Plaintiff/Petitioner

Street Address

City, State and Zip

vs.

Defendant/Respondent/Petitioner

Street Address

City, State and Zip Code

Case No.

Judge

Magistrate

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

FORM 27

- Affidavit of Income and Expenses
- 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

INSTRUCTIONS FOR POVERTY AFFIDAVIT
- PRINT OR TYPE -

1. Fill in whether this is a *GENERAL* division Common Pleas Court case (after a divorce or dissolution or visitation only action) or a *JUVENILE* Division case (the original order is out of a juvenile court)
2. Fill in the name of the county where the Court is.
3. Fill in the name of the Minor Child(ren) involved in this action OR the Plaintiff and Defendant as it appears on your papers.
4. Fill in the Case Number and the Judge of the action if you know it, leave it blank if you don't.
5. Fill in both parties' names.
6. Sign your names ONLY IN FRONT OF A NOTARY if the affidavit is correct.

MAKE 2 COPIES AND TAKE WITH THE MOTION TO THE COURT

PLEASE NOTE: FILING WITH A POVERTY AFFIDAVIT DOES NOT MEAN YOU DO NOT HAVE TO PAY COURT COSTS. IT ONLY MEANS THAT YOU DO NOT HAVE TO PAY IT IN ADVANCE. THE COURT WILL DETERMINE WHO IS TO PAY COURT COSTS AT THE TIME OF THE HEARING.

IN THE COURT OF COMMON PLEAS
1) GENERAL OR JUVENILE DIVISION
2) NAME OF COUNTY, OHIO

In The Matter of:

3) NAME OF CHILDREN

3) NAME OF PLAINTIFF,

Plaintiff,

vs.

3) NAME OF DEFENDANT

Defendant.

Case No. **4) CASE NUMBER**

Judge _____

AFFIDAVIT OF INABILITY
TO PREPAY COURT COSTS.

We, **5) FILL IN YOUR NAMES**, being first duly cautioned and sworn,

depose and state:

1. That we are the parties in interest in the above-captioned action; that we have a meritorious cause of action but are unable to give security or a cash deposit to secure costs.
2. That we are unable to afford the hiring of an attorney to represent us in this matter.
3. That we own no liquid assets or property of any substantial value to prepay costs.

**6) SIGN YOUR NAME IN FRONT
OF NOTARY ONLY**

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

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS
_____ DIVISION

_____ COUNTY, OHIO

In The Matter of:

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

Case No. _____

Judge _____

AFFIDAVIT OF INABILITY TO
PREPAY COURT COSTS

We, _____, being first duly cautioned and sworn,
depose and state:

1. That we are parties in interest in the above-captioned action; that we have a meritorious cause of action but are unable to give security or a cash deposit to secure costs.
2. That we are unable to afford the hiring of an attorney to represent us in this matter.
3. That we own no liquid assets or property of any substantial value to prepay costs.

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

NOTARY PUBLIC

AT THE END OF YOUR HEARING
INSTRUCTIONS FOR THE GENERIC ENTRY

Attached is an entry with blanks for the Court to fill out at the conclusion of your hearing. Whenever there is a motion filed, the Court makes a decision and that decision must be written down and filed with the Court.

You should fill out the top part of the entry just as you have filled out the top part of your other papers. Leave the rest blank.

At the end of the hearing, the Court will rule on your motion. You should then ask the Court if the Court would like your entry so that the ruling can be written down. You can then give it to the Court, the Court can fill it out, and it will be filed. **BE SURE AND ASK FOR COPIES OF THE ENTRY FOR YOURSELF SO YOU WILL KNOW WHAT THE COURT ORDERED.**

IN THE COURT OF COMMON PLEAS

- Fill In County - COUNTY, OHIO

- Fill In Name of Plaintiff- .

Plaintiff,

Case No. - Fill In Case # -

Judge - Fill In name of Judge-

vs.

- Fill In Name of Defendant-

Defendant.

ENTRY ON MOTION

This matter came on to be heard on - Fill In Your Name - 's Motion for

- Fill In Name Of Your Motion - .

Upon consideration of the record and the motion, the Court HEREBY ORDERS:

- Leave These Lines Blank -

- Leave Blank -
JUDGE

SUBMITTED BY:

- Sign Your Name -

IN THE COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____,

Case No. _____

Plaintiffs,

Judge _____

vs.

_____,

ENTRY ON MOTION

Defendant.

This matter came on to be heard on _____'s Motion for

_____.

Upon consideration of the record and the motion, the Court HEREBY ORDERS:

JUDGE

SUBMITTED BY:

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.



REPRESENTING YOURSELF IN COURT

A CITIZENS GUIDE



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

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