

MOTION
Common Pleas Court

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**INSTRUCTIONS
COMMON PLEAS COURTS**

MOTIONS

TYPE OR PRINT ONLY

A. FILLING OUT THE FORMS

You should fill out these forms before you go to the Courthouse to file them. Other than telling you the time and date of the hearing, the Court staff cannot and will not help you complete these forms.

NOTE: Follow the information on your COURT documents as to the Plaintiff/Defendant, and case number. IT MUST BE THE SAME AS THAT INFORMATION ON THE INITIAL CASE.

INSTRUCTIONS FOR SERVICE - Fill in the name of the Plaintiff or Defendant, from whom you are requesting the change, their address, and the manner in which you are requesting service-usually certified mail.

AFFIDAVIT OF INABILITY TO PREPAY COSTS - Fill out this affidavit only if you cannot afford the filing fee. If you do not know whether you can afford the filing fee, call the office of the clerk of Court where custody was decided. Ask them what the fee is for a post-judgment Motion in a domestic case. The Affidavit is enclosed along with instructions.

You must answer every question on the rest of the form to the best of your ability. Sign your name in front of a notary if the affidavit is correct. **DO NOT SIGN ANY AFFIDAVITS UNTIL YOU ARE IN FRONT OF THE NOTARY.**

There may be other forms included in the packet depending on your particular request. If so, fill them out to the best of your ability and file them along with the rest of the packet.

B. FILING THE MOTION

After you have filled all the forms out, make 3 copies of each and go to the office of the Clerk of Courts in the county where the initial case was finalized. This is the only place you can file your Motion. File all the forms included in the packet.

You will have to pay the filing fee or file the Affidavit of Inability to pay if you cannot afford it.

At the time of the filing, give the original and all copies of your Motion and all affidavits to the Clerk. The clerk will file-stamp everything and keep the original and one or two copies of the forms. The Clerk should return to you the rest of the copies file-stamped. Always keep at least one file-stamped copy of anything you file with the Clerk's office.

The Court will notify you of the date and time of the hearing. If your mailing address changes before the hearing, you must let the clerk know immediately.

D. HEARING

You will need to appear at the hearing on the date and at the time the Court schedules it. Because the Court may ask you about your financial information, you should take with you proof of your income (i.e., letter from the welfare office, letter from employer, check stub, letter for social security).

Since you have filed the Motion, you must show the reason or reasons for the Motion or request shown in the Motion, and generally convince the Judge that the change is necessary.

After the Judge has heard all of the testimony and listened to your comments, he may come to a decision right away, or he may "take the matter under advisement," which means that he wants to think about it for a while and will let you know his decision later by mail.

_____ Division

(Name)

CASE NO. _____

Judge _____

(address)

Plaintiff

vs.

MOTION

(Name)

(address)

Defendant

I, _____, move this Honorable Court to

_____. I would like the Court to grant this request for the following reason:

A hearing is requested to enable me to establish these facts as true.

Respectfully submitted,

Pro se

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing has been served upon
_____ (Name of person)
at _____, _____, _____, by
regular mail service this _____ day of _____ 20_____.

Defendant, pro se