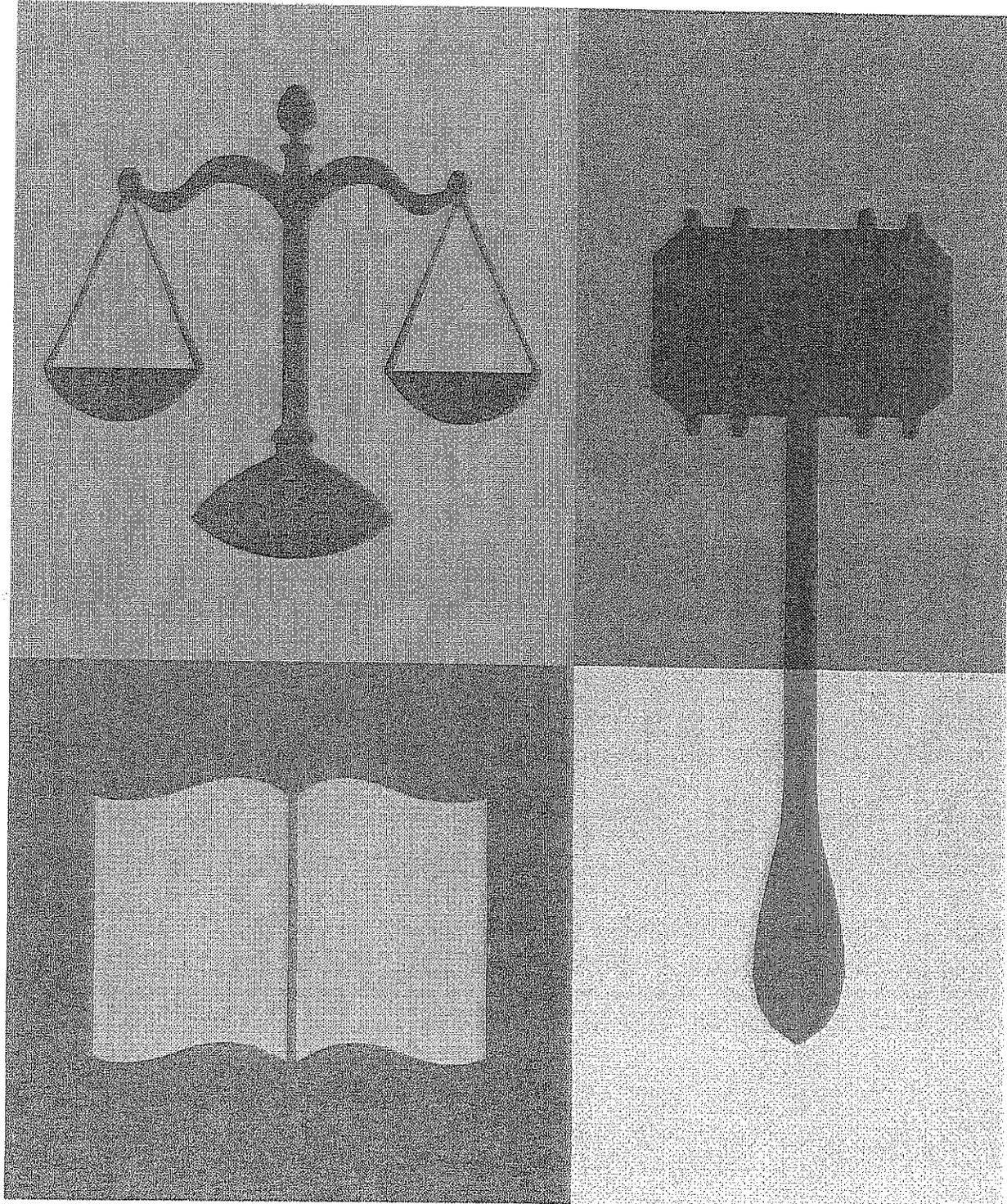


# Logan County Family Court Pro se Packet - Post-Decree Actions

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## Pro se – Representing Yourself in Court

As with any Court of this type, citizens are not required to have an attorney. Therefore, you may represent yourself if you choose. If you do choose to represent yourself, you will be held to the same standards and must meet the same legal requirements with respect to any of the documentation and evidence as an attorney must meet.

