

TYPE OR PRINT ALL FORMS

INSTRUCTIONS FOR COMPLAINT FOR VISITATION - NONRESIDENTIAL PARENT HAS NOT BEEN MARRIED TO THE RESIDENTIAL PARENT AND NO CUSTODY OR VISITATION ORDER HAS BEEN SET

Attached is a form Complaint for Visitation and Motion for Mediation for non-custodial fathers who wish to obtain an order of visitation with their children who reside in Washington County. These instructions are intended to be a general guide to help you get the form filled out, filed with the Court, and to get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request or whether or not your motion will be granted, but merely to assist you in preparing and presenting your request. **IF YOU ARE THE FATHER OR A PATERNAL RELATIVE, THE FATHER MUST FIRST BE ESTABLISHED THROUGH AN ACKNOWLEDGMENT OR PATERNITY PROCEEDING BEFORE THIS CAN BE FILED. IF YOU ARE THE FATHER OR A PATERNAL RELATIVE AND PARENTAGE HAS NOT BEEN ESTABLISHED, YOU CAN NOT USE THIS FORM!**

A. FILLING OUT THE FORMS

1. You should fill out these forms before you go to the Courthouse to file it. Other than telling you the time and date of the hearing, the Court staff will not help you in completing these forms.
2. Attached is the sample Complaint for Visitation and Motion for Mediation.
3. COMPLAINT FOR VISITATION - In the #1 blank, fill in the name(s) of the minor child(ren). In the #2 blank, fill in the birth date(s) of the minor child(ren). In the #3 blank fill in the name of the child(ren)'s mother. In the #4 blank fill in the name of the child(ren)'s father. LEAVE THE CASE NUMBER AND JUDGE LINE BLANK AS THE CLERK WILL FILL THAT IN. In the #5 blank fill in your name (name of the person filing this Complaint). In the #6 blank, you should fill in your relationship with the minor child(ren). In #7 blanks, you should sign your name and fill in your address.
4. MOTION FOR MEDIATION - In the #1 blank, fill in the name(s) of the minor child(ren). LEAVE THE CASE NUMBER AND JUDGE LINE BLANK FOR THE CLERK TO FILL IN. In the #2 blank, fill in your name. In the #3 blank, sign your name. In the #4 blank, fill in the name of the other party who has physical custody of the children who will be ordered to mediate with you. LEAVE THE JUDGE'S SIGNATURE LINE BLANK.
5. You will need to fill out the mediation referral form (also enclosed) and attach it to your Motion for Mediation so that the Court and the mediators will have the basic information they will need to set up the mediation.
6. If you can not afford to pay the filing fee, you will need a POVERTY AFFIDAVIT which is enclosed.
7. You will also need a REQUEST FOR SERVICE which is enclosed.
8. You will also need a GENERIC ENTRY to take to the hearing which is also enclosed.

B. FILING THE COMPLAINT

1. After you have filled all the forms out, make three copies of each and go to the office of the Clerk of Courts of the Washington County Common Pleas Court. This is the only place you can file your Complaint. File the Complaint for Visitation, Motion for Mediation and Request for Service.
2. There will be a filing fee for the filing of this Complaint and you should ask how much it is. If you are unable to pay the filing fee and believe that you are indigent, you can file this with a poverty affidavit which we have enclosed. This does not mean you will never have to pay costs, it merely means you do not have to pay them in advance. The Court will determine who shall pay court costs.
3. At the time of the filing, the Clerk of Courts will take the original and one or two copies of the Complaint and Motion. Ask for a time-stamped copy so that you can have copy for your records.
4. Give the entry to the Clerk of Courts to place in the file but the entry will not be file-stamped until after the hearing.
5. The mediation project will get in touch with you and set up the mediation rules, procedures and times.

6. If mediation is not successful and you need a hearing, the mediators will notify the Court. The Court will then notify you of the date and time of the hearing and you will need to appear.

C. HEARING

1. You will need to appear at the hearing on the date and at the time the Court schedules it. Be sure and take with you a copy of the finding of parentage so that the Court can have it for its files.
2. You will need to tell the Judge why you want visitation and let the Judge know what you would like for visitation. Tell the judge if you have had visitation before, if there are other relatives in the home who would like to visit with the child(ren), and your ability to provide transportation. You should be prepared to tell the Court what arrangements you have made for visitation so that the Court is sure that the child(ren) will be well cared for during visitation.
3. Answer the questions truthfully and try to respond to the questions that you are asked. Listen to the question and make sure you understand it before you answer it. If you do not understand the question or are not sure what you are being asked, you have the right to have the question explained to you before answering and you should be sure and ask to have it explained to you.
4. After the Court has decided the case, the Court will use the entry you provided to write out the Court's decision and file it.