

INSTRUCTIONS

MOTION FOR VISITATION

WARNING: These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court and presented properly before the Judge or Magistrate. These instructions are not intended to be a legal analysis of your request or advice as to whether your motion will succeed; rather, they are merely to assist you in preparing and presenting your request.

If you have any doubt or question as to whether you can use these papers or how to use them, please contact a lawyer!

First, you need to have a copy of the Court's last custody order. Use that same heading on all of these forms. For example, the Plaintiff/Petitioner will be the same now as it was then, the Defendant/Respondent will be the same, and the Case Number will be the same.

All of the attached forms should be filled out before you go to the Juvenile Courthouse to file them. The Clerk of Courts staff will not help you in completing the forms. They are not permitted to do so. They cannot give you legal advice.

1. At the top of the MOTION FOR VISITATION form fill in the names and addresses of the Plaintiff/Petitioner and the Defendant/Respondent. Fill in the Case Number also. You can get this information from the court papers previously filed in the case.
2. In paragraph 1 of the MOTION FOR VISITATION form put your name in the first blank after the words "Now comes." In the second blank, put the name of the minor child.
3. In the space below the words "MEMORANDUM OF SUPPORT," list the reasons you have for wanting to make a visitation order. Be specific. You do not have to list here all of the facts that cause you to want a visitation order but you do have to be specific enough so that the Judge or Magistrate will know from reading your motion the main reasons why you want it.
4. Where it says "Respectfully submitted," sign your name on the line above the word "Movant" and print your name on the line below that.
5. You also must complete Form JC-1 and Form JC-4 as completely as possible. Where you see the word "Affiant," that means you. Be very careful in completing these forms. You will be swearing under oath before a Notary Public as to the truth of the information you enter on these forms. **Please note: you must sign these forms in the presence of a Notary Public before you bring them back to file them with the Clerk of Court.**

IF YOU LIE ON THESE FORMS OR MISREPRESENT ANY OF THE FACTS OR FAIL TO LIST SOMETHING YOU SHOULD LIST, THE COURT MAY DISMISS YOUR MOTION AND/OR HOLD YOU IN CONTEMPT OF COURT AND SENTENCE YOU TO JAIL AND/OR ORDER YOU TO PAY A FINE AND/OR CHARGE YOU WITH CRIMINAL PERJURY OR FALSIFICATION.

6. After the forms have been completed and notarized, make two (2) copies of every page of each form before you bring them to the Clerk of Court for filing.

7. When you file your paperwork, the Clerk's Office staff will first determine if the forms are completed properly. If they are not completed properly, they will not be accepted for filing and will be returned to you. If they are completed properly, the Deputy Clerk will take the original and the two copies of your papers and the filing fee from you. The Clerk will return one copy of your papers to you with a time and date stamp on them and a receipt for the filing fee. This will be your proof that you filed the originals.

The Clerk of Court will then send a copy of your motion and a Summons to the other party notifying them that a motion has been filed. You and the other party will receive an Assignment Notice in the mail when your case is scheduled for a **pre-trial conference** (where the parties and the Court discuss the issues and attempt to resolve the dispute) or a **hearing** (also known as a **trial**), where you will be required to present your evidence.

In most cases, the filing fee is \$75.00, plus payment of any court costs you were previously ordered to pay in the case and which have not been paid. That figure can be provided to you by the Deputy Clerk.

8. It will help a great deal if you are prepared on the day of the hearing. You should dress as you would for a job interview. Bring with you any witnesses that you wish to present to the Court on the day of the hearing. At the hearing it will be up to you to properly present your evidence and testimony to the Court.

9. At the hearing, the Judge or Magistrate will want to know the schedule and type of visitation order you believe is in the best interests of the child, and why. At the hearing you will be asked questions. You should respond to the questions directly. Listen to the question and make sure you that you provide the information you are asked for and nothing more. If you do not understand a question or are not sure what you are being asked, simply say so. You have the right to understand a question before you answer it. After the hearing, you will receive a copy of the Court's decision in the mail.

ALLEN COUNTY, OHIO, COURT OF COMMON PLEAS
JUVENILE DIVISION

_____	*	CASE NO. _____
_____	*	
_____	*	
Plaintiff/Petitioner	*	
	*	
VS.	*	MOTION FOR VISITATION
	*	
_____	*	
_____	*	
_____	*	
Defendant/Respondent	*	
	*	

Now comes _____ and asks this honorable Court to allow
him/her to have visitation with the minor child herein, _____, date
of birth: _____, as explained below in the Memorandum of Support.

MEMORANDUM OF SUPPORT

Respectfully submitted,

Movant

(printed name)