

ANSWER PACKET IN A DIVORCE WITH CHILDREN

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 access these fillable forms at this website:*
<https://mail.oslsa.org:8889/home/admin@oslsa.org/Marietta%20Repository>

* All forms in **BOLD** must be signed in front of a notary.*

Forms to be completed by you

- Form 10 Answer - Tells the Court whether you agree or dispute the complaint
- Form 8 Counterclaim – Use this form if you want to also claim for divorce
- Affidavit 5** **Motion or Counter affidavit for temporary orders** – asks the Court for temporary orders if you need them or to respond to the other party's orders if the other side asked for temporary orders
- Affidavit 1** **Affidavit of Income and expenses** – tells the Court about your financial situation
- Affidavit 2** **Affidavit of Property** – tells the Court about the property in the marriage
- Affidavit 3** **Parenting Proceeding Affidavit** – tells the Court where your child/ren have lived for the past 5 years

After completing the forms

- Make three (3) copies of each completed form *AND MAIL A COPY OF EACH FORM TO THE OPPOSING PARTY OR THE OPPOSING PARTY'S ATTORNEY IF THERE IS ONE.*
- Take the originals and three (3) copies to Clerk of Common Pleas Court
- If you cannot afford the filing fee, then use the enclosed **Poverty Affidavit** for the Court you are filing in.

After forms are filed

- Clerk will send you notice of any court dates. Attend all of these court dates.
- If you move, call the Clerk with your new address.

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

Plaintiff
Street Address
City, State and Zip Code
vs.
Defendant
Street Address
City, State and Zip Code
Case No.
Judge
Magistrate

Instructions: This form is used in response to a filing of a Complaint for Divorce with Children. This form is used to agree with or dispute the statements made in the Complaint for Divorce with Children or a Counterclaim to a Divorce with Children.

- ANSWER TO COMPLAINT FOR DIVORCE WITH CHILDREN
REPLY TO COUNTERCLAIM

1. I, (name) ADMIT or DENY the following allegations, as listed in my Spouse's Complaint or Counterclaim.

ADMIT DENY

- My Spouse's state of residence
My Spouse's length of residence in state
My Spouse's county of residence
My Spouse's length of residence in county
My county of residence
The date of our marriage
The place of our marriage
My Spouse is not pregnant.
The number of children who were born from or adopted during the marriage or relationship.
The names of children who were born or adopted during the marriage or relationship.

FORM 10

- The dates of birth of children who were born or adopted during the marriage or relationship.
- My Spouse and I are owners of real estate and/or personal property.

2. I further **ADMIT or DENY** the following grounds for divorce:

ADMIT DENY

- My Spouse and I are incompatible.
- My Spouse and I have lived separate and apart without cohabitation and without interruption for one year.
- My Spouse or I had a Husband or Wife living at the time of the marriage.
- I have been willfully absent for one year.
- I am guilty of adultery.
- I am guilty of extreme cruelty.
- I am guilty of fraudulent contract.
- I am guilty of gross neglect of duty.
- I am guilty of habitual drunkenness.
- I was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
- I procured a divorce outside this state by virtue of which I have been released from the obligations of the marriage, while those obligations remain binding on my Spouse.

3. Anything not specifically admitted is denied.

4. Other information about the above admissions, denials, or responses: _____

I ask that the request for a divorce be dismissed granted (select one), and I be awarded such other relief as the Court finds fair and equitable, including ordering the cost of this action be paid as the Court may determine.

Your Signature

Address

Typed or printed Name

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

CERTIFICATE OF SERVICE

I delivered a copy of my Answer to Complaint for Divorce with Children

On: (date) _____

To: (name of your Spouse's attorney or, if there is no attorney, name of your Spouse)

At: (address or fax number) _____

By: U.S. Mail
 Fax
 Personal delivery
 Other: _____

Your Signature

FORM 8

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

Name
Street Address
City, State and Zip Code
Plaintiff
vs.
Name
Street Address
City, State and Zip Code
Defendant
Case No.
Judge
Magistrate

Instructions: This form is used to Counterclaim a Complaint for Divorce with or without Children. A Request for Service (Uniform Domestic Relations Form 28) must be filed with this form. The Parenting Proceeding Affidavit (Uniform Domestic Relations Form 3) must be filed, if you and your spouse have (a) minor child(ren), adult child(ren) attending high school, adult child(ren) with disabilities, and/or the Wife is pregnant.

COUNTERCLAIM FOR DIVORCE

I, the Defendant, for this Counterclaim say:

- 1. I have been a resident of the State of Ohio for at least six months.
2. I have been a resident of County for at least 90 days immediately before the filing of this Complaint; or
The Plaintiff resides in County where this Complaint is filed.
3. The Plaintiff and I were married to one another on (date of marriage) in (city or county, and state).

FORM 8

4. I state regarding children (check all that apply):

- The Wife is not pregnant.
- The Wife is pregnant and the approximate due date is: _____
- No children were born from or adopted during this marriage or relationship.
- The following child(ren) were born from or adopted during this marriage or relationship (name and date of birth of each child):

| Name of Child | Date of Birth |
|---------------|---------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- Husband is not the biological father of the following child(ren) who were born during the marriage (name and date of birth of each child): _____
- _____
- _____

5. I state the following grounds for divorce exist (check all that apply):

- The Plaintiff and I are incompatible.
- The Plaintiff and I have lived separate and apart without cohabitation and without interruption for one year.
- The Plaintiff or I had a Husband or Wife living at the time of the marriage.
- The Plaintiff has been willfully absent for one year.
- The Plaintiff is guilty of adultery.
- The Plaintiff is guilty of extreme cruelty.
- The Plaintiff is guilty of fraudulent contract.
- The Plaintiff is guilty of gross neglect of duty.
- The Plaintiff is guilty of habitual drunkenness.
- The Plaintiff was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
- The Plaintiff procured a divorce outside this state by virtue of which the Plaintiff has been released from the obligations of the marriage, while those obligations remain binding on me.

6. The Plaintiff and I are owners of real estate and/or personal property.

I request that a divorce be granted from the Plaintiff, that the Court determine an equitable division of debts and property, and as follows that (check all that apply):

- The Plaintiff be required to pay spousal support.
- The Plaintiff be named the residential parent and legal custodian of the following child(ren): _____

FORM 8

The Defendant be named the residential parent and legal custodian of the following child(ren): _____

The non-residential parent be granted specific parenting time.
 The Plaintiff and I be granted shared parenting of the following child(ren): _____

pursuant to a Shared Parenting Plan (Uniform Domestic Relations Form 17), which I will prepare and file with the Court.

- The Plaintiff be ordered to pay child support and medical support.
- I be restored to my prior name of: _____
- The Plaintiff be required to pay attorney fees.
- The Plaintiff be required to pay the court costs of the proceeding.
- The Court make the following additional orders: _____

and that the Court grant such other and further relief as the Court may deem proper.

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 Case No.
Judge
Magistrate
V.
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.

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 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

Affidavit 1

**COURT OF COMMON PLEAS
COUNTY, OHIO**

| | | |
|----------------------|--|------------------|
| Plaintiff/Petitioner | | Case No. _____ |
| v./and | | Judge _____ |
| Defendant/Petitioner | | Magistrate _____ |

Instructions: Check local court rules to determine when this form must be filed. This affidavit is used to make complete disclosure of income, expenses and money owed. It is used to determine child and spousal support amounts. Do not leave any category blank. Write "none" where appropriate. If you do not know exact figures for any item, give your best estimate, and put "EST." **If you need more space, add additional pages.**

AFFIDAVIT OF INCOME AND EXPENSES

Affidavit of _____
(Print Your Name)

Date of marriage _____ Date of separation _____

SECTION I - INCOME

| | <u>Husband</u> | <u>Wife</u> |
|------------------------------|---|---|
| Employed | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Employer | _____ | _____ |
| Payroll address | _____ | _____ |
| Payroll city, state, zip | _____ | _____ |
| Scheduled paychecks per year | <input type="checkbox"/> 12 <input type="checkbox"/> 24 <input type="checkbox"/> 26 <input type="checkbox"/> 52 | <input type="checkbox"/> 12 <input type="checkbox"/> 24 <input type="checkbox"/> 26 <input type="checkbox"/> 52 |

