

CUSTODY
VERIFIED MOTION FOR TEMPORARY ORDERS EX PARTE

INSTRUCTIONS

Attached is a form requesting that the Court grant you an emergency order for custody during the pendency of a case. This form must be filed in conjunction with your Complaint or Motion for Custody.

These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and properly before the Judge. These instructions are not intended to be a legal analysis of your request or advice as to whether you should win your request. They are merely to assist you in preparing and presenting your request.

A. FILLING OUT THE FORM - TYPEWRITTEN OR IN INK

1. The enclosed forms should be filled out before you go to the Courthouse to file them. The Clerk of Court's staff will not help you in completing the forms.
2. **Verified Motion for Temporary Orders Ex Parte** - If there is no existing Order and you have, or are filing a Complaint, you are the Plaintiff. If there is an existing Order and you have, or are filing a Motion, and you were the Plaintiff on that Order, you are still the Plaintiff. If there is an existing Order and you have, or are filing a Motion, and you were the Defendant on that Order, you are still the Defendant.

Fill in the name of the county and court division (i.e., Juvenile, Domestic Relations) and the name, address, telephone number, and birth date of both parties. If there is no existing order, leave the case number blank. If there is an existing order, use the same case number that is on the existing order.

Fill in your name. Fill in the name(s) and date(s) of birth of the child(ren).

Under **Memorandum**, explain the reason that you need the Court to grant an emergency order.

This is a verified Motion. Your signature has to be notarized. **Sign your name above Movant when you are in the presence of the Notary.**

Under **Instructions for Service**, check either Plaintiff or Defendant (the person you want the Court to serve the papers on) and sign your name above Movant.

3. **Judgment Entry** - Fill in the name of the county and court division, and the Plaintiff and Defendant. Fill in the case number if there is an existing order.

4. Remove the instructions sheets and make three copies of each page of each form.

B. FILING THE MOTION

1. After the forms are filled out and copied, YOU MUST TAKE THEM to the Clerk of Court's office to be filed.
2. When you file your Motion, the Clerk's office staff will take the original and three copies of your papers. You should ask the Clerk to time-stamp your copy of the Motion. This will be your proof that you filed the originals. The Judgment Entry will not be file-stamped at this time.
3. If your Motion is granted, a hearing will be set.

C. WHEN A HEARING IS SET

1. You should present a neat appearance to the Court. The Court will not permit anyone to appear in court if s/he is wearing any of the following items of clothing: a hat, shorts, sandals, sleeveless shirts, tops, or blouses, clothing displaying indecent language or pictures, or clothing with large rips or holes. Make sure that your witnesses know this and comply with these requirements.
2. You must be prepared for the hearing. You should have with you any witnesses that you wish to use to support your request. You should also bring any papers or other physical evidence that you want the Magistrate to see. **It is your burden to prove that it is in the best interests of the child(ren) to be with you.**
3. You will probably testify first. You should be prepared to tell the Magistrate all of the things that have happened that show that you should be granted temporary custody. This is the only opportunity that you will have to present the facts, **so make sure that you include everything.**
4. **VERY IMPORTANT: This is not the time to tell the Magistrate everything that the other person has done that you disagree with or that has hurt or angered you. The Magistrate will only want to hear the evidence that shows it is in the best interests of the child(ren) to be with you. Be prepared to limit your testimony to those points raised in your Motion. Tell the Magistrate why you believe the child(ren) benefit(s) by living in your home with you.**
5. At the hearing you may be asked questions by the Magistrate or by the other party or by an attorney. Directly respond to the questions. Listen to the question; make sure that you understand the question; and answer the question. If you do not understand the question, ask to have the question explained to you before answering it. Never answer a question you do not understand.

6. Child support and parenting time will also be decided. When child support is at issue, you must prove your income and expenses.
7. **Note:** The other party may ask the Court for parenting time or visitation. If you want visitation limited or supervised, you will have to prove that it is in the best interests of the child to do that. You should have a list or idea of your reasons to tell the Court why visitation should be limited or supervised. If you have no reasons, you should not ask for limitations or supervision.

IN THE COMMON PLEAS COURT
_____ COUNTY, OHIO
_____ DIVISION

(Name) *

(Address) *

(City, State, Zip) *

(Telephone Number) *

(Birth Date) *

Plaintiff/Petitioner, * CASE NUMBER _____

VS. * JUDGE _____

(Name) *

(Address) *

(City, State, Zip) *

(Telephone Number) *

(Birth Date) *

Defendant/Petitioner. *

VERIFIED MOTION FOR TEMPORARY ORDERS EX PARTE

Now comes _____, and moves this Honorable Court for an Order designating him/her as the temporary, residential parent and legal custodian of the minor child(ren):

STATE OF OHIO

SS:

VERIFICATION

COUNTY OF _____,

The undersigned, being duly sworn, hereby state that the facts in the foregoing Verified Motion for Temporary Orders Ex Parte are true to the best of his/her knowledge and belief.

Movant

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public, this _____ day of _____, 200__.

NOTARY PUBLIC

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the Verified Motion for Temporary Orders Ex Parte upon:

- Plaintiff
- Defendant

at the address designated in the caption by Certified Mail service, with a return thereof as required by law.

Movant

IN THE COMMON PLEAS COURT
_____ COUNTY, OHIO
_____ DIVISION

_____, :
Plaintiff/Petitioner, : Case No. _____
vs. : JUDGE _____
_____, :
Defendant/Respondent. : JUDGMENT ENTRY

Upon Motion of _____ and for good cause shown, he/she is hereby designated *ex parte* as the temporary residential parent and legal custodian of the following children born on the following dates:

IT IS SO ORDERED.

JUDGE