



COURT OF COMMON PLEAS PROBATE / JUVENILE DIVISION
GEAUGA COUNTY, OHIO - JUDGE TIMOTHY J. GRENDALL
Courthouse Annex, 2nd Floor 231 Main Street, Suite 200
Chardon, Ohio 44024
Telephone No. 440-226-4446
Fax Probation: 440-375-6811 Fax Court: 440-375-6810

COURT POLICY REGARDING COURT EMPLOYEES PROVIDING LEGAL ADVICE

Ohio law and Codes of Conduct prohibit court employees, including deputy clerks, Resource Center staff, and Help Center staff from providing legal advice.

Deputy clerks may review paperwork that you present for filing to determine whether you have: (i) provided all required information, including required names, initials, and addresses, (ii) signed where required, and (iii) filed all paperwork, required by law, including the local court rules, such as required affidavits or instructions for service.

However, Deputy Clerks cannot tell you whether the paperwork that you present to the Clerk's Office, or the content of that paperwork, is adequate to satisfy your needs or intentions or satisfies all legal requirements, including the local court rules.

If you need legal advice, you should contact your attorney, otherwise call the Geauga County Bar Association at 440-286-7160 or the Legal Aid Society of Cleveland at 888-817-3777.

Help Center - The Court has established a Help Center. While the Help Center staff cannot provide you with legal advice, if you are not represented by an attorney, then the Help Center can assist you by providing general legal information and providing access to legal forms. A deputy clerk or Resource Center staff can give you additional information concerning the Help Center.



RESOURCE CENTER INSTRUCTION SHEET FOR PRO SE FILINGS [Enforcement of Court Order] [For Parent Use – Motion]

WARNING

This Instruction Sheet provides you with a brief overview of the subject matter. It may not provide you with all the information that you require to be fully informed of the law that is applicable to your case. While the Resource Center can provide you with a limited amount of information, the Resource Center cannot provide you with legal advice, and this Instruction Sheet is not intended to provide you with legal advice that is applicable to your case. You must decide how to best use the information and instructions provided without the benefit of legal advice unless you retain an attorney.

Background - The Resource Center cannot provide you with any legal advice regarding the selection or preparation of legal forms. The Court's Help Center offers a few legal forms and information sheets for your consideration, which are included in this package. Before selecting, completing, and filing the legal forms offered to you in this package, the Resource Center recommends that you first seek legal advice from an attorney of your choosing or seek assistance from the Court's Help Center.

This package includes a Motion. The primary purpose of this Motion is for a Parent to request a court order to enforce a current court order of this Court.

This packet is intended for use when a parent is not complying with a court order and the other parent seeks a court enforcement order, which may result in court sanctions against the noncomplying parent.

General Instructions

1. All forms must be typed or completed with blue or black ink, and the printing must be legible.
2. The Motion offered in this package are intended for a Parent who seeks a court enforcement order against another person who has failed to comply with a previous court order of this Court.
3. Certain documents must be notarized. Do not sign any document that must be notarized unless you are signing before a notary, including a deputy clerk, who is authorized to serve as a notary.
4. Do not present for filing any document in this package without first presenting to a deputy clerk (1) a government-issued photographic identification (e.g., a current driver's license or passport), and (2) evidence of current mailing address (e.g., recent utility bill, bank statement account, property tax bill, voter registration card).¹

¹ Rule 10 of the Geauga County Juvenile Court Local Rules.

5. Be prepared to pay a court cost deposit, which should not exceed \$50. A deputy clerk will accept cash, personal check, or credit card. If you are an “indigent,” then you may not be required to pay the court cost deposit. In that case prepare and file the Financial Disclosure Form (ODP-206R), together with the Motion. A deputy clerk can supply you with that form.²
6. You must read the following local rule. You must provide the court with specific information in your motion in accordance with that local rule

Geauga Juvenile Local Rules 20. Motions to Show Cause and Complaints in Contempt.

- A. Contents of Motion. *A Motion to Show Cause shall state with specificity each provision of a prior court order with which a party has failed to comply, the date of such order, and the facts constituting the non-compliance. The motion shall be supported by an affidavit. A copy of the court order or JFS administrative order, as applicable, with respect to which the party allegedly has failed to comply shall be attached to that motion.*
- B. Complaint in Contempt. *A Complaint in Contempt shall state with specificity each provision of a JFS administrative order with respect to which a party has failed to comply, the date of such order, and the facts constituting the non-compliance. A copy of the JFS administrative order shall accompany the complaint.*
- C. Motions/Complaints for Non-Support. *If the motion or complaint pertains to the failure to pay child support, then that motion or complaint shall set forth (i) the date of the last court order of support or JFS administrative order, if applicable, (ii) the amount of support, (iii) the total elapsed weeks or months, (iv) the amount that should have been paid during that time, (v) the amount actually paid during that time, and (vi) the amount of arrearage existing to the date of filing. For purposes of computing the arrearage, the effective date of a court order for child support is the date of journalization unless that order specifically designates some other effective date. At the hearing, the Filer shall update the arrearage computation to the date of hearing.*
- D. Medical Bills or Other Support Obligations. *If the motion or complaint asserts non-payment of medical/dental/optical bills or support other than periodic payments, then that motion or complaint shall itemize the expenses and state whether demand for payment has been made before filing.*

The Forms

1. **Motion** – Form GC Juv 010 (Motion to Enforce).

Key Notes

- DO NOT insert a minor child’s name in the Motion. Only insert the child’s initials where appropriate. You will provide the Court with the minor child’s name and other pertinent information by preparing and filing a confidential document as explained below in item 2.
- Insert the information in the motion that is required above in Geauga Juvenile Local Rule 20
- Attach a copy of the court order or the JFS order that the contempt party has failed to abide by to the motion.

² Rule 5 of the Geauga County Juvenile Court Local Rules.

- If the contempt party has failed to abide by a child support order, then obtain from JFS (i.e., CSED) a current copy of the child support payment record including the arrearage and attach it to the motion.

2. **CONFIDENTIAL INFORMATION** – Form GC JF 5.0 (Disclosure of Confidential Child Information).

Key Notes

- The purpose of this form is to keep confidential the identity of minor children. Accordingly, this form is not a public record and will be kept in a separate confidential file.

3. **INSTRUCTIONS FOR SERVICE** - Form GC JF 7.0 (Request for Service).

Key Notes

A deputy clerk must provide all persons, who have a direct interest in the matter and the minor child,³ a copy of the Motion, which may include attorneys and a guardian ad litem. This form must be prepared and filed by you in order to give the deputy clerk the necessary information and directions. If you are unsure who are the parties or their attorneys, then a deputy clerk should be able to provide you with their names and addresses.

4. **AFFIDAVIT** – insert the facts that support your claim that the contempt party has failed to abide by the court order.

Help Center Information Sheets

Before preparing and filing any pleading or other documents with the Court, you should read the following Help Center Information Sheets that may be applicable, which can be obtained from the Court's website, the Resource Center, or the Help Center.

- Allocation of Parental Rights and Responsibilities
- Child Support

³ Again, see Rule 2(Y) of the Ohio Rules of Juvenile Procedure.

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO**

In Re: _____
A Minor

Case No. _____

I.D. No. _____

MOTION TO ENFORCE

☐ **CHILD SUPPORT ORDER**

☐ **PARENTING TIME ORDER**

☐ **SHARED PARENTING ORDER**

☐ **OTHER ORDER** _____

Filed by: _____

1. This Motion concerns the minor child(ren), whose initials are set forth below and whose name, date of birth, and current address are described in a separate confidential document filed with the Court, (the "Children.").

Minor Children Initials: _____

2. _____ ("Contempt Parent") has failed to abide by The provisions of the prior court order, the date of that court order, and the facts constituting the non-compliance are:

3. Select as applicable:

☐ **FAILURE TO PAY CHILD SUPPORT ORDER** - (i) the date of the last court order of support or JFS administrative order, if applicable, (ii) the amount of support, (iii) the total elapsed weeks or months, (iv) the amount that should have been paid during that time, (v)

the amount actually paid during that time, and (vi) the amount of arrearage existing to the date of filing are the following:

If Contempt Party has failed to pay medical/dental/optical bills or support other than periodic payments, then those expenses or payment itemized below together with whether demand for payment has been made before filing.