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

| | <u>Husband</u> | <u>Wife</u> |
|---|-------------------------------|-------------|
| Base yearly income | \$ _____ 3 years ago 20 _____ | \$ _____ |
| | \$ _____ 2 years ago 20 _____ | \$ _____ |
| | \$ _____ Last year 20 _____ | \$ _____ |
| Yearly overtime, commissions and/or bonuses | \$ _____ 3 years ago 20 _____ | \$ _____ |
| | \$ _____ 2 years ago 20 _____ | \$ _____ |
| | \$ _____ Last year 20 _____ | \$ _____ |

Affidavit 1

B. COMPUTATION OF CURRENT INCOME

| | <u>Husband</u> | <u>Wife</u> |
|--|----------------|-------------|
| Base yearly income | \$ _____ | \$ _____ |
| Average yearly overtime, commissions and/or bonuses over last 3 years (from part A) | \$ _____ | \$ _____ |
| Unemployment compensation | \$ _____ | \$ _____ |
| Disability benefits | | |
| <input type="checkbox"/> Workers' Compensation | | |
| <input type="checkbox"/> Social Security | | |
| <input type="checkbox"/> Other: _____ | \$ _____ | \$ _____ |
| Retirement benefits | | |
| <input type="checkbox"/> Social Security | | |
| <input type="checkbox"/> Other: _____ | \$ _____ | \$ _____ |
| Spousal support received | \$ _____ | \$ _____ |
| Interest and dividend income (source) | | |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |
| Other income (type and source) | | |
| _____ | \$ _____ | \$ _____ |
| _____ | \$ _____ | \$ _____ |
| TOTAL YEARLY INCOME | \$ _____ | \$ _____ |
| Supplemental Security Income (SSI) or public assistance | \$ _____ | \$ _____ |
| Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship | \$ _____ | \$ _____ |

Affidavit 1

SECTION II – CHILDREN AND HOUSEHOLD RESIDENTS

Minor and/or dependent child(ren) who are adopted or born of this marriage or relationship:

| Name | Date of birth | Living with |
|-------|---------------|-------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

In addition to the above children there is/are in your household:

_____ adult(s)
_____ other minor and/or dependent child(ren).

SECTION III – EXPENSES

List monthly expenses below for your present household.

A. MONTHLY HOUSING EXPENSES

| | | |
|---|----|-----------------|
| Rent or first mortgage (including taxes and insurance) | \$ | _____ |
| Real estate taxes (if not included above) | \$ | _____ |
| Real estate/homeowner's insurance (if not included above) | \$ | _____ |
| Second mortgage/equity line of credit | \$ | _____ |
| Utilities | | |
| o Electric | \$ | _____ |
| o Gas, fuel oil, propane | \$ | _____ |
| o Water and sewer | \$ | _____ |
| o Telephone | \$ | _____ |
| o Trash collection | \$ | _____ |
| o Cable/satellite television | \$ | _____ |
| Cleaning, maintenance, repair | \$ | _____ |
| Lawn service, snow removal | \$ | _____ |
| Other: _____ | \$ | _____ |
| | \$ | _____ |
| TOTAL MONTHLY : | | \$ _____ |

Affidavit 1

B. OTHER MONTHLY LIVING EXPENSES

| | | |
|---|----------------------|----------|
| Food | | |
| ○ Groceries (including food, paper, cleaning products, toiletries, other) | \$ | _____ |
| ○ Restaurant | \$ | _____ |
| Transportation | | |
| ○ Vehicle loans, leases | \$ | _____ |
| ○ Vehicle maintenance (oil, repair, license) | \$ | _____ |
| ○ Gasoline | \$ | _____ |
| ○ Parking, public transportation | \$ | _____ |
| Clothing | | |
| ○ Clothes (other than children's) | \$ | _____ |
| ○ Dry cleaning, laundry | \$ | _____ |
| Personal grooming | | |
| ○ Hair, nail care | \$ | _____ |
| ○ Other | \$ | _____ |
| Cell phone | \$ | _____ |
| Internet (if not included elsewhere) | \$ | _____ |
| Other | \$ | _____ |
| | TOTAL MONTHLY | \$ _____ |

