

MOTION TO ESTABLISH VISITATION  
(Common Pleas Court)

Attached is a form motion requesting visitation rights. These instructions are intended to be a general guide to help you get the request properly before the Judge. These instructions are not intended to be a legal analysis of your request or whether you should win your motion. They are merely to assist you in preparing and presenting your request.

A. FILLING OUT THE FORM

1. Except for the blanks under the words "Notice of Hearing", you should fill out the form before you go to the Courthouse to file it. Other than telling you time and date of the hearing and telling you the proper case number, the Clerk of Courts staff will not help you in completing the form.

2. At the top, fill in the name of the county.

3. On the line above the word "Plaintiff" fill in the name of the plaintiff listed in your divorce/dissolution.

4. On the line above the word "Defendant" fill in the name of the defendant listed in your divorce/dissolution.

5. In the first line of the Motion there is a space for you to print your name. Next, list the reason or reasons that you have for wanting visitation rights. You should be specific.

6. You must sign the form and print your current address. Do this on the three lines under the words "Respectfully Submitted."

7. Under the words "Instructions for Service" print the mother of your child's name in the first blank and the street address, city, state and zip code in the second blank. You must have a valid address for the Clerk's office to mail the motion to. Do not attempt to file the motion without it. The Judge has no authority to grant your motion unless the opposing party has been served with a copy of it and has been given an opportunity to be heard on the motion.

8. Leave the "Notice of Hearing" blank until you are at the courthouse and ready to file the motion.

9. Fill out the affidavit of indigency if you are unable to pay court costs for this Motion. To find out the cost you should call the Clerk of Courts in your county. Sign the affidavit in front of a Notary Public.

B. FILING THE MOTION

1. After the form is filled out, make two copies of it and go to the office of the Clerk of

Courts at the Courthouse. That is the only place you can file the Motion.

2. Ask the Clerk's staff how to get a hearing date set. The procedure is different in each county. Follow their instructions.

3. The Clerk's staff will take the original and one copy of the Motion. You should ask the Clerk to time-stamp your copy of the Motion. This is your proof that you filed it.

C. PREPARATION FOR THE HEARING

1. It helps a lot if you are prepared for the hearing. You should dress as you would for a job interview and have with you any witnesses that you wish to use to support your request. You should also have with you any papers or other physical evidence that you want the Judge to see.

2. You should tell the Judge in clear and simple terms why you want visitation and why it is in the best interests of your child(ren) to have the visitation. This is the only chance you will have to present the facts so make sure you include everything. It would be helpful if you were to write out, before the day of your hearing, an outline of the reasons that you have so that you will have something to remind yourself with when you testify.

3. Very important. This is not the time to tell the Judge everything that the other parties have done that you disagree with or that has hurt or angered you. The Judge will only want to hear the evidence you have that shows or supports your request.

4. At the hearing you may be asked questions by the Judge or by your child's other parent or by an attorney. Be directly responsive 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.

GOOD LUCK!

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_, \*  
Plaintiff/Petitioner, \* CASE NO. \_\_\_\_\_  
vs. \* JUDGE \_\_\_\_\_  
\_\_\_\_\_, \*  
Defendant/Petitioner. \* MOTION TO  
ESTABLISH VISITATION

Now comes \_\_\_\_\_ and asks this honorable Court for an Order to Establish  
Visitation Rights for the above-named child(ren) for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Respectfully submitted,

\_\_\_\_\_  
PETITIONER  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE OF HEARING

Take notice that a hearing in the above-captioned Motion To Establish Visitation has been  
scheduled for the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ .m. in the Court of  
Common Pleas.

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the above-captioned Motion To Establish Visitation and Notice of Hearing upon \_\_\_\_\_ by Certified Mail, Return Receipt Requested at the following address:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PETITIONER

IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, OHIO  
(#1 - Your county name here)

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

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

AFFIDAVIT OF INABILITY TO  
PREPAY OR GIVE SECURITY  
FOR COSTS

(Sec. 2323.31 Revised Code)

STATE OF OHIO

\_\_\_\_\_ COUNTY, SS:

I, the undersigned, a party in the above captioned case, being first duly sworn, represent to the Court that I am unable either to prepay or give security for costs in this action and request the Clerk to accept the attached pleading herein without prepaying or giving security for costs as provided by Sec. 2323.31 of the Revised Code.

