

INSTRUCTION FOR MOTION TO MODIFY VISITATION-COMMON PLEAS COURT

1. Take a look at the original divorce decree (or order providing for custody and visitation if it wasn't part of the divorce). On the order it will show which county you need to fill in at the top of the page. You will also see on the order the case no. and who is the Plaintiff and Defendant. Fill in the spaces as they appear on your order.
2. In the first paragraph of the motion, fill in your name on the first blank and circle either the Plaintiff or Defendant (whichever you were in the Order) and cross out the other.
3. Next, fill in the date that the Order was entered. This can be figured out by looking at the date on the Order where it was stamped by the clerk.
4. Sign your name and fill in your address in the spaces provided.
5. The next thing you need to do is fill out why you are requesting the modification and what you want the modification to be. You might want to write it out on a piece of paper a few times first so that you have it clearly, briefly and on point. This is not the place to tell the Court everything, just the main reasons you wish to modify the visitation order and what you want it to be.
6. Sign your name at the end of the motion.
7. Make 3 copies of the motion, and take them all along with a request for service to the clerk of courts in the county where the order was entered. Tell the clerk you want to file the motion and after the clerk has filed it, make sure you get a time-stamped copy of your motion to keep for your records. If there is a filing fee and you can not pay it, a poverty affidavit is enclosed. The poverty affidavit means that you do not have to prepay the court costs. The Court will determine later if you or someone else should pay the court costs.
8. The Court will notify you when and where the hearing will be. As soon as you get the notification, begin to prepare your case. You can prepare it by writing out clearly and completely why you are requesting the modification. Gather together all documents that prove any of the things you are claiming and contact any witnesses that can help prove your case. Talk to all of the witnesses to make sure you know what they are going to say.
9. Be sure and go to Court on time with all of your documents and witnesses.
10. When the hearing is over, give the Court the generic entry (also enclosed with this packet) so the Court can write down its ruling.

GOOD LUCK! REMEMBER, OUR OFFICE WILL NOT REPRESENT YOU, THIS IS ONLY TO HELP YOU REPRESENT YOURSELF.

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____,
Plaintiff,

Case No. _____

vs.

_____,
Defendant,

MOTION TO MODIFY
VISITATION

Now comes _____, the Plaintiff/Defendant in
the above action and moves this Court to modify the Order of visitation entered on _____,
20____ for the reasons set forth below.

Name

Street Address

City, State and Zip Code

MEMORANDUM

The undersigned respectfully requests that this Court modify its Order of visitation for the reason that

Submitted by:

NAME