



COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION

DENISE L. CROSS, ADMINISTRATIVE JUDGE

JUDITH A. KING, JUDGE

Post Decree Motion for Modification of Parenting Time

Required Forms:

1. Motion for Modification of Parenting Time **(NOT ATTACHED)**,
2. Affidavit in Support of Motion **(NOT ATTACHED)**
This is a legal pleading that must be created. We do not provide a form for you. Please review the information below with regard to how to CREATE this pleading.
3. Notice of Hearing **(NOT ATTACHED)**
Use the example language on the second page to create this notice.
4. Information for Parenting Proceeding Affidavit **(USE ATTACHED FORM)**
Complete all information on the attached form. Sign in the presence of a Notary Public.
5. Instructions for Service **(USE ATTACHED FORM)**
Complete this form. Please note service must be perfected on the other party via certified mail, at a minimum.

COST: \$125 Administrative Clerk Fee

FORMAT: All document must be typed and must be set up in the proper format, including a 2 ½ " top margin, case caption, etc (Pursuant to Local Rule 4.08). All documents must contain your name, address and telephone number under your signature. DO NOT REVERSE THE ORDER OF PLAINTIFF AND DEFENDANT IN YOUR CAPTION. IT MUST APPEAR IN THE SAME ORDER AS YOUR ORIGINAL CASE FILING. LOOK AT YOU DECREE OF DIVORCE OR DISSOLUTION FOR PROPER FORMATTING.

CONTENTS OF MOTION: All post decree motions must include the request to modify parenting time, names and dates of birth of child(ren) involved in the modification, and the reasons for modification.

AFFIDAVIT IN SUPPORT OF MOTION: The affidavit in support of the motion must include facts verifying the reasons for the request to modifying parenting time as well as state the contents of the motion are true and correct.

NOTICE OF HEARING: All post-decree motion shall first be scheduled for hearing by the assignment commissioner. The motion and notice of hearing shall be delivered to the assignment commissioner (pursuant to Local Rule 4.41) prior to filing the motion with the Clerk of Courts. *Notice: Please note a Magistrate may have a review your pleading in order to determine if it will be set for a settlement hearing or a full hearing. A Magistrate may not be available to review your pleading immediately and therefore you may have to leave your documents and pick them up at a later date.* An example of a notice of hearing below:

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."

REQUIRED COPIES: Original motion plus 4 copies.
Original affidavit in support of motion plus 4 copies
Original Notice of hearing plus 4 copies.
Original Information for parenting proceeding affidavit plus 2 copies.
Original Instructions for service plus 2 copies.

PROCEDURE: Any motion filed by a party without an attorney is first to be present to the Public Legal Specialist located in the Lobby Information Center at 301 W. third Street, Second floor for approval before filing with the Clerk of Courts. Once approved, the documents need to be taken to the Assignment Office to receive a hearing date. After receiving your hearing date, take all documents to the Clerk of Courts, 41 North Perry Street, Basement, Rom 9, for filing. The Administrative Clerk of \$125 is due at this time.

* **Employees of the Domestic Relations Court and the Clerk of Courts are not permitted to give legal advice or answer questions regarding substantive matters relating to a particular pleading, case or litigant. If you need legal advice, consult an attorney.**

OFFICE OF
CLERK OF COURTS

41 N. PERRY STREET, DAYTON, OHIO 45422

GREGORY A. BRUSH - CLERK

INSTRUCTIONS FOR SERVICE

PLAINTIFF / PETITIONER

-vs- / and

CASE NO. _____

DEFENDANT / PETITIONER

PLEASE ISSUE SERVICE TO: (Name & Address)

VIA: **PERSONAL**
 RESIDENTIAL

REGULAR MAIL
 CERTIFIED MAIL

TO BE SERVED: (List all documents to be served.)

By: _____
Attorney for: