

BROWN COUNTY JUVENILE COURT

IN RE: _____

CASE NUMBER _____

PETITION FOR CUSTODY

-NON PARENT-

O.R.C. 2151.23 (A) (2)

(Minor Child or Children)

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

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. The Petitioner's relationship to the above child or children is: _____

3. The child or children currently live at _____ and
is/are cared for by _____ Phone: () _____

4. The natural or biological mother is _____, and her current mailing
address is _____ Phone: () _____

5. The natural or biological father is _____, and his current mailing
address is _____ Phone: () _____

6. The biological mother has:

- _____ Abandoned the child or children.
- _____ Contractually relinquished custody.
- _____ A total inability to provide care and support.
- _____ Been unfit or unsuited to parent the child or children.
- _____ Other Circumstances.

Based on the following facts: _____

7. The biological father has: _____ Abandoned the child or children.
 _____ Contractually relinquished custody.
 _____ A total inability to provide care and support.
 _____ Been unfit or unsuited to parent the child or children.
 _____ Other Circumstances.

Based on the following facts: _____

8. Is the natural or biological mother of the child or children aware of and in agreement with this petition? _____

9. Is the natural or biological father of the child or children aware of and in agreement with this petition? _____

10. It would be in the best interest of the child or children for the petitioner(s) to have custody for the following reasons:

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

 (Petitioner Signature)

 (Address)

 (Petitioner Signature)

 (City) (State) (Zip Code)

Telephone Number () _____

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

 Notary Public

BROWN 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:

6. The petitioner(s) (knows, know, does not know, do not know) of any other person or persons having physical custody or claims to have custody or visitation rights of this child or these children, who is not included as a party in this proceeding. Please list the name, complete address and relationship to the child or children:

7. The child or children (was, was not, were, were not) the subject of any divorce proceedings involving the biological parents in this or any other State. If Affirmative, describe where, when and the ruling concerning custody and visitation.

8. The biological parents are: Currently Married Separated but Legally Married
 Divorced Never Married

9. A social service agency such as Children's Protective Service, Catholic Social Services or the Department of Jobs and Family Services, (is, is not) currently involved with the welfare of these child or these children. Please explain affirmative answer:

10. The petitioner(s) (has a, has no, have a, have no) history of charges, conviction, adjudication, guilty plea or been determined to be the perpetrator of any criminal offense that involved an act that resulted in a child being abandoned, abused or neglected. Please provide details of affirmative answer:

11. The petitioner(s) (has has not have have not) included a separate sworn affidavit or pleading concerning the health, safety or liberty of the petitioner(s), child or children being jeopardized by the disclosure of identifying information as outlined in section D of ORC3127.23.

Sworn to before me and subscribed in my presence this _____ day of _____ 20_____.

Petitioner (s)

Notary Public

BROWN COUNTY JUVENILE COURT
BROWN 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 ENDORSEMENT 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)

BROWN 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.: _____

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? 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 Number: () _____

BROWN COUNTY JUVENILE COURT

**WRITTEN REQUEST FOR SERVICE
PRAECIPE (CRIMINAL/DELIQUENCY)**

IN RE: _____

CASE NUMBER: _____

CASE TYPE: _____

REASON FOR HEARING: _____

A hearing is scheduled on the _____ day of _____, 20____, at _____ a.m./p.m.

Judge/Magistrate: _____

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

Type of Service: (Regular Mail) (Certified Mail) (Personal Service) (Residential) or (Publication)

<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: _____

City: _____ State: _____ Zip Code: _____

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 as 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 an affidavit for service by publication, in addition to the Service Request.

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.

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

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

Use BLACK or BLUE 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.

1. Custody Petition, (Parent or Non-Parent) & Visitation Petition, is simply a sworn request of the Brown 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, 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, 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, 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, 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, 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 is a required means of notification when all other options have failed and involves additional cost.
6. After all documents are completed neatly and accurately, notarized or witnessed appropriately, bring the packet to a Deputy Clerk at the Brown County Juvenile Court located at 510 East State Street, Suite 1, Georgetown, Ohio, 45121.
7. Filing fees must be posted at the time of filing by: Cash or Money Order.
The Filing Fee for Custody is \$240.00.
The Filing Fee for Visitation is \$90.00.
The Cost for Service by Publication is \$50.00
8. In the event a petitioner is indigent, a Motion or Affidavit 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 937-378-6726.

All legal questions should be addressed by an attorney and cannot be answered by Court Staff.