

NOTICE

These instructions will help you start your case. You need to make sure your papers follow the Ohio Revised Code Title 31, the Ohio Rules of Civil Procedure and the Montgomery County Domestic Relations Court Local Rules.

READ ALL INSTRUCTIONS

USE THIS PACKET FOR

POST DECREE MOTIONS TO MODIFY SUPPORT, ALLOCATION OF PARENTAL RIGHTS AND RESPONSIBILITIES, PARENTING TIME OR A SHARED PARENTING PLAN.

Click on the form name to open the form. click in the top of the form to return to the instruction page. You must have an updated version of Adobe Reader.

ATTENTION: Court employees CANNOT give legal advice. If you need legal advice, please contact a lawyer of your choosing.



***COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION***

DENISE L. CROSS, ADMINISTRATIVE JUDGE

JUDITH A. KING, JUDGE

REQUIRED DOCUMENTS WITH NUMBER OF COPIES NEEDED FOR ALL FILINGS:

1. Motion to Modify with supporting details **Submit original & 4 copies**
NOT PROVIDED
Use the guidelines on page 3 to create this document.
2. Notice of Hearing (at the end of the motion) **Submit original & 4 copies**
NOT PROVIDED
Retype the language found on page 4.
3. Instructions for Service **Submit original & 3 copies**
ATTACHED
Complete this form. Please note service must be completed on the other party by certified mail, at a minimum.

****If filing a post decree motion to modify support, allocation of parental rights and responsibilities or shared parenting plan you must submit the following documents:***

4. Affidavit of Financial Disclosure **Submit original & 3 copies**
ATTACHED
5. Information for Parenting Proceeding Affidavit **Submit original & 3 copies**
ATTACHED
6. Application for Child Support Services **Submit original & 3 copies**
ATTACHED

****If filing a post decree motion to modify parenting time, you must submit the following documents:***

7. Information for Parenting Proceeding Affidavit **Submit original & 3 copies**
ATTACHED

FILING PROCEDURES

When all paperwork is properly completed, signed and notarized, bring or send your documents to the **Public Legal Specialist located at the Domestic Relations Court, 301 West Third Street, Second Floor, Dayton, Ohio 45422**. The court will review the documents. If there are corrections, you will be notified by letter what corrections are needed. Please include a phone number where you may be reached in regards to your paperwork.

When your paperwork is correct, it will be mailed back to you with an approval letter then you will file the case with the Domestic Relations Clerk's Office at 41 North Perry Street, Room 104. Your filing fee will be due at that time. Call the Clerk of Court's Office at 937-225-4562 to obtain fee amounts.

GUIDELINES

FORMAT: All documents must be typed and must be set up in the same format as the Complaint for Divorce/Legal Separation/Annulment or Petition for Dissolution, including case caption and signature block pursuant to Mont. D.R. Rule 4.08. **DO NOT REVERSE THE ORDER OF THE PARTIES.** If your initial case was a Dissolution, the 1st Party who filed the motion is known as the Movant and the other party is known as the Respondent.

CONTENT OF MOTION: Any motion to modify support, allocation of parental rights and responsibilities, parenting time or shared parenting plan must list specific reasons as to why the previous order should be changed. You must include the child(ren)'s names and dates of birth.

Child/Spousal Support: Include the date the previous order was filed, amount that was ordered, the arrearage on the account if any, and the specific reason(s) as to why the order should be modified.

Allocation of Parental Rights and Responsibilities, Parenting Time & Shared Parenting: You must include the child(ren)'s names and dates of birth and specific reasons as to why the order should be modified.

NOTICE OF HEARING:

All post-decree motions shall be scheduled for hearing by the assignment commissioner. The motion and notice of hearing shall be delivered to the assignment commissioner (pursuant to Mont. D.R. Rule 4.41), who will set the hearing date before you file the motion with the Clerk of Courts.

The following is the required notice of hearing language for a motion regarding parental rights and responsibilities or modification of a shared parenting plan.

Notice of Hearing

“This motion has been scheduled for a pre-hearing conference and/or uncontested hearing on _____, at _____ AM/PM before Magistrate _____. The parties, with or without counsel, shall be present on the above date at the second floor of the Dayton-Montgomery County Courts Building, 301 W. Third Street, Dayton, Ohio.

FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF THE MOTION OR UNCONTESTED HEARING ON THE MOTION.”

The following is an example of a notice of hearing for a motion regarding modification of support and parenting time.

Notice of Hearing

“This motion has been scheduled for a hearing on _____, at _____ AM/PM before Magistrate _____. The parties, with or without counsel, shall be present on the above date at the second floor of the Dayton-Montgomery County Courts Building, 301 W. Third Street, Dayton, Ohio.

FAILURE TO APPEAR MAY RESULT IN DISMISSAL OF THE MOTION OR UNCONTESTED HEARING ON THE MOTION.”

FORMS

AFTER READING ALL INSTRUCTIONS –
FULLY COMPLETE THE FORMS
NECESSARY FOR YOUR CASE.