

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

FILING PRO SE

[Acting As Your Own Attorney]

The Montgomery County Juvenile Court is committed to providing our clients, and the community, with the best possible customer service. The information and the forms that follow are meant as a guide to assist you in filing certain types of cases “pro se”, or acting as your own attorney. While our office is here to assist you in preparing your pro se filings, please note, throughout the court process, you will be held to the same standards, rules, and requirements as an attorney who is properly licensed and registered to practice law. This information can be found in the Ohio Revised Code, the Ohio Rules of Juvenile Procedure, the Ohio Rules of Evidence, and in the Local Rules of this Court.

Please read the following information about our pro se process, as well as the instructions that have been prepared regarding paternity, custody, parenting time (visitation), and child support matters. While our office can provide you with general information on how to complete the pro se forms, court staff (including the Staff Attorney) is prohibited by law from giving any legal advice or opinions on your case, and cannot tell you how to proceed in court or specifically what you should write on your pro se forms or pleadings.

If you are not sure what to file, or if you have questions about issues in your case, we recommend you consult with a private attorney.

If you need assistance completing the forms, the Greater Dayton Volunteer Lawyers Project or the Kinship Caregiver Coalition, may assist you, provided you meet their individual guidelines.

Attorneys

If you decide you want to have an attorney represent you, you are responsible for contacting and retaining an attorney. You do not necessarily need an attorney to begin your case, but may, instead, choose to file pro se, then retain an attorney to represent you after your case has been filed. **The Juvenile Court will not appoint attorneys in civil matters** (custody, visitation, etc.). You may qualify for appointed counsel ONLY if you are indigent (below the poverty level) **and** you are facing an allegation of “Contempt of Court” or Montgomery County Children’s Services has filed a case against you.

If you are seeking a local attorney, you may contact the **Dayton Bar Association’s Lawyer Referral Service** at **937-222-6102** or **daybar.org**. Initial consultations with an attorney through this service are \$35.00. After the initial consultation, regular attorney fees apply.

Greater Dayton Volunteer Lawyers Project

If you need assistance completing your paperwork, or cannot afford your filing fee, you may contact Legal Aid of Western Ohio at **1-888-534-1432** (Monday through Thursday, 9 A.M. to 5 P.M.) to see if

you qualify for aid through the **Greater Dayton Volunteer Lawyers Project's** Juvenile Court Pro Se Clinic. When you call, you will reach a recording. You will need to leave a message and a telephone phone number where you can be reached. Calls placed before 2:00 PM are typically returned the same day. Because Legal Aid screens for a number of different services, it is important that you state you are **“requesting help with paperwork”** and would like a referral to the **Greater Dayton Volunteer Lawyers Project**. If you qualify for assistance, you will be scheduled to attend a monthly clinic, where someone will assist you with completing your paperwork, and a waiver for your filing fees. Your filing fee will only be waived if you are qualified for assistance through the Greater Dayton Volunteer Lawyers Project. The Greater Dayton Volunteer Lawyers Project does not provide attorneys to represent you in court, they merely assist with the completion of the required forms.

Kinship Caregiver Coalition

Kinship Caregiver Coalition, located at Dayton Children's Hospital, can assist **non-parent family members** in completing court forms as well as providing access to a number of other community resources. For more information call Kinship Navigator's main line 937-641-5090 or contact Sandy Bryant: 937-641-5088 or Kimberly Pruitt: 937-641-5091 to schedule an appointment.

Filing Pro Se

What information will I need to complete my filing?

Court rules require the filing party to provide certain information when filing any case or action with the court. The court's role is solely to make decisions based on the information the parties provide in court. The court can only consider evidence or testimony that is admissible under the Ohio Rules of Evidence. It is ALWAYS the responsibility of the filing party to gather information, to have all parties served, and to properly present their case in court. The court cannot conduct any investigation into your case, including locating the address for a party on your behalf.

The filing party must provide:

- **The names of all parties** - “Parties” includes legal custodian(s), parents, and anyone having any legal rights to the child. It is the filing party's responsibility to ensure all necessary parties are included on the filing. The case cannot move forward until all required parties have been added to the motion or complaint and properly served.
- **Valid mailing addresses for all parties** - It is ALWAYS the filing party's responsibility to have any and all parties to a case properly served. Failure to serve a party may result in delays or dismissal of your case.
- **The child's legal name, date of birth, and current address**
- **If you are a father** and there is not an existing paternity or child support case in our court for the child(ren) you are filing for, you must attach proof of parentage (the child's birth certificate with your name on it or a court order establishing parentage) to your filing
- **Income and Expenses** – If filing for custody or on any matter related to child support, you will need your estimated income (current and last 3 years) and estimated monthly expenses.
- **Photo ID** for any documents requiring a notary
- **Filing fee**

DO NOT ATTACH ANY EVIDENCE TO YOUR FILING. Evidence must be presented in court under the guidelines contained in the Ohio Rules of Evidence.

How do I file?

- All necessary forms are available on our website, mcjcoho.org, or through the Citizen Services Office located in the lower level of the Juvenile Justice Center.
 - **Citizen Services is open Monday – Friday 8:30 AM – 11:30 AM, 1:00 PM – 3:00 PM**
 - **Closed from 11:30 AM – 1:00 PM daily**
 - Clerk’s Office filing hours are Monday – Friday 8:30 AM to 4:00 PM
 - Emergency cases must be filed by no later than 3:00 PM
 - Closed weekends and holidays
 - Same day filing is NOT guaranteed
 - **ALL PRO SE FILINGS MUST BE REVIEWED AND APPROVED BY CITIZEN SERVICES PRIOR TO FILING**
- When you arrive at Citizen Services, please sign in and wait to be called. Our staff will assist you in the order in which you sign in.
- A member of the Citizen Services staff will provide you with the paperwork and case information (if applicable) you need to complete your filing.
 - In-House computers are available on a limited basis.
 - Sample / Example booklets available upon request
- All completed pro se packets must be turned in to Citizen Services for review, and must be approved by the Staff Attorney or a Supervisor prior to filing.
- Notary services are generally available. (Photo ID required)

PLEASE NOTE: Because Citizen Services assists filers on a walk-in basis, there is no way to predict how long it will take to process your filing. Please allow plenty of time for your forms to be reviewed and corrections made.

YOUR FILING IS NOT COMPLETE UNTIL YOU RECEIVE YOUR FILE STAMPED COPY FROM THE CLERK’S WINDOW.

How much will this cost?

- **A complete list of filing fees is available in the Local Rules.**
- Filing fees are due at the time of filing and are payable by Cash, Credit Card, Debit Card, Money Order or Cashier’s Check. **PERSONAL CHECKS ARE NOT ACCEPTED.**
- \$130 for paternity filing
- \$130 for new custody or visitation– first child; \$80 for each additional child – when parties are the same for all cases (if the parents or legal custodians are different each will be treated as a separate case)
- \$115 for new child support – first child; \$65 for each additional child – when parties are the same for all cases
- \$80 for any custody or visitation case where there is / are case(s). If all parties are the same, one fee applies to all children having existing case numbers.
- \$65 for child support case if there is / are existing case number(s). If all parties are the same, one fee applies to all children having existing case numbers.

- You are required to provide one original per child and one copy for yourself and each party to be served.
- **IF YOU DO NOT PROVIDE ENOUGH COPIES, YOU WILL BE CHARGED AN ADDITIONAL \$5.00 COPY FEE.**
- If you are below the federal poverty level and believe you may qualify to have the filing fee waived due to indigency, you may request a fee waiver form from Citizen Services. Please be prepared to provide proof of qualification, such as proof that you receive public assistance, social security or disability benefits, or unemployment benefits, or a check stub showing your employment income, at the time of filing.