None of the employees of the Court, nor the Clerk of Courts, can provide any legal advice. You may contact Legal Aid (1-888-534-1432 or [www.lawolaw.org](http://www.lawolaw.org)) if you cannot afford an attorney and do not wish to represent yourself. If a case involves a possible finding of contempt which could result in a jail sentence, the Court may appoint an attorney if you meet the financial qualifications.

Generally, you should have an attorney if:

- You are going to have a contested hearing
- Your spouse/former spouse has an attorney
- There are substantial assets to be divided
- There is physical or emotional abuse

# PROCEDURE FOR FILING A POST-DECREE ACTION

What is a Post-Decree Action?

"Post Decree" means "after a decision has been made or a decree has been issued." A post-decree action is filed AFTER a divorce, dissolution or paternity action has been finalized. Modifications to previous orders are sometimes necessary as our lives change. Either parties are unable to resolve their differences on their own, or they wish to file an agreed motion.

These actions address the changes to our lives which include modifications to child support, custody, parenting time (visitation), etc. Motions for Contempt (disobeying a Court order) are also classified as post-decree actions.

As with the initial action in any case in this Court, a filing fee is payable upon the filing of the pleadings. Also, any unpaid previous Court costs must be paid in full.

## Required Pleadings – Post-Decree Proceedings

**Post-Decree Action with Children – Allocation of Parental Rights** (Domestic Relations and Juvenile Divisions)

- Praecipe (If none provided, service will be attempted by certified mail)
- Post Decree Motion
- Motion for Temporary Orders
- Affidavit in Support of Temporary Orders
- Judgment Entry/Temporary Orders
- Motion for ex parte Orders
- Affidavit in Support
- Judgment Entry/ex parte Orders
- Affidavit of Income, Expenses & Financial Disclosure (Form DR-10) and required attachments (2 of the 3 below)
  - Paycheck stubs for a one month period (most recent)
  - W-2 Forms (most recent)
  - Income Tax Return (most recent)
  - Or Affidavit in lieu of Financial Affidavit Attachments

- Parenting Proceeding Affidavit
- CSEA Application

If Motion for Temporary Order includes child support, include the following:

- Child Support Computation Worksheet

**Post-Decree Action with Children – Other Issues and/or Contempt**

- Praecipe (If none provided, service will be attempted by certified mail)
- Complaint/Motion
- Affidavit/Memorandum
- Judgment Entry (Court Order)
- Motion for Temporary Orders
- Affidavit in Support of Temporary Orders
- Judgment Entry (Court Order)

**Post Decree Action with Children - Allocation of Parental Rights (Custody) – Joint Motion & Entry**

- Joint Motion or Complaint
- Affidavit in Support
- Shared Parenting Plan (if applicable)
- Waiver of Service
- Waiver of Summons
- Waiver of Notice of Hearing
- Waiver of Magistrate's Decision and Objection Period
- Affidavit of Property
- Affidavit of Income, Expenses & Financial Disclosure (Form DR-10) and required attachments (2 of the 3 below)
  - Paycheck stubs for a one month period (most recent)
  - W-2 Forms (most recent)
  - Income Tax Return (most recent)
  - Or Affidavit in lieu of Financial Affidavit Attachments
- Parenting Proceeding Affidavit
- CSEA Application

If Motion for Temporary Order includes child support, include the following:

- Child Support Computation Worksheet

IN THE COURT OF COMMON PLEAS

Division  
COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

Street Address

City, State and Zip Code

Plaintiff/Petitioner

Case No.

Judge

Magistrate

vs.

Name

Street Address

City, State and Zip Code

Defendant/Petitioner

**Instructions:** This form is used to request the enforcement of a court order and hold the other party in contempt for violating the court order. A Request for Service (Uniform Domestic Relations Form 28) and a proposed Show Cause Order, Notice and Instructions to the Clerk (Uniform Domestic Relations Form 22) must be filed with this Motion. Check local court procedures.

