

COURT OF COMMON PLEAS
PROBATE & JUVENILE DIVISIONS
HURON COUNTY

TIMOTHY L. CARDWELL JUDGE

2 East Main Street
Norwalk, OH 44857

Instruction Sheet for Pro Se Filing

1. Whether you are filing a new complaint or a motion in an existing case you must complete all forms in their entirety and to the best of your ability. Failure to complete and file all attached documents will result in your filing being returned to you with no action being taken. If this is a new case, a case number will be assigned.
2. If you are filing a new complaint or a motion in an existing case regarding custody and/or visitation you must also complete a child custody affidavit. The affidavit must be notarized prior to your bringing it to the court for filing.
3. If you are filing a new complaint or a motion in an existing case you must also complete a precipe for service.
4. The Form entitled Consent to Custody and Waiver of Service is optional and is only to be completed by the responding party in the action if that party is in agreement regarding the change of custody. The consent must be notarized prior to your bringing it to the court for filing.
5. Type or print your responses in blue or black ink.
6. If you are filing a new complaint, the filing fee will be \$175.00 at the time you file the complaint.
7. If you are filing a motion in an existing case, the filing fee will be \$100.00 at the time you file the complaint.
8. If the parents were not married when the child was born, paternity must be established. If paternity has been established, attach a copy of the order or acknowledgment. If paternity has not been established, indicate that in the space provided on the complaint/motion.
9. The complaint/motion shall be set for hearing by the Court. You shall receive a hearing notice in the mail. If your hearing notice is returned as undeliverable as addressed and you have not notified the Court of your new address, in writing, the complaint/motion shall be dismissed without further action.
10. If the hearing notice for another party is returned as undeliverable as addressed, you will be contacted for a new address. It is your responsibility to supply a good address in writing to the Court as soon as possible. If you do not do so, and complaint/motion is not served at the time of the hearing and the other party does not appear at the hearing, the motion/complaint will be dismissed without further action. All complaints shall be served on the parties by certified mail, unless service by the sheriff or process server is requested in writing. If you request personal service by the sheriff, additional costs will be assessed. If you want personal service a process server, it is your responsibility to make those arrangements.
11. If you are unable to supply the address because the other party's location is unknown to you, and cannot be found out with reasonable diligence, service by publication is provided for you in Juvenile Rule 16 (A). Because of the technical requirements and cost involved, the Court suggests that you consult with an attorney before pursuing this action.

3111.28 Action rescinding acknowledgment.

After an acknowledgment becomes final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, a man presumed to be the father of the child pursuant to section 3111.03 of the Revised Code who did not sign the acknowledgment, either person who signed the acknowledgment, or a guardian or legal custodian of the child may bring an action to rescind the acknowledgment on the basis of fraud, duress, or material mistake of fact. The court shall treat the action as an action to determine the existence or nonexistence of a parent and child relationship pursuant to sections 3111.01 to 3111.18 of the Revised Code. An action pursuant to this section shall be brought no later than one year after the acknowledgment becomes final. The action may be brought in one of the following courts in the county in which the child, the guardian or custodian of the child, or either person who signed the acknowledgment resides: the juvenile court or the domestic relations division of the court of common pleas that has jurisdiction pursuant to section 2101.022 or 2301.03 of the Revised Code to hear and determine cases arising under Chapter 3111. of the Revised Code.

HURON COUNTY JUVENILE COURT

Personal Identifiers Omission Form

Effective 1 July 2009

In the Matter of _____
Case Number _____

Pursuant to Rule 45(D)(2) of the Ohio Rules of Superintendence, when personal identifiers are omitted from a case document submitted to the Court for filing, the party who submitted the case document shall submit the omitted information on this form. This form is not a public record.

Plaintiff

Name: _____
Address: _____
Phone Number: _____
Social Security Number: _____ Date of Birth: _____

Defendant

Name: _____
Address: _____
Phone Number: _____
Social Security Number: _____ Date of Birth: _____

Child

Name: _____
Address: _____
Social Security Number: _____ Date of Birth: _____
Mother's Name: _____
Mother's Address: _____
Mother's Phone Number: _____
Mother's SSN: _____ Mother's DOB: _____
Father's Name: _____
Father's Address: _____
Father's Phone Number: _____
Father's SSN: _____ Father's DOB: _____

Child

Name: _____

Address: _____

Social Security Number: _____ Date of Birth: _____

Mother's Name: _____

Mother's Address: _____

Mother's Phone Number: _____

Mother's SSN: _____ Mother's DOB: _____

Father's Name: _____

Father's Address: _____

Father's Phone Number: _____

Father's SSN: _____ Father's DOB: _____

Child

Name: _____

Address: _____

Social Security Number: _____ Date of Birth: _____

Mother's Name: _____

Mother's Address: _____

Mother's Phone Number: _____

Mother's SSN: _____ Mother's DOB: _____

Father's Name: _____

Father's Address: _____

Father's Phone Number: _____

Father's SSN: _____ Father's DOB: _____

Other Personal Identifiers (including requested information above for additional children, and financial account numbers, employer and employee identification numbers):

Huron County Court of Common Pleas
Juvenile Division
Norwalk, Ohio

Father's name

Plaintiff

Case No.: _____

JUDGE TIMOTHY L. CARDWELL

vs.

Mother's name

**COMPLAINT TO RESCIND THE
ACKNOWLEDGMENT OF
PATERNITY AFFIDAVIT OR
ADMINISTRATIVE DETERMINATION
OF PATERNITY / MOTION FOR
GENETIC TESTING O.R.C. 3111.28**

Child's name

Ohio Department of Job and Family Services
Child Support Enforcement Agency
185 Shady Lane Drive
Norwalk, OH 44857

Defendants

.....

Now comes the plaintiff/father herein and hereby state for his complaint to rescind the acknowledgment of paternity affidavit/motion for genetic testing as follows:

1. The plaintiff has previously acknowledged he is the natural father of the child.
2. The child is residing with the defendant.
3. The defendant is the natural mother of the child.
4. The child has been conceived as a result of an act of sexual intercourse within the State of Ohio.
5. The plaintiff signed an acknowledgment of paternity affidavit or admitted paternity at the Child Support Enforcement Agency without genetic testing on _____.
6. The plaintiff is questioning the parentage of this child and is requesting an order for genetic testing.
7. Based upon fraud, duress, or material mistake of fact, the plaintiff is seeking to rescind the acknowledgment of paternity.
8. This action is being brought before the Court no later than one year after the acknowledgment became final.

WHEREFORE, plaintiff prays for the Court to rescind the acknowledgment of paternity affidavit or administrative determination of paternity pursuant to Ohio Revised Code Section 3111.28; order the parties to submit to genetic testing and based upon the results of the genetic testing make a finding of the existence or the non-existence of the parent-child relationship and for such other and further relief as the Court deems just and proper.

I, plaintiff, _____, do hereby swear and affirm that I have read the foregoing complaint and that the allegations contained therein are true to the best of my knowledge and belief.

Plaintiff

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

Notary Public/Deputy Clerk

PRAECIPE

TO THE CLERK:

Please cause a true copy of the complaint to be served upon the defendants at the addresses stated in the caption by certified mail, return receipt requested, pursuant to Rule 4.1 of the Ohio Rules of Civil Procedure.

If the same should be returned and marked “unclaimed” or “refused”, please cause a true copy of the foregoing complaint to be served upon the defendant at the address stated in the caption by regular United States mail pursuant to Rule 4.6 of the Ohio Rules of Civil Procedure.

Plaintiff

**COURT OF COMMON PLEAS
JUVENILE DIVISION
HURON COUNTY, OHIO**

Plaintiff/Petitioner		Case No.	
		Judge	
v./and		Magistrate	
Defendant/Petitioner/Respondent			

Instructions: Check local court rules to determine when this form must be filed.
 By law, an affidavit must be filed and served with the first pleading filed by each party in every parenting (custody/visitation) proceeding in this Court, including Dissolutions, Divorces and Domestic Violence Petitions. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))
 Affidavit of _____
 (Print Your Name)

Check and complete ALL THAT APPLY:

1. I request that the court not disclose my current address or that of the child(ren). My address is confidential pursuant to R.C. 3127.23(D) and should be placed under seal to protect the health, safety, or liberty of myself and/or the child(ren).
2. Minor child(ren) are subject to this case as follows:

Insert the information requested below for all minor or dependent children of this marriage. You must list the residences for all places where the children have lived for the last **FIVE** years.

a. Child's Name:	Place of Birth:		
Date of Birth:	Sex: Male Female		
<u>Period of Residence</u>	Check if <u>Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	Relationship
_____ to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____ to _____	<input type="checkbox"/> Address Confidential?	_____	_____

b. Child's Name:

Place of Birth:

Date of Birth:

Sex: Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>		Check if <u>Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	Relationship
_____	to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____

c. Child's Name:

Place of Birth:

Date of Birth:

Sex: Male Female

Check this box if the information requested below would be the same as in subsection 2a and skip to the next question.

<u>Period of Residence</u>		Check if <u>Confidential</u>	<u>Person(s) With Whom Child Lived</u> (name & address)	Relationship
_____	to present	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____
_____	to _____	<input type="checkbox"/> Address Confidential?	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CHILDREN, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

3. Participation in custody case(s): (Check only one box.)

- I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case.
- I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of, or visitation (parenting time), with any child subject to this case. For each case in which you participated, give the following information:

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CUSTODY CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

4. Information about other civil case(s) that could affect this case: (Check only one box.)

- I **HAVE NO INFORMATION** about any other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning any child subject to this case.
- I **HAVE THE FOLLOWING INFORMATION** concerning other civil cases that could affect the current case, including any cases relating to custody, domestic violence or protection orders, dependency, neglect or abuse allegations or adoptions concerning a child subject to this case. Do not repeat cases already listed in Paragraph 3. Explain:

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

5. Information about criminal case(s):

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

<u>Name</u>	<u>Case Number</u>	<u>Court/State/County</u>	<u>Convicted of What Crime?</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

IF MORE SPACE IS NEEDED FOR ADDITIONAL CASES, ATTACH A SEPARATE PAGE AND CHECK THIS BOX .

6. Persons not a party to this case who has physical custody or claims to have custody or visitation rights to children subject to this case: (Check only one box.)

I **DO NOT KNOW OF ANY PERSON(S)** not a party to this case who has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

a. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

b. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

c. Name/Address of Person _____

Has physical custody

Claims custody rights

Claims visitation rights

Name of each child: _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this ___ day of _____, _____.

Notary Public

My Commission Expires: