

INSTRUCTIONS TO PREPARE A CUSTODY OR VISITATION ACTION

This packet was prepared for your convenience in filing a petition for Custody or Visitation. Please review the attached documents and **conduct any research necessary** to answer all questions. **Be sure you have the correct paperwork with your packet** and request any additional forms from the clerk's office or print them off the www.juvenile-court.org web site. (Local Rules are also available)

Use **BLACK** ink and **TYPE OR NEATLY PRINT** your answers and make sure to answer all questions **completely** and **accurately**. Please do not leave any question unanswered. Pencil and light colored inks are not acceptable due to the requirements of document scanning.

1. **Custody Petition, (Form 580, Parent or Non-Parent) & (Visitation Petition) (Form 585)**, is simply a sworn request of the Hamilton County Juvenile Court to grant temporary legal custody or parenting rights to the petitioner. **Motions** are applicable when a modification action is filed on an existing case. The petition form, **(Form 580 or 585)** must be completed and **NOTARIZED**. The term at the top of the form, "**In Re**", refers to the name of the child or children. The Clerk will assign a case number, unless a previous **Custody, Visitation, Dependency** case number exists and can be used for your filing.
2. The **Child Custody Affidavit, (Form 551)**, must be answered **completely** and **accurately** and must be **NOTARIZED**. The same procedure outlined above is used with respect to the term "**In Re**" and the **Case Number**. Complete whatever research is needed to accurately answer all questions.
3. A **Party Information Sheet, (Form 536)**, requires some research to accurately answer all questions but accuracy and detail are important in order to properly process the petition packet.
4. **Instructions To Clerk, (Form 755)**, requires the child's or children's names at the top "**In Re:**" and the **Case Number** if known. The petitioner(s) insert the current **Date** and **Type or Print** their names followed by the respective "**Signature (s)**".
5. **Service Request, (Form 1397)**, is used to request Notification or Service of Process to **any and all** persons or parties to this action so they may be present at the scheduled hearing. **This is one of the most important parts of the process.** **Your Failure** to properly identify and notify any or all of the interested parties may result in delays and possibly additional expense. These parties should include but are not limited to the biological parents and current custodians of the child or children. Review the **Instructions for Service Sheet** for assistance in determining the type of service you may need. The term "**In Re:**" refers to the name of the child or children. Complete the **Case Number** if known. The "**Case Type**" will be "**Custody**" or "**Visitation**", and the reason for the hearing is "**Pre Trial**". Select the "**Type of Form**", (Summons, Subpoena or Notice) and list your selection in the first column. Decide on the best way or ways to notify each party "**Type of Service**", (Regular Mail, **Certified Mail (Usual Method)**, Personal Service, Residential Service or as a last resort, Publication as this requires additional expense). List your selection in the center column and carefully type or print the person's name and accurate address **including zip code** in the third column. If more than one "**Type of Service**" is desired, complete the process on the next line changing only the center column or address. Publication (Form 15) is a required means of notification when all other options have failed and involves additional cost.
6. The **HCDJFS Questionnaire, (Form 1284)** is explained at the top of the form and needs to be completed accurately and in detail down to the point that indicates "For Official Use Only by HCDJFS". Be sure to list all children in the home, to include those being considered. Also list yourself and all adults in the home or who may be in regular contact with the child.
7. An "**Authorization to Release Information**" (**Form 1270**) is the document to be completed for release of information from the HCDJFS and must not be confused with the "Personal Information Release Form" used by the Hamilton County Sheriff's Department. The petitioner (s) need to complete this form with the current date and their "Signatures" in the presence of a Witness or a Notary Public. Court Personnel **will not** witness this. **A separate form must be used for each petitioner.**
8. After all documents are completed neatly and accurately, notarized or witnessed appropriately, bring the packet to a Deputy Clerk in the Clerk's Office of the Hamilton County Juvenile Court located at 800 Broadway – Cincinnati, Ohio 45202. Make sure you have attached other documents required by Hamilton County Juvenile Court in accordance with Local Rules. Refer to the checklist cover document.
9. Filing fees must be posted at the time of filing by: Cash, Check, Money Order, Master Card, Discover, American Express
The Filing Fee for Custody and Visitation is \$150.00.
The Cost for Service by Publication is \$100.00
10. In the event a petitioner is indigent, a Motion or Affidavit (Form 581) may be filed asking the court to waive the filing fee and absorb the cost of the action. Proof of qualifications must be included and the motion will be **granted** or **denied**.

Questions concerning these instructions may be addressed to a Deputy Clerk at 513-946-9433, 9434, 9435 or 946-9436.
All legal questions should be addressed by an attorney and cannot be answered by Court Staff.

INSTRUCTIONS AND INFORMATION FOR WRITTEN REQUESTS FOR SERVICE

One of the most important procedures which takes place at the onset of any legal action is the service of process. Unless service is quickly and properly executed, the legal proceedings could be disrupted, delayed or even dismissed. To insure that all parties are properly served, you are charged with the responsibility of using all resources to obtain a correct and complete address as well as requesting proper service of all related parties in a timely fashion.

Some suggested resources to determine the mailing address of a party include but are not limited to:

Contact with known associates, relatives and friends, neighbors and employers as well as Family Records. Internet Locator Services, Professional Investigators, Public Court Records including Domestic Relations Court, Small Claims, Municipal and Civil Litigation Records, Criminal Records, Bureau of Prisons, Probate Court Records, Public Library Archives, Telephone and Criss Cross Directories, U. S. Postal Service, Federal Court Records, Bankruptcy Records.

The following are guidelines for determining the most appropriate method of service. You may want to consult Civil Rule 4 and your attorney is an appropriate resource concerning this topic.

- Regular Mail:** Requires a complete and accurate address but does not provide any assurance or proof of delivery unless it is returned by the U.S. Postal Service as “Undeliverable”.
- Certified Mail:** Requires a complete and accurate address and the hearing is not set for at least 28 days to allow ample response time for the return verification. If the certified mail is returned as refused or unclaimed and you did not sign a Waiver of Service, you must request in writing that Ordinary Mail be sent to the same address or provide additional information in writing so service can be resent.
- Personal Service:** Is one of the quickest ways to obtain service for a hearing as long as you are sure of the residential address or employment address. It is helpful to indicate the times the party is most likely to be present during the daytime hours at the indicated address. Personal Service requires the Sheriff or other approved Process Server to serve the Summons and a copy of the Complaint or Petition only to the named individual (s).
- Residential Service:** Is also one of the quickest ways to obtain service for a hearing as long as you have a correct and complete address. The Sheriff or an approved Process Server is required to serve the Summons and a copy of the Complaint or Petition to any household member of suitable age.
- Publication:** Is only appropriate when all other resources are exhausted to identify a correct and deliverable address or all diligent attempts for service have failed. This process requires additional cost and completion of Form 15, in addition to the Service Request, Form 1397.

Please note that actual notice of a hearing is not a substitute for legal Service of Process. You as a party cannot Serve Process, however it may be effective to give actual notice of the hearing by telling the person or party of the hearing date, time and place of the hearing. You might give them a copy of the Summons along with a copy of the Complaint or Petition.

OTHER RESOURCES

A copy of a Birth Certificate for each child will be required for filing parenting actions. If the petitioner does not have a copy of a birth certificate, they must obtain one by first determining when and where the child was born. Each State and County will have an agency such as Vital Statistics or a Health Department. Local agencies for this court will include:

(Births within the City of Cincinnati)
**Cincinnati Health Department
Office of Vital Records
1525 Elm Street
Cincinnati, Ohio 45210
513-352-3120**

(Births in Hamilton County-Not Cincinnati)
**Hamilton County General Health District
250 William Howard Taft Road
Cincinnati, Ohio 45219
513-946-7804**

(State of Ohio Births)
**The Ohio Department of Health
P. O. Box 118
Columbus, Ohio 43216-0118
614-466-2531**

This sheet is informative only and should be removed prior to your filing.

Hamilton County Juvenile Court
800 Broadway Street - Cincinnati, Ohio 45202 (513-946-9200)

In consideration of Local Rules adopted by the Hamilton County Juvenile Court and with the intention of providing the best management of staff functions and Court proceedings, this checklist of documents must accompany the filing of a Petition or Motion concerning Custody, Parenting Time (Visitation), and or Allocation of Parental Rights and Responsibilities. If for any reason a required document can not be provided, a complete explanation must be included and approval may be required before the clerk can accept the filing.