MOTION FOR CONTEMPT AND AFFIDAVIT

I, \_\_\_\_\_ (name), request an order for \_\_\_\_\_ (other party's name) to appear and show cause why he/she should not be held in contempt for violating a court order and a finding of contempt for violating the court order regarding the following (check all that apply):

- 1.  Interference with parenting time or other parenting orders filed on \_\_\_\_\_ (date).
- 2.  Failure to pay child support, as required by the order filed on \_\_\_\_\_ (date)

and the total arrearage owed is \$ \_\_\_\_\_  
(Bring to the hearing an up-to-date printout from the County Child Support Enforcement Agency showing the amount of the child support owed to you.)

3.  Failure to pay spousal support, as required by the order filed on \_\_\_\_\_ (date) and the total arrearage owed is \$ \_\_\_\_\_  
(Bring to the hearing an up-to-date printout from the County Child Support Enforcement Agency or other independent proof showing the amount owed to you.)

4.  Payment or reimbursement of health care expenses incurred for the minor child(ren). Attach an Explanation of Health Care Bills (Form 26) and bring to the hearing the following documents:

- a. Copies of each bill for which you seek reimbursement,
- b. Proof of payment by you. Proof of payment may include a receipt for payment signed by the health care provider, a copy of a cancelled check, or a copy of a credit card statement verifying the amount paid, and
- c. Explanation of Benefits forms showing payment made by the health insurance carrier.

5.  Failure to comply with the Court's orders of \_\_\_\_\_ (date) regarding (check all that apply):

- Transfer of real estate, as follows: \_\_\_\_\_
- Payment of debt, as follows: \_\_\_\_\_
- Refinance of debt, as follows: \_\_\_\_\_
- Distribution of personal property, as follows: \_\_\_\_\_
- Other (specify): \_\_\_\_\_

6. Costs and any other relief as necessary and proper are also requested.

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

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

### OATH

(Do not sign until Notary is present.)

I, \_\_\_\_\_ (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		Case No.	
		Judge	
v./and		Magistrate	
Defendant/Petitioner/Respondent			

**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.

<b>a.</b>	<b>Child's Name:</b> _____	<b>Place of Birth:</b> _____	
	<b>Date of Birth:</b> _____	<b>Sex:</b> <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?	_____
	_____ to _____	<input type="checkbox"/> Address Confidential?	_____
	_____ to _____	<input type="checkbox"/> Address Confidential?	_____
	_____ to _____	<input type="checkbox"/> Address Confidential?	_____
	_____ to _____	<input type="checkbox"/> Address Confidential?	_____
	_____ to _____	<input type="checkbox"/> Address Confidential?	_____

**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:

- 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 .

6. **Persons not a party to this case who have physical custody or claim 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 physical custody or claims 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: \_\_\_\_\_

IN THE COURT OF COMMON PLEAS

Division  
COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

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

Street Address

Judge \_\_\_\_\_

City, State and Zip Code

Plaintiff/Petitioner

Magistrate \_\_\_\_\_

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner

**Instructions:** This form is used when you want to request documents to be served on the other party. You must indicate the requested method of service by marking the appropriate box.

**REQUEST FOR SERVICE**

TO THE CLERK OF COURT:

Please serve the following documents on the following parties as I have indicated below:

- Defendant/Petitioner at the address shown above.
  - Certified Mail, Return Receipt Requested
  - Issuance to Sheriff of \_\_\_\_\_ County, Ohio for  Personal or  Residence service
  - Other (specify) \_\_\_\_\_

- Plaintiff/Petitioner at the address shown above.

- Certified Mail, Return Receipt Requested
- Issuance to Sheriff of \_\_\_\_\_ County, Ohio for  Personal or  Residence service
- Other (specify) \_\_\_\_\_

\_\_\_\_\_ County Child Support Enforcement Agency (provide address below):

- Certified Mail, Return Receipt Requested
- Issuance to Sheriff of \_\_\_\_\_ County, Ohio for  Personal or  Residence service
- Other (specify) \_\_\_\_\_

Other (address): \_\_\_\_\_

- Certified Mail, Return Receipt Requested
- Issuance to Sheriff of \_\_\_\_\_ County, Ohio for  Personal or  Residence service
- Other (specify) \_\_\_\_\_

**SPECIAL INSTRUCTIONS TO SHERIFF:**

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