

**VISITATION/PARENTING TIME**  
**MOTION TO INTERVENE AND REQUEST FOR**  
**COMPANIONSHIP OR VISITATION - BY A NON-PARENT**

**INSTRUCTIONS**

What follows are the forms to request that the Court grant you visitation. **ONLY USE IF YOU ARE NOT THE PARENT OF THE CHILD(REN) AND AN ORDER EXISTS.**

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.

**WARNING**

It may be difficult for a non parent to get visitation if the custodial parent does not agree.  
**DO NOT USE THIS PACKET IF THERE IS NOT AN EXISTING ORDER.**

**A. FILLING OUT THE FORMS - TYPEWRITTEN OR IN INK**

1. All of the enclosed forms should be filled out before you go to the Court to file them. The Clerk of Courts staff will not help you in completing the forms.
2. **Motion to Intervene and Request for Companionship or Visitation** - Looking at a copy of the existing order, fill in the name of the county and court division (i.e., Juvenile, Domestic Relations), the Plaintiff/Petitioner and the Defendant/Petitioner, the case number, and address, telephone number, and birth date for both parties. This information is available from other papers that have been filed previously with the Court in this case. You must have valid addresses for both parents so that the Clerk's office can notify them. If you do not have a valid address for the other party/parties, you will have problems.

List the name(s) and birthdate(s) of the children.

Under **Memorandum in Support of Motion**, fill in why you believe it is in the best interests of the child(ren) that you be granted visitation. Sign your name above MOVANT.

Under **Instructions for Service**, fill in the name and address of the person you want the Court to serve the papers on. Sign your name above Movant and list your address and telephone number.

3. **Entry** - Fill in the name of the county, court division, Plaintiff, Defendant, and Case No.

4. **Judgment Entry** - Fill in the name of the county, court division, Plaintiff, Defendant, and Case No.
5. **Financial Disclosure/Affidavit of Indigency** - Detailed instructions attached.
6. Remove the instructions sheets and make three copies of each page of each form.

**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 and accompanying forms. This will be your proof that you filed the originals. The Judgment Entries will not be file-stamped at this time.

**PREPARATION FOR THE HEARING**

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. The Judge will want to know basically these things: Why you should be able to visit, what the parent(s) want, and what is in the best interests of the child(ren).
3. At the hearing, you will be asked questions by the Judge or by an attorney. Respond directly to the questions. Listen to the question and make sure that you provide the information that you are asked for. If you do not understand the question or are not sure what you are being asked, you have the right to have the question explained to you before answering it.

**A WORD ABOUT MEDIATION**

The Court may order you and the other party to go to mediation. **YOU MUST GO IF ORDERED.** If there is a reason mediation would not be appropriate, you should tell the Court immediately. Mediation is a chance to work out your dispute without lengthy hearings.



<u>Child's Name</u>	<u>Date of Birth</u>

**MEMORANDUM IN SUPPORT OF MOTION**

Movant states that it is in the best interest of the parties' minor child(ren) that (he/she/they) be granted visitation because:

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as will be more fully shown at the hearing of this cause.

Respectfully submitted,

\_\_\_\_\_  
MOVANT

**INSTRUCTIONS FOR SERVICE**

**TO THE CLERK:**

Please serve a copy of the Motion to Intervene and Request for Companionship or Visitation and all ancillary papers on \_\_\_\_\_ at the address(es) listed in the caption by CERTIFIED MAIL SERVICE, return receipt requested with a return thereof as required by law.

\_\_\_\_\_  
MOVANT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP

\_\_\_\_\_  
TELEPHONE #

**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)	<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?	_____	_____

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 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**

- PRINT OR TYPE -

1. Fill in whether this is a *GENERAL* division Common Pleas Court case (after a divorce or dissolution or visitation only action) or a *JUVENILE* Division case (the original order is out of a juvenile court)
2. Fill in the name of the county where the Court is.
3. Fill in the name of the Minor Child(ren) involved in this action OR the Plaintiff and Defendant as it appears on your papers.
4. Fill in the Case Number and the Judge of the action if you know it, leave it blank if you don't.
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.**

**\*\*SAMPLE\*\***

IN THE COURT OF COMMON PLEAS

**1) GENERAL OR JUVENILE** DIVISION

**2) NAME OF COUNTY**, OHIO

In The Matter of:

**3) NAME OF CHILDREN**

\_\_\_\_\_

**3) NAME OF PLAINTIFF**

Case No. **4) CASE NUMBER**

Plaintiff,

Judge \_\_\_\_\_

vs.

AFFIDAVIT OF INABILITY  
TO PREPAY COURT COSTS.

**3) NAME OF DEFENDANT**

Defendant.

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 costs.

**6) SIGN YOUR NAME IN FRONT  
OF NOTARY ONLY**

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

\_\_\_\_\_  
NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS  
DIVISION

COUNTY, OHIO

In The Matter of:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plaintiff,

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

Judge \_\_\_\_\_

vs.

AFFIDAVIT OF INABILITY TO  
PREPAY COURT COSTS

\_\_\_\_\_

Defendant.

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 costs.

\_\_\_\_\_

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

\_\_\_\_\_  
NOTARY PUBLIC

**FINANCIAL DISCLOSURE FORM**

(\$25.00 application fee may be assessed—see notice on reverse side)

I. PERSONAL INFORMATION					
Applicant's Name		D.O.B.	Name of Person Being Represented (if juvenile)		D.O.B.
Mailing Address			City	State	Zip Code
Case No.			Phone ( )	Cell Phone ( )	
SSN Last 4	Gender	Race			
		<input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> Spanish or Latino <input type="checkbox"/> White <input type="checkbox"/> Other			

II. OTHER PERSONS LIVING IN HOUSEHOLD					
Name 1)	D.O.B.	Relationship	Name 3)	D.O.B.	Relationship
2)			4)		

III. PRESUMPTIVE ELIGIBILITY
The appointment of counsel is presumed if the person represented meets any of the qualifications below. Please place an 'X'
Ohio Works First / TANF: ___    SSI: ___    SSD: ___    Medicaid: ___    Poverty Related Veterans' Benefits: ___    Food Stamps: ___
Refugee Settlement Benefits: ___    Incarcerated in state penitentiary: ___    Committed to a Public Mental Health Facility: ___
Other (please describe): _____    Juvenile: ___ (if juvenile, please continue at Section VIII)

IV. INCOME AND EMPLOYER			
	Applicant	Spouse <small>(Do not include spouse's income if spouse is alleged victim)</small>	Total Income
Gross Monthly Employment Income			
Unemployment, Worker's Compensation, Child Support, Other Types of Income			
<b>TOTAL INCOME</b>			<b>\$</b>
Employer's Name: _____ Phone Number: _____			
Employer's Address: _____			

V. LIQUID ASSETS	
Type of Asset	Estimated Value
Checking, Savings, Money Market Accounts	\$
Stocks, Bonds, CDs	\$
Other Liquid Assets or Cash on Hand	\$
<b>Total Liquid Assets</b>	<b>\$</b>

VI. MONTHLY EXPENSES			
Type of Expense	Amount	Type of Expense	Amount
Child Support Paid Out		Telephone	
Child Care (if working only)		Transportation / Fuel	
Insurance (medical, dental, auto, etc.)		Taxes Withheld or Owed	
Medical / Dental Expenses or Associated Costs of Caring for Infirm Family Member		Credit Card, Other Loans	
Rent / Mortgage		Utilities (Gas, Electric, Water / Sewer, Trash)	
Food		Other (Specify)	
<b>EXPENSES</b>	<b>\$</b>	<b>EXPENSES</b>	<b>\$</b>

**VII. DETERMINATION OF INDIGENCY**

If applicant's Total Income in Section IV is at or below 187.5% of the Federal Poverty Guidelines, counsel must be appointed.  
 For applicants whose Total Income in Section IV is above 125% of the Federal Poverty Guidelines, see recoupment notice in Section XI.  
 If applicant's Liquid Assets in Section V exceed figures provided in OAC 120-1-03, appointment of counsel may be denied if applicant can employ counsel using those liquid assets.  
 If applicant's Total Income falls above 187.5% of Federal Poverty Guidelines, but applicant is financially unable to employ counsel after paying monthly expenses in Section VI, counsel must be appointed.

**VIII. \$25.00 APPLICATION FEE NOTICE**

By submitting this Financial Disclosure Form, you will be assessed a non-refundable \$25.00 application fee unless waived or reduced by the court. If assessed, the fee is to be paid to the clerk of courts within 7 days of submitting this form to the entity that will make a determination regarding your indigency. No applicant may be denied counsel based upon failure or inability to pay this fee.

**IX. APPLICANT CERTIFICATION**

I, \_\_\_\_\_ (applicant or alleged delinquent child) state:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform the public defender or appointed attorney if my financial situation should change before the disposition of the case(s) for which representation is being provided.
3. I understand that if it is determined by the county or the court that legal representation should not have been provided, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with this application for legal representation, pursuant to Ohio Revised Code sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**X. JUDGE CERTIFICATION**

I hereby certify that the above-noted applicant is unable to fill out and/or sign this financial disclosure for the following reason: \_\_\_\_\_. I have determined that the party represented meets the criteria for receiving court-appointed counsel.

\_\_\_\_\_  
Judge's Signature

\_\_\_\_\_  
Date

**XI. NOTICE OF RECOUPMENT**

ORC §120.03 allows for county recoupment programs. Any such program may not jeopardize the quality of defense provided or act to deny representation to qualified applicants. No payments, compensation, or in-kind services shall be required from an applicant or client whose income falls below 125% of the federal poverty guidelines. See OAC 120-1-05.

Through recoupment, an applicant or client may be required to pay for part of the cost of services rendered, if he or she can reasonably be expected to pay. See ORC §2941.51(D)

**XII. JUVENILE'S PARENTS' INCOME\* – FOR RECOUPMENT PURPOSES ONLY – NOT FOR APPOINTMENT OF COUNSEL**

	Custodial Parents' Income (Do not include parents' income if parent or relative is alleged victim)	Total
Employment Income (Gross)		
Unemployment, Workers Compensation, Child Support, Other Types of Income.		
	<b>TOTAL INCOME</b>	<b>\$</b>

\*Please complete Section VI on page 1 of this form if you would like the court to consider your monthly expenses when determining the amount of recoupment which you can reasonably be expected to pay.

## ELIGIBILITY FOR TANF (Guardian Ad Litem) SERVICES

Applicant Name: \_\_\_\_\_ Date: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

*To be eligible for TANF services the assistance group must include a minor child under age 18, full-time student, or pregnant individual. Services are also available to non-custodial parents of a minor eligible child who resides in the county but does not live in the same household as the minor child. An eligible family may consist of a pregnant individual or minor child who resides with parent, caretaker relative, legal guardian, or legal custodian. An eligible child may be "temporarily absent" from the home, up to six months, with a case plan for reunification. In order to receive services, a member of the assistance group must be a citizen of the United States or a qualified alien.*

**In addition, to qualify for the TANF services, the family must meet at least one of the following criteria. Check all that apply:**

- Items 1 & 2 are with regard to income and need to be verified:**
- 1. Provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives.
    - a. The family is receiving OWF/Food Stamps/Medicaid  Yes – attach Print-out  No
    - b. Family meets 200% of the federal poverty guideline  Yes – Income Attached  No
  - 2. End dependence of needy parents on government benefits by promoting job preparation, work and marriage.
    - a. The family is receiving OWF/Food Stamps/Medicaid  Yes  No
    - b. Family meets 200% of the federal poverty guideline  Yes – Income Attached  No

<b>200% Federal Poverty Guideline (effective 1/31/17)</b>								
Family Size	1	2	3	4	5	6	7	8
Monthly Income Limit	\$2010	\$2707	\$3403	\$4100	\$4797	\$5493	\$6190	\$6887

**Items Below are response boxes only for JFS Determination ONLY:**

- YES, party signing is TANF eligible, documentation attached
- NO, party signing does not receive above services, other factors may determine eligibility.

\_\_\_\_\_  
 JFS Agency Signature \_\_\_\_\_  
 Date

\_\_\_\_\_  
Signature of Applicant