C. MONTHLY CHILD-RELATED EXPENSES (for children of the marriage or relationship)

| | | |
|--|----------------------|----------|
| Work/education-related child care | \$ | _____ |
| Other child care | \$ | _____ |
| Unusual parenting time travel | \$ | _____ |
| Special and unusual needs of child(ren) (not included elsewhere) | \$ | _____ |
| Clothing | \$ | _____ |
| School supplies | \$ | _____ |
| Child(ren)'s allowances | \$ | _____ |
| Extracurricular activities, lessons | \$ | _____ |
| School lunches | \$ | _____ |
| Other | \$ | _____ |
| | TOTAL MONTHLY | \$ _____ |

Affidavit 1

D. INSURANCE PREMIUMS

| | | |
|---|----|----------|
| Life | \$ | _____ |
| Auto | \$ | _____ |
| Health | \$ | _____ |
| Disability | \$ | _____ |
| Renters/personal property (if not included in part A above) | \$ | _____ |
| Other _____ | \$ | _____ |
| TOTAL MONTHLY | | \$ _____ |

E. MONTHLY EDUCATION EXPENSES

| | | |
|------------------------|----|----------|
| Tuition | | _____ |
| o Self | \$ | _____ |
| o Child(ren) | \$ | _____ |
| Books, fees, other | \$ | _____ |
| College loan repayment | \$ | _____ |
| Other _____ | \$ | _____ |
| | \$ | _____ |
| TOTAL MONTHLY: | | \$ _____ |

F. MONTHLY HEALTH CARE EXPENSES (not covered by insurance)

| | | |
|------------------------|----|----------|
| Physicians | \$ | _____ |
| Dentists | \$ | _____ |
| Optometrists/opticians | \$ | _____ |
| Prescriptions | \$ | _____ |
| Other _____ | \$ | _____ |
| | \$ | _____ |
| TOTAL MONTHLY: | | \$ _____ |

G. MISCELLANEOUS MONTHLY EXPENSES

| | | |
|---|----|-------|
| Extraordinary obligations for other minor/handicapped child(ren) (not stepchildren) | \$ | _____ |
| Child support for children who were not born of this marriage or relationship and were not adopted of this marriage | \$ | _____ |
| Spousal support paid to former spouse(s) | \$ | _____ |
| Subscriptions, books | \$ | _____ |
| Entertainment | \$ | _____ |

Affidavit 1

| | | |
|---|----|----------|
| Charitable contributions | \$ | |
| Memberships (associations, clubs) | \$ | |
| Travel, vacations | \$ | |
| Pets | \$ | |
| Gifts | \$ | |
| Bankruptcy payments | \$ | |
| Attorney fees | \$ | |
| Required deductions from wages (excluding taxes, Social Security and Medicare) (type) _____ | \$ | |
| Additional taxes paid (not deducted from wages) (type) _____ | \$ | |
| Other _____ | \$ | |
| | \$ | |
| TOTAL MONTHLY: | | \$ _____ |

H. MONTHLY INSTALLMENT PAYMENTS

(Do not repeat expenses already listed.)