Other important things to note:

- If you are given a court date at the time of filing, you may not receive a summons or other reminder in the mail. The court date can be found on the first page of your filing.
- If you fail to appear for court, and you are the Plaintiff (the person who filed), your case will be dismissed.
- If your case is dismissed, for any reason, you will not receive a refund of your filing fees
- If your case is dismissed, and you choose to refile, the same filing fees apply.

When will I have court?

Hearings are set based on the time available on the Judges and Magistrates’ individual dockets. Most civil matters will be set approximately 90 days from the date of filing.

What if there is an emergency?

If your case involves a true emergency in which some action is needed to protect the health, safety or welfare of the child, please contact your local law enforcement agency or Children Services at 937-224-5437.

If you choose to and / or are instructed to file for an emergency order, you may do so through Citizen Services. However, please note that due to the nature of emergency cases, filing times are restricted. If you have been instructed to file for emergency custody by law enforcement or a children services agency, or if you believe an emergency filing would be appropriate for some other reason, contact Citizen Services for filing times and general information.

What documents are required?

Under our Court’s Local Rules, certain documents are required for each type of filing. These documents are available on our Court’s website, or can be picked up from the Citizen Services Office.

Below is a list of the forms required for each of the most common pro se filings. Other forms are available from the Citizen Services office.

Custody to a Parent

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Complaint for Parentage, Allocation of Parental Rights and Responsibilities (Custody), and Parenting Time (Companionship and Visitation)
- Affidavit of Income and Expenses

- Parenting Proceeding Affidavit
- Application for IV-D Services
- Instructions for Service

Custody to a Non-Parent

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Motion for Allocation of Parental Rights and Responsibilities (Custody) to a Non-Parent and Memorandum in Support
- Affidavit of Income and Expenses
- Parenting Proceeding Affidavit
- Application for IV-D Services
- Instructions for Service

Change/Modify Custody

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Motion for Change of Parental Rights and Responsibilities and Memorandum in Support
- Affidavit of Income and Expenses
- Parenting Proceeding Affidavit
- Application for IV-D Services
- Instructions for Service

Visitation for a Parent

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Complaint for Parentage, Allocation of Parental Rights and Responsibilities (Custody), and Parenting Time (Companionship and Visitation)
- Parenting Proceeding Affidavit
- Instructions for Service

Visitation for a Non-Parent

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Motion for Visitation by a Non-Parent and Memorandum in Support
- Parenting Proceeding Affidavit
- Instructions for Service

Change/Modify Visitation

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Motion for Change of Parenting Time (Companionship and Visitation) and Memorandum in Support
- Parenting Proceeding Affidavit
- Instructions for Service

Parentage/Paternity

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Complaint for Parentage, Allocation of Parental Rights and Responsibilities (Custody), and Parenting Time (Companionship and Visitation)
- Application for IV-D Services
- Parenting Proceeding Affidavit
- Affidavit of Income and Expenses
- Instructions for Service

Child Support (initial request)

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Complaint for Parentage, Allocation of Parental Rights and Responsibilities (Custody), and Parenting Time (Companionship and Visitation)
- Affidavit of Income and Expenses
- Parenting Proceeding Affidavit
- Application for IV-D Services
- Instructions for Service

Change/Modify Child Support

- Juvenile Court Information Sheet (this is required by the court, but will not be filed as part of the public record)
- Motion for Change of Child Support, Medical Support, Tax Exemption, or other Child-Related Expenses and Memorandum in Support
- Affidavit of Income and Expenses
- Application for IV-D Services
- Instructions for Service

Please note: ALL forms listed are REQUIRED and must be completed even if the information requested does not seem relevant to your particular case.

Montgomery County Juvenile Court Office of Citizen Services

380 W. Second St, Lower Level
Dayton, OH 45422

937-496-7908 option 4

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[Information for filing pro se revised 06/11/2020]