- A thoroughly and accurately completed Petition or Motion is attached regarding Custody, Parenting Time (Visitation) or Allocation of Parental Rights and Responsibilities and is **notarized**.
- A copy of the birth certificate for the child or each child is attached.
Comments: _____

- The Child Custody Affidavit, pursuant to ORC 3127.23 is attached and has been thoroughly completed with accurate information and **notarized**.
- The Hamilton County Juvenile Court Information Form (536) has been thoroughly and accurately completed and is attached. Comments: _____

- Paternity has not yet been determined or established.
- Paternity has been established and is supported by a copy of:
 - A paternity determination record from the Central Paternity Registry.
 - An administrative paternity determination.
 - A paternity determination issued by a court.
 - Other: _____
- No other Court has issued prior orders concerning Custody, Parenting Time or Parental Rights.
 - A copy of a prior Court order is attached dated _____ from _____ Court.
- No other Court or Administrative action has issued prior orders concerning Child Support.
 - A copy of a prior Court order is attached dated _____ from _____.
- The H.C.J.C. Authorization has been completed, signed and is attached with a witness signature.
- The Hamilton County Sheriff's authorization is completed and attached.
- The Information Form for HCJFS is thoroughly and accurately completed and is attached.
- The Written Request for Service is attached with accurate name and address information for all parties involved in this action and or an affidavit for service by Publication is attached for each party that an accurate address could not be identified by diligent and reasonable effort and research.
- The Request and Instructions for Ordinary Mail Service is completed and attached.
 - The Request and Instructions for Ordinary Mail Service is not attached because _____

Other Comments: _____

Signed: _____

Date: _____

HAMILTON COUNTY, OHIO JUVENILE COURT

IN RE: _____

CASE NUMBER: _____

PETITION FOR VISITATION
O.R.C. 2151.23 (A) (2)

(MINOR CHILD OR CHILDREN)

The undersigned petitioner(s), _____, herein being duly sworn states:

1. The name(s) and birth date(s) of the child or children is/are:

Name: _____ Birth Date _____ Sex: _____

Name: _____ Birth Date _____ Sex: _____

Name: _____ Birth Date _____ Sex: _____

Name: _____ Birth Date _____ Sex: _____

2. My relationship to the above child or children is: _____

3. The child or children currently live at _____

_____ and are cared for by _____

4. The natural or biological mother is _____, presently residing at _____

Phone: () _____

5. The natural or biological father is _____, presently residing at _____

Phone: () _____

6. I / We have cause and standing to present this petition to the court and a right to visit the child or children because:

7. It would be in the best interest and welfare of the child or children to visit with me / us because

Therefore, the petitioner invokes the jurisdiction of this Court to grant her/him/them visitation of the said minor child or children pursuant to O.R.C. 2151.23 (A) (2) and O.R.C. 3109.21, et seq.

Address _____

Petitioner (s) _____

Zip Code _____

Telephone Number () _____

Sworn to and signed in my presence on this _____ day of _____ 20_____.

Notary Public

HAMILTON COUNTY JUVENILE COURT
AFFIDAVIT IN COMPLIANCE WITH § 3127.23 OHIO REVISED CODE

IN RE: _____

CASE NUMBER: _____

Upon being duly sworn, the undersigning petitioner(s), _____, herein state the following:

1. The child or children currently reside with _____, at the address of _____ Phone: (____) _____
(Complete Address)

2. The child or children have lived with the following persons at the respective addresses during the past five years:

<u>Name of Person lived with</u>	<u>Complete Address and Zip Code</u>	<u>Dates: From - To</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. List the current address of each person listed above.

4. The petitioner(s) (has, has not, have, have not) participated as a party, witness or in another capacity with any other litigation concerning custody of this child or children either in this state or any other state. Explanation:

5. The petitioner(s) (has, has no, have, have no) information or knowledge of custody proceedings concerning this child or these children, either in this or any other state. Explanation:

HAMILTON COUNTY JUVENILE COURT
PERSONAL IDENTIFICATION FORM

CASE NUMBER: _____

1. Name and Date of Birth of child or children:

Name: _____ Initials: _____ DOB: _____ Sex: _____ Soc. Sec.: _____

Name: _____ Initials: _____ DOB: _____ Sex: _____ Soc. Sec.: _____

Name: _____ Initials: _____ DOB: _____ Sex: _____ Soc. Sec.: _____

Name: _____ Initials: _____ DOB: _____ Sex: _____ Soc. Sec.: _____

2. Biological Father's Name: _____ (Alias Name) _____ DOB: _____

Complete Address: _____ Zip Code: _____

Social Security Number: _____ Phone Number: (____) _____

Employer & Address: _____

3. Biological Mother's Name: _____ (Maiden/Alias Name) _____ DOB: _____

Complete Address: _____ Zip Code: _____

Social Security Number: _____ Phone Number: (____) _____

Employer & Address: _____

4. Petitioner (s) Name: _____ DOB: _____

Complete Address: _____ Zip Code: _____

Social Security Number: _____ Phone Number: (____) _____

Employer & Address: _____

5. Relationship to the child or children: _____

6. Current Address of child or children: _____ Zip Code: _____

7. Name of person (s) currently providing care and supervision: _____

Phone Number: (____) _____

8. Was Child Custody Affidavit, mandated by § 3127.23 -O.R.C., filed? (Form 551 Included with packet) Yes No

9. Has an Affidavit for Publication been filed (When address can't be identified) Yes No

10. Has the Father of the child or children been ordered to pay Child Support? Yes No

11. Does any other person (s), excluding the biological parents, have any Court Ordered Custody or Visitation Rights concerning this child or these children? Yes No If so, please list: Name: _____

Complete Address: _____ Zip Code: _____

Social Security Number: _____ Phone Number: (____) _____

Relationship to the child or children: _____

12. Are any Social Service Agencies currently involved with this child or these children? Yes No If so list Agency:

Name: _____ Caseworker: _____

13. Attorney's Name: _____ Address: _____

City: _____ State: _____ Phone: (____) _____

HAMILTON COUNTY JUVENILE COURT

HAMILTON COUNTY, OHIO

REQUEST AND INSTRUCTIONS FOR ORDINARY MAIL SERVICE

INSTRUCTIONS TO CLERK

IN RE: _____

CASE NUMBER: _____

IF SERVICE OF PROCESS BY CERTIFIED MAIL IS RETURNED BY THE POSTAL AUTHORITIES WITH AN ENDORSMENT OF "REFUSED" OR "UNCLAIMED", AND IF THE CERTIFICATE OF MAILING CAN BE DEEMED COMPLETE, NOT LESS THAN FIVE (5) DAYS BEFORE ANY SCHEDULED HEARING, THE UNDERSIGNED WAIVES NOTICE OF THE FAILURE OF SERVICE BY THE CLERK AND REQUESTS ORDINARY MAIL SERVICE IN ACCORDANCE WITH CIVIL RULE 4.6 (C) OR (D) AND CIVIL RULE 4.6 (E).

Date: _____

Petitioner (s) Name (s) or Attorney (Type or Print)

X

X

Signature (s)

HAMILTON COUNTY JUVENILE COURT
SERVICE REQUEST

WRITTEN REQUEST FOR SERVICE (Civil)
 PRAECIPE (Delinquent/Criminal)

IN RE: _____ CASE NUMBER: _____

Case Type: _____ Reason for Hearing: _____

Charges: _____

A hearing is scheduled on the _____ day of _____, 20____, at _____ : _____ AM / PM.

Judge / Magistrate: _____ Case Manager: _____

Type of Form: (Summons) (Subpoena) or (Notice) *(List one of these selections for each address listed below.)*
(Parties) (Witnesses) (Attorney/Parties)

Type of Service: (Regular Mail) (Certified Mail) (Personal Service)
(Usual Service)
(Residential Service) or (Publication) *(List one of these selections for each address listed below.)*

<u>Type of Form</u>	<u>Type of Service</u>	<u>Name and Complete Address and Zip Code</u>
1. _____	_____	_____ _____ _____ _____
2. _____	_____	_____ _____ _____ _____
3. _____	_____	_____ _____ _____ _____

If I have requested certified mail service, and the service is returned by the U.S. Post Office as Refused or Unclaimed, I request ordinary mail service in accordance with Civ.R. 4.6(C), (D), and (E).