Examples: car, credit card, rent-to-own, cash advance payments

| To whom paid | Purpose | Balance due | Monthly payment |
|-----------------------|---------|-------------|-----------------|
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
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| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| | | \$ | \$ |
| TOTAL MONTHLY: | | \$ | \$ _____ |

GRAND TOTAL MONTHLY EXPENSES (Sum of A through H): \$ _____

Affidavit 1

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:

COURT OF COMMON PLEAS

_____ COUNTY, OHIO

Plaintiff/Petitioner

v./and

Respondent/Petitioner

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed. List ALL OF YOUR PROPERTY AND DEBTS, the property and debts of your spouse, and any joint property or debts. Do not leave any category blank. For each item, if none, put "NONE." If you do not know exact figures for any item, give your best estimate, and put "EST." **If more space is needed, add additional pages.**

AFFIDAVIT OF PROPERTY

Affidavit of _____

(Print Your Name)

I. REAL ESTATE INTERESTS

| <u>Address</u> | <u>Present Fair Market Value</u> | <u>Titled To</u> | <u>Mortgage Balance</u> | <u>Equity (as of date)</u> |
|---|----------------------------------|--|-------------------------|----------------------------|
| 1. _____ _____ | \$ _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ | \$ _____ _____ |
| 2. _____ _____ | \$ _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ | \$ _____ _____ |
| TOTAL SECTION I: REAL ESTATE INTERESTS | | | | \$ _____ |

II. OTHER ASSETS

| <u>Category</u> | <u>Description</u> (List who has possession) | <u>Titled To</u> | <u>Value/Date of Value</u> |
|--|--|--|----------------------------|
| A. Vehicles and Other Certificate of Title Property | | | |
| | (Include model and year of automobiles, trucks, motorcycles, boats, motors, motor homes, etc.) | | |
| 1. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 2. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 3. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 4. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 5. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 6. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| B. Financial Accounts | | | |
| | (Include checking, savings, CDs, POD accounts, money market accounts, etc.) | | |
| 1. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 2. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 3. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 4. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |

| <u>Category</u> | <u>Description</u> (List who has possession) | <u>Titled To</u> | <u>Value/Date of Value</u> |
|---|---|--|----------------------------|
| C. Pensions & Retirement plans | | | |
| 1. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 2. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 3. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 4. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |

| | | | |
|--|-------|--|----------|
| D. Publicly Held Stocks, Bonds, Securities & Mutual Funds | | | |
| 1. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 2. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 3. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 4. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |

| <u>Category</u> | <u>Description</u> (List who has possession) | <u>Titled To</u> | <u>Value/Date of Value</u> |
|--|---|--|----------------------------|
| E. Closely Held Stocks & Other Business Interests and Name of Company | | | |
| 1. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| 2. | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |

**F. Life Insurance Type
(Term/Whole Life)**

(Any cash value or loans)

(Insured party
& value upon death)

| | | | | |
|----|-------|-------|--|----------|
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 3. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 4. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |

Category

Description

Who Has Possession

Value/Date of Value

G. Furniture & Appliances

(Estimate value of those in your possession, and value of those in your spouse's possession)

| | | | | |
|----|-------|-------|--|----------|
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 3. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 4. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |

H. Safe Deposit Box

(Give location and describe contents)

Titled To

| | | | | |
|----|-------|-------|--|----------|
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ _____ |
| | _____ | _____ | | _____ |

I. Transfer of Assets

Explanation: List the name and address of any person (other than creditors listed on your Affidavit) who has received money or property from you exceeding \$300 in value in the past 12 months and the reason for each transfer.

| | | | | | |
|----|-------|-------|--|----|-------|
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |
| 3. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |
| 4. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |

Category

Description

(Also list who has possession)

Titled To

Value/Date of Value

J. All Other Assets Not Listed Above

Explanation: List any item you have not listed above that is considered an asset.

| | | | | | |
|----|-------|-------|--|----|-------|
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | \$ | _____ |

TOTAL SECTION II: OTHER ASSETS \$ _____

III. SEPARATE PROPERTY CLAIMS: Pre-marital assets, gifts to one spouse only, inheritances

If you are making any claims in any of the categories below, explain the nature and amount of your claim. **This includes, but is not limited to, inheritances, property owned before marriage, and any pre-marital agreements.**

| | <u>Category</u> <small>(Pre-marital Gift, Inheritance, etc., acquired after separation)</small> | <u>Description</u> | <u>Why do you claim this as a separate property?</u> | | <u>Present Fair Market Value</u> |
|----|--|--------------------|--|----|--------------------------------------|
| 1. | _____ | _____ | _____ | \$ | _____ |
| 2. | _____ | _____ | _____ | \$ | _____ |
| 3. | _____ | _____ | _____ | \$ | _____ |
| 4. | _____ | _____ | _____ | \$ | _____ |
| 5. | _____ | _____ | _____ | \$ | _____ |

TOTAL SECTION III: SEPARATE PROPERTY CLAIMS \$ _____

IV. DEBT

List ALL OF YOUR DEBTS, the debts of your spouse, and any joint debts. Do not leave any category blank. For each item, if none, put "NONE." If you don't know exact figures for any item, give your best estimate, and put "EST." **If more space is needed to explain, please attach an additional page with the explanation and identify which question you are answering.**

| <u>Type</u> | <u>Name of Creditor/Purpose of Debt</u> | <u>Account Name</u> | <u>Name(s) on Account</u> | <u>Total Debt Due</u> | <u>Monthly Payment</u> |
|--|---|---------------------|---|-----------------------|------------------------|
| A. Secured Debt (Mortgages, Car, etc.) | | | | | |
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 3. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 4. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 5. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| B. Unsecured Debt, including credit cards | | | | | |
| 1. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 2. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 3. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 4. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| 5. | _____ | _____ | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint | \$ _____ | \$ _____ |
| TOTAL SECTION IV: DEBT | | | | \$ _____ | _____ |

V. BANKRUPTCY

| | <u>Filed by: Wife, Husband, Both</u> | <u>Date of Filing: Case Number</u> | <u>Date of Discharge or Relief from Stay</u> | <u>Type of Case (Ch. 7, 11, 12, 13)</u> | <u>Current Monthly Payments</u> |
|------------------------------------|--|--|--|---|-------------------------------------|
| 1. | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | _____ | _____ | _____ | \$ _____ |
| 2. | <input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both | _____ | _____ | _____ | \$ _____ |
| TOTAL SECTION V: BANKRUPTCY | | | | | \$ _____ |

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:

Affidavit 3

COURT OF COMMON PLEAS _____ COUNTY, OHIO

| | | |
|---------------------------------|--|------------|
| Plaintiff/Petitioner | | Case No. |
| v./and | | Judge |
| Defendant/Petitioner/Respondent | | 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: <input type="checkbox"/> Male <input type="checkbox"/> Female | |
| | <u>Period of Residence</u> | <u>Check if Confidential</u> | <u>Person(s) With Whom Child Lived</u> (name & address) |
| | to present | <input type="checkbox"/> Address Confidential? | <u>Relationship</u> |
| | to _____ | <input type="checkbox"/> Address Confidential? | |
| | to _____ | <input type="checkbox"/> Address Confidential? | |
| | to _____ | <input type="checkbox"/> Address Confidential? | |

Affidavit 3

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.

| <u>Period of Residence</u> | <u>Check if Confidential</u> | <u>Person(s) With Whom Child Lived</u> (name & address) | <u>Relationship</u> |
|----------------------------|--|--|---------------------|
| _____ 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.

| <u>Period of Residence</u> | <u>Check if Confidential</u> | <u>Person(s) With Whom Child Lived</u> (name & address) | <u>Relationship</u> |
|----------------------------|--|--|---------------------|
| _____ 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:

Affidavit 3

- 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 .

Affidavit 3

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: _____

INSTRUCTIONS FOR POVERTY AFFIDAVIT – COMMON PLEAS

- **PRINT OR TYPE** -

1. Fill in the name of the county where the action is.
2. Fill in the name of the Plaintiff.
3. Fill in the name of the Defendant.
4. Fill in the Case Number of the action.
5. Fill in your name.
6. Sign your name 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 - Name of County, OHIO

- 2 - Name of Plaintiff ,

Plaintiff,
vs.

Case No. - 4 - Case Number

- 3 - Name of Defendant ,

Defendant.

AFFIDAVIT OF INABILITY
TO PREPAY COURT COSTS.

I, - 5 - Fill in your name , being first duly cautioned and sworn, depose and state:

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

- 6 - Sign Only In Front of Notary

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

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

_____, OHIO

Plaintiff,

Case No. _____

vs.

Defendant.

**AFFIDAVIT OF INABILITY
TO PREPAY COURT COSTS**

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

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

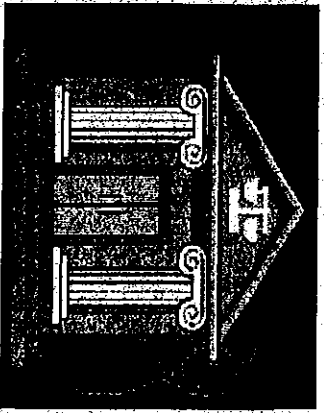
Sworn to and subscribed in my presence this _____ day of _____,
20_____.

NOTARY PUBLIC



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:

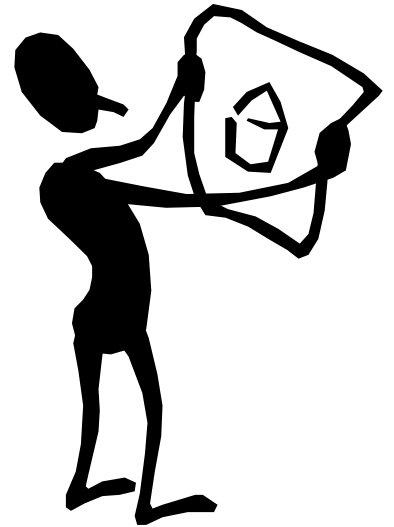
Asking Court Staff

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.

Representing Yourself in Court?

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



What is Evidence?

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?

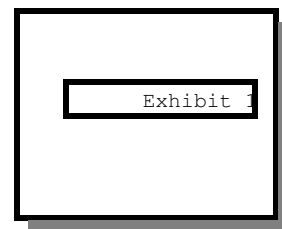
- ➊ Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
- ➋ 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.

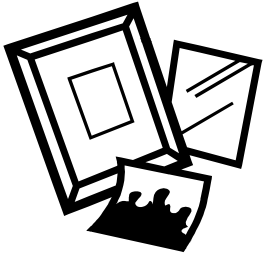
How Do I Present Evidence to the Court?

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

- ➔ 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:
 - ➊ Show the exhibit to the other party or the other party's attorney.
 - ➋ 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.
 - ➌ Either you or your witness must testify about the exhibit.
 - ➍ 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.
 - ➎ 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.

Foundation for Letters

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).

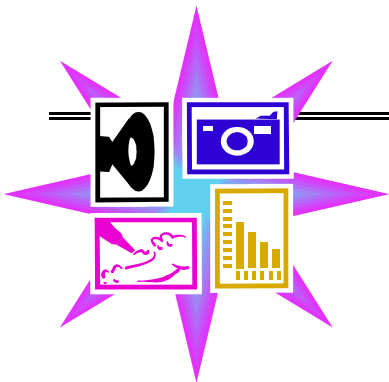
4. Explain that the letter is in the same condition now as when you received it. (“The letter was kept in a safe place and nothing has been changed since I received it.”)

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.

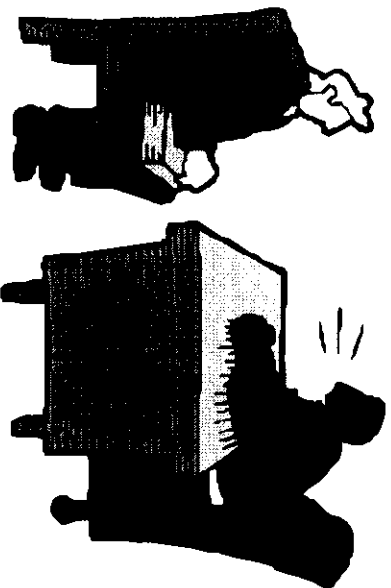
3. Show the witness the record and ask him/her if it is a record from the business/agency.

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.

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.

~ ~ ~

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.

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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.

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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?

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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?

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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:

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