[] FAILURE TO ABIDE BY PARENTING TIME ORDER

Contempt Parent has failed to abide by the Court's parenting time order in the following manner:

[] FAILURE TO ABIDE BY SHARED PARENTING ORDER

Contempt Parent has failed to abide by the Court's shared parenting order in the following manner:

[] **FAILURE TO ABIDE BY OTHER COURT ORDER ENFORCEMENT**

Contempt Parent has failed to abide by the Court's following described court order in the following manner:

4. The request set forth below is in the best interest of the Child(ren).

Request

5. I request that this Court (select as applicable) issue an order against Contempt Parent:

- [] to comply with all court orders regarding Contempt Parent's duty to provide support for the Child(ren),
- [] to pay any accrued charges imposed by the Child Support Enforcement Department,
- [] to comply with all court orders regarding Contempt Parent's duties specified in the parenting time order,
- [] to comply with all court orders regarding Contempt Parent's duties specified in the shared parenting time order,
- [] to comply with all court orders regarding Contempt Parent's following duties:

- ☐ to pay for all reasonable attorney's fees and related costs incurred by me,
- ☐ to pay all court costs,
- ☐ other:

- ☐ so that if Contempt Parent continues to fail or refuses to obey all orders of this Court that this Court find Contempt Parent *in contempt of this Court* and that Contempt Parent be incarcerated until such time as Contempt Parent has purged himself/herself of contempt by making such payments and otherwise complying with such court orders.

6. I seek such additional relief as the Court deems appropriate in law or in equity.

Street Address

City, State, Zip code

Signature

Telephone Number

MEMORANDUM IN SUPPORT
[Juvenile Rule 19]

1. R.C. 2705.031(B) states:

- (1) Any party who has a legal claim to any support ordered for a child, spouse, or former spouse may initiate a contempt action for failure to pay the support. In Title IV-D cases, the contempt action for failure to pay support also may be initiated by an attorney retained by the party who has the legal claim, the prosecuting attorney, or an attorney of the department of job and family services or the child support enforcement agency.
- (2) Any parent who is granted parenting time rights under a parenting time order or decree issued pursuant to section 3109.051 or 3109.12 of the Revised Code, any person who is granted visitation rights under a visitation order or decree issued pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised Code or pursuant to any other provision of the Revised Code, or any other person who is subject to any parenting time or visitation order or decree, may initiate a contempt action for a failure to comply with, or an interference with, the order or decree.

2. R.C. 2705.05(A) states:

- (A) In all contempt proceedings, the court shall conduct a hearing. At the hearing, the court shall investigate the charge and hear any answer or testimony that the accused makes or offers and shall determine whether the accused is guilty of the contempt charge. If the accused is found guilty, the court may impose any of the following penalties:
- (1) For a first offense, a fine of not more than two hundred fifty dollars, a definite term of imprisonment of not more than thirty days in jail, or both;
 - (2) For a second offense, a fine of not more than five hundred dollars, a definite term of imprisonment of not more than sixty days in jail, or both;
 - (3) For a third or subsequent offense, a fine of not more than one thousand dollars, a definite term of imprisonment of not more than ninety days in jail, or both.

3. R.C. 3109.05(C) states:

If any person required to pay child support under an order made under division (A) of this section on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court

costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt and, on or after July 1, 1992, shall assess interest on any unpaid amount of child support pursuant to section 3123.17 of the Revised Code.

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO**

In Re: _____
A Minor

Case No. _____

I.D. No. _____

**DISCLOSURE OF CONFIDENTIAL
CHILD INFORMATION**

Judge Timothy J. Grendell

Filed by: _____

The following is **CONFIDENTIAL** information concerning the identity of Child(ren), who are identified in this court proceeding by their initials, and the parents.

1. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B. _____ Paternity Established ☐ Yes ☐ No
2. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B. _____ Paternity Established ☐ Yes ☐ No
3. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B. _____ Paternity Established ☐ Yes ☐ No
4. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B. _____ Paternity Established ☐ Yes ☐ No
5. Initials: _____ Child's Name: _____ D.O.B. _____
Child's Address: _____ Custodian _____
Father is: _____ D.O.B. _____ Paternity Established ☐ Yes ☐ No

Mother is: _____ D.O.B. _____

Dated: _____

Signature

**Court of Common Pleas
Juvenile Division
Geauga County, Ohio**

In Re _____

Case # _____

REQUEST FOR SERVICE

ID # _____

Judge Timothy J. Grendell

Please serve the following document: _____.

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence☐ Other _____

Name: _____

Address: _____

☐ Certified Mail/Return Receipt ☐ Sheriff/Constable by ☐ Personal or ☐ Residence☐ Other _____

Print Name: _____

Telephone: _____

**IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
GEAUGA COUNTY, OHIO**

In Re: _____
A Minor

Case No. _____

I.D. No. _____

AFFIDAVIT

Judge Timothy J. Grendell

I, _____, state the following:

State of Ohio
County of Geauga

Your Signature

Sworn to or affirmed and subscribed before me by _____, this
____ day of _____, 20____.

Notary Public