In support of this request, I submit answers to the following questions:

- 8. What is your age? \_\_\_\_\_ years old.
- 9. Do you have any children? \_\_\_\_\_, If so, give names and ages: \_\_\_\_\_  
\_\_\_\_\_
- 10. What is your occupation or business? \_\_\_\_\_
- 11. Are you employed? \_\_\_\_\_. If so, give name and address of your employer:  
\_\_\_\_\_
- 12. What did you earn during the past year? \$ \_\_\_\_\_
- 13. What are your parents' names and ages? \_\_\_\_\_  
\_\_\_\_\_
- 14. Do you own any real estate? \_\_\_\_\_. If so, give its value \$ \_\_\_\_\_

Is it mortgaged? \_\_\_\_\_. If so, give the amount of mortgage \$ \_\_\_\_\_

15. Do you own an automobile? \_\_\_\_\_. If so, what is the value \$ \_\_\_\_\_

16. What other items of personal property do you own? \_\_\_\_\_

\_\_\_\_\_

What debts are against it? \_\_\_\_\_

17. Have you made an advance payment to your attorney for his services in this case? \_\_\_\_\_.

If so, how much \$ \_\_\_\_\_ Who paid it? \_\_\_\_\_

18. Do you have any securities or bank accounts? \_\_\_\_\_. If so, give its value: \$ \_\_\_\_\_

19. Are you receiving public assistance? \_\_\_\_\_. If so, what kind? \_\_\_\_\_

How much \$ \_\_\_\_\_

(Your signature - SIGN IN FRONT OF NOTARY) \_\_\_\_\_

STATE OF OHIO

\_\_\_\_\_ COUNTY, SS:

Before me, a notary public, in and for said county and state, personally appeared \_\_\_\_\_  
\_\_\_\_\_ who being first duly cautioned and sworn, says that the facts in the foregoing affidavit  
are true.

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

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

_____,	*	
Plaintiff/Petitioner,	*	CASE NO. _____
vs.	*	JUDGE _____
_____,	*	
Defendant/Petitioner.	*	<u>ENTRY</u>

Pursuant to the request of Petitioner, and for good cause shown, it is hereby ORDERED that the attached Motion to Establish Visitation be accepted without prepayment of the costs.

\_\_\_\_\_  
JUDGE

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_,  
Plaintiff/Petitioner,  
vs.  
\_\_\_\_\_,  
Defendant/Petitioner.

\*  
\* CASE NO. \_\_\_\_\_  
\* JUDGE \_\_\_\_\_  
\*  
\* AFFIDAVIT REQUIRED  
\* BY R.C. 3109.27

STATE OF OHIO,

SS:

COUNTY OF \_\_\_\_\_,

\_\_\_\_\_, being duly cautioned and sworn, states the following.

1. I am a party in the above-captioned case.
2. The minor child(ren) of the marriage, namely:

Full Name

Date of Birth

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

live with me at \_\_\_\_\_.

3. In the last five (5) years the child(ren) has/have resided at the following places and with the following adults other than myself and my former spouse.

Address  
(street, city, & state)

Time Period  
(month/year)

Other Adults There

\_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ present \_\_\_\_\_  
\_\_\_\_\_ to \_\_\_\_\_

_____	_____	_____
_____	_____ to _____	_____
_____	_____	_____
_____	_____ to _____	_____
_____	_____	_____

4. I have not participated as a witness, party, or in any other capacity in any other litigation concerning the allocation of parental rights and responsibilities for the care of the child(ren) and the designation of the residential parent and legal custodian of the child(ren) or that otherwise concerned custody of the same child(ren) in this or any other state. I have no information of any parenting or custody proceeding concerning the child(ren) pending in a Court of this or any other state. I understand that I must inform the Court of any court action involving parenting or custody of the child(ren) that is filed or occurs while this case is pending before this Court.

5. I know of no person or persons not parties to this proceeding who have physical custody of the child(ren), claims to be the residential parent or legal custodian of the child(ren), or claims to have visitation rights with the child(ren).

6. I have never plead guilty to and I have never been convicted of any criminal offense which in any way involved abuse or neglect of a child. Moreover, no court has ever determined that I have abused or neglected a child in any other kind of court proceeding.

\_\_\_\_\_  
MOVANT

SWORN TO AND SUBSCRIBED BEFORE me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

IN THE COURT OF COMMON PLEAS  
\_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_,  
Plaintiff/Petitioner,  
vs.  
\_\_\_\_\_,  
Defendant/Petitioner.

\*  
\* CASE NO. \_\_\_\_\_  
\* JUDGE \_\_\_\_\_  
\*  
\* JUDGMENT ENTRY

The Court finding it to be in the child(ren)'s best interest, it is hereby ORDERED, ADJUDGED,  
and DECREED that \_\_\_\_\_ is granted the right to reasonable visitation  
in accordance with the Standard Visitation Order of the Court, with the parties minor child(ren), namely:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
JUDGE