

**COURT OF COMMON PLEAS**  
**MONTGOMERY COUNTY, OHIO**

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant

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

Judge \_\_\_\_\_

Magistrate \_\_\_\_\_

**Instructions:** Check local court rules to determine when this form must be filed.  
This form is used to request temporary orders in your divorce or legal separation case. After a party serves a Motion and Affidavit, the other party has 14 days to file a Counter Affidavit and serve it on the party who filed the motion. **If more space is needed, add additional pages.**

**MOTION AND AFFIDAVIT OR**  **COUNTER AFFIDAVIT**  
**FOR TEMPORARY ORDERS**  
**WITHOUT ORAL HEARING**

Check one box below to show whether you are filing a (1) Motion and Affidavit or (2) Counter Affidavit.

**(1) Motion and Affidavit**

(Print Your Name) \_\_\_\_\_ files this Motion and Affidavit under Rule 75(N) of the Ohio Rules of Civil Procedure to request the temporary orders checked here.

- Check only those that apply.
- |       |  |
|-------|--|
| _____ | Residential parenting rights (custody) |
| _____ | Parenting time (visitation)            |
| _____ | Child support                          |
| _____ | Spousal support (alimony)              |
| _____ | Payment of debts and/or expenses       |

THE OTHER PARTY HAS 14 DAYS FROM THE DATE ON WHICH THIS MOTION IS SERVED TO FILE A COUNTER AFFIDAVIT AND SERVE IT UPON THE PARTY WHO FILED THE MOTION. (See below.)

**(2) Counter Affidavit**

(Print Your Name) \_\_\_\_\_ files this Counter Affidavit in response to a Motion and Affidavit.

**Complete the following information, whether filing Motion and Affidavit or Counter Affidavit. Check all that apply.**

1.  My spouse and I are living separately.  
 Date of separation is \_\_\_\_\_ .
- My spouse and I are living together.
- We have no minor children. (Skip to number 5.)
- There are minor child(ren) who are adopted or born of this marriage.  
 (List children here.)

Name	Date of birth	Living with
_____	_____	_____
_____	_____	_____
_____	_____	_____

- In addition to the above children there is/are in my household:  
 \_\_\_\_\_ adult(s)  
 \_\_\_\_\_ other minor and/or dependent child(ren).

2. My child(ren) attend(s) school in:

- My school district
- The other parent's school district
- Open enrollment
- Other (Explain.) \_\_\_\_\_ .
- All children do not attend school in the same district. (Explain.)

3.  I request to be named the temporary residential parent and legal custodian of the child(ren).  
 (Specify child(ren) if request is not for all children.) \_\_\_\_\_
- I do not object to my spouse being named the temporary residential parent of the child(ren).
- I request the following parenting time order:
- The Court's standard parenting order (See county's local rules of court.)
  - A specific parenting time order as follows:

I have reached an agreement regarding parenting time with my spouse as follows:

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I request that my spouse's parenting time (visitation) be supervised. (Explain--supervised parenting time order will NOT be granted if the reasons are not explained.)

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Name of an appropriate supervisor \_\_\_\_\_

4.  A court or agency has made a child support order concerning the child(ren).

Name of Court/Agency \_\_\_\_\_

Date of Order \_\_\_\_\_

SETS No. \_\_\_\_\_

5. I request the Court to order my spouse to pay:

\$ \_\_\_\_\_ child support per month

\$ \_\_\_\_\_ spousal support per month

\$ \_\_\_\_\_ attorney fees, expert fees, court costs

The following debts and/or expenses:

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Other

6.  I am willing to attend mediation.

I am not willing to attend mediation.

I request the following court services. (See local rules of court for available services.)

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State specific reasons why court services are required.

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**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:

**NOTICE OF HEARING**

(Check with local court for scheduling procedure.)

You are hereby given notice that this motion for temporary orders will be heard upon affidavits only, and without oral testimony, before Judge/Magistrate \_\_\_\_\_, Hearing Room \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ floor.

**CERTIFICATE OF SERVICE**

Check the boxes that apply.

I delivered a copy of my:  Motion and Affidavit or  Counter Affidavit

On: (Date) \_\_\_\_\_, 20\_\_\_\_

To: (Print name of other party's attorney or, if there is no attorney, print name of the party.)

\_\_\_\_\_  
At: (Print address or fax number.) \_\_\_\_\_

- By:  U.S. Mail  
 Fax  
 Messenger  
 Clerk of courts (if address is unknown)

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