Requested by: _____ Phone: (____) _____

Address: _____

To the Petitioner (s): The Hamilton County Juvenile Court will request the Hamilton County Department of Jobs and Family Services, (Formerly known as Hamilton County Department of Human Services), to provide case activity information concerning you, the child or children as well as any other person living in your household. The following information is **required** and **necessary** to process your Custody / Visitation petition. **Include any maiden names or alias names used by any household members.**

Court Date: _____ **Magistrate** _____ **Case Number:** _____

In Re: _____

Petitioner (s) #1 Name: _____ **DOB:** _____ **SSN:** _____
Address: _____ **City** _____
State _____ **Zip** _____ **Phone Number (s):** (_____) _____

Petitioner (s) #2 Name: _____ **DOB:** _____ **SSN:** _____
Address: _____ **City** _____
State _____ **Zip** _____ **Phone Number (s):** (_____) _____

Biological Mother's Name: _____ **Biological Father's Name** _____
DOB: _____ **SSN:** _____ **DOB:** _____ **SSN:** _____

Children currently in your home or subject to your current filing.

Child's Name: _____ **DOB:** _____ **Relationship** _____
Child's Name: _____ **DOB:** _____ **Relationship** _____
Child's Name: _____ **DOB:** _____ **Relationship** _____
Child's Name: _____ **DOB:** _____ **Relationship** _____

Adults Currently Living in Your Household (include maiden name or alias name if applicable):

Name: _____ **DOB** _____ **SSN** _____
Name: _____ **DOB** _____ **SSN** _____
Name: _____ **DOB** _____ **SSN** _____
Name: _____ **DOB** _____ **SSN** _____

.....
(For Official Use Only by HCDJFS)

No Record for any of the indicated parties has been identified.
A case is currently open on: _____ **Petitioner (s)** _____ **Child** _____ **Other** _____

The case is assigned to: _____ **Phone Number:** (_____) _____
The supervisor is: _____ **Phone Number:** (_____) _____

A prior case is identified on: _____ **Petitioner (s)** _____ **Child** _____ **Other** _____

OPENED	CLOSED	PETITIONER/CHILD	DISPOSITION	ON-GOING SERVICES

Custody Investigation Recommended. **Comments:** _____

Hamilton County Juvenile Court

800 Broadway

Cincinnati, Ohio 45202

513-946-9200

AUTHORITY TO RELEASE INFORMATION

I, the undersigned, hereby authorize the Hamilton County Juvenile Court to obtain any and all record information or files pertaining to my / our arrest and or conviction on any charge.

I, the undersigned, further authorize the Hamilton County Juvenile Court to obtain any and all record information or files pertaining to child abuse, abandonment or neglect investigations, including records of services provided by the Hamilton County Department of Jobs and Family Services (formerly known as Hamilton County Department of Human Services).

I further authorize and request the custodian of any records and information described above to release such records and information at the request of the Hamilton County Juvenile Court or its authorized representative or designee upon presentation of this release or a photocopy thereof.

This release is executed with the full knowledge and understanding that the information is for the official use of the Hamilton County Juvenile Court in the determination of a Custody and/or Visitation petition as well as other associated Court matters.

Should there be any question regarding the validity of this release, please contact me / us as directed below.

Last Name: _____ First Name: _____ MI: _____

Date of Birth: ____ / ____ / ____ Social Security Number: _____.

Address: _____ City: _____ State: ____ Zip: _____

Home Phone: (____) _____

Daytime Phone: (____) _____

X _____
Signature

Date: _____

Witnessed by:

HAMILTON COUNTY SHERIFF'S OFFICE
Personal Information Release Form

Please Print Clearly

Name: _____

Address: _____

Date of Birth: _____ Social Security Number: _____

Sex: Male _____ Female _____ Race: _____

I, the undersigned, authorize the Hamilton County Sheriff's Office to release information regarding any Traffic or Criminal convictions that I have on file. If it is necessary to verify this Authorization, I can be contacted at telephone number _____. This Authorization is void if not exercised by the person or organization named below within (1) year from the date signed. I hereby agree to indemnify the County of Hamilton and the Hamilton County Sheriff and his representatives for any liability arising out of the improper use of the information provided.

Signature: _____ Date: _____

FOR OFFICIAL OFFICE USE ONLY
Certification of Purpose

I, the undersigned, certify that the information applied for will be used only for the purpose for which it is requested and agree that this information will immediately be destroyed after use or if retained not released outside my agency.

Information Requested By: _____ *Date:* _____

Company Name/Agency: _____

Contact Person: _____ Phone Number: _____

Address: _____

For Sheriff Office Use Only

Operator: _____ Date: _____

Record: _____ No Record: _____