

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

_____ Plaintiff	V.	Case No. _____ Judge _____ Magistrate _____
_____ Defendant		

**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:

- ☐ Father's school district
- ☐ Mother'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:

☐ 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.)

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:

☐ 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.)

State specific reasons why court services are required.

### 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

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