

OTTAWA COUNTY COMMON PLEAS COURT

Bruce Winters, Judge

315 Madison St. Room 301
Port Clinton, Ohio 43452
419 734-6790 • Fax 419 734-6852

INSTRUCTIONS FOR FILING A MOTION AFTER TERMINATION OF THE MARRIAGE

Motion to Show Cause/for Contempt

This packet will allow you to file a post-termination motion without an attorney. This packet contains the forms for a Motion for Finding of Contempt (also known as a Motion to Show Cause). You must follow these instructions and complete all forms thoroughly. Once completed, the Court will schedule a hearing with the Magistrate. You are responsible for providing us with a phone number. The date will be sent to you at the address on the filing. You must notify the clerk if you change your address. If you have questions about the court date, contact the Magistrate's Office at 419-734-6818.

DRESS CODE: The court does have a dress code (no shorts, halter tops, hats etc.) and parties will be required to pass through security check before being allowed to enter court.

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**INSTRUCTIONS FOR FILING A MOTION AFTER TERMINATION OF THE MARRIAGE
MOTION TO SHOW CAUSE/CONTEMPT**

You must print clearly or type the information that you fill out for each case. If the forms are not completely filled out, the Court will not accept the forms for filing. If you do not know an answer, you must state "unknown".

Once the clerk has given your case a case number, you will use that case number in all documents that are filed in this case.

The filing fees for a post termination motion are \$300. The above filing fee is a deposit for court costs. Court costs in your case may be more or less than the deposit. The Court will decide who pays the court costs at the conclusion of the case. If you do not have funds to pay the filing fee, you must complete an Affidavit of Indigency, which must be signed in the presence of a notary public. The Court will then determine whether you qualify to have the filing fee waived. It is possible that you will still have to pay the court costs, in whole or part, at the end of the hearing.

Praecipe for Service

The Praecipe for Service is a very important part of the process. This document informs the Court how to contact and notify the other parties to the divorce of the filing of the new case or motion. It is your responsibility to see that all parties are properly served with the documents. Providing the Court with full and proper addresses is essential.

You may choose to have the documents served by certified mail or by personal service, usually by the County Sheriff where the person resides. If you choose personal service, an additional \$100.00 deposit will be required for increased court costs.

Child Custody Affidavit Form – Form DR 1. In all cases where there are minor children, unless this form is completed, **YOUR CASE WILL NOT BE SET FOR HEARING.** This form is required by law to be completed and submitted to the court at the time that the complaint for divorce, the petition for dissolution or the motion for change of custody is filed. All questions must be answered. When you list where the child has lived for the last five years, please start with the most recent address and work backwards. Answer all questions. This form must be signed in front of a notary public who will notarize this before it is filed with the court.

IV-D Application

In all cases where there are minor children and child support may be ordered and/or health insurance may be provided, the person receiving the child support or health insurance must sign and complete the IV-D application.

Motion for Contempt

You must complete the following:

1. Motion for Contempt and Affidavit in Support of your motion;
2. The Affidavit of Income and Expenses, which must be signed in the presence of a Notary Public. **DR 2**
3. The Child Custody Affidavit (if issues regarding children are involved), which must be signed in the presence of a Notary Public. **DR 1**
4. The Health Insurance Affidavit (if issues regarding children are involved), which must be signed in the presence of a Notary Public.

5. The Praecipe for Service

6. The "Notice of Hearing and Order to Appear" form which must be attached to the Motion for Contempt;

7. If the contempt is for failure to pay child support or spousal support, you must obtain a current computer print-out of support records from the Ottawa County Child Support Enforcement Agency, also called an "arrearage statement".

8. Waiver of Counsel

You must provide the Clerk of Courts the original and four copies of all the above.

Form: Motion for Contempt

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY
DOMESTIC RELATIONS DIVISION

Name

Case No. _____

Street address

City and state

DOB: _____

Plaintiff

Judge Bruce Winters

vs

Magistrate _____

Name

Street address

City and state

DOB: _____

Defendant

MOTION TO SHOW CAUSE

1. This day, the undersigned party, _____ requests this Court order _____ to appear and show why he/she should not be found in contempt for failing to comply with this Court's prior Orders filed on _____ as _____ has not complied with these orders, to wit (state the language of the court order that you believe has not been followed)

as is more fully set forth in the affidavit that is attached hereto.

2. Further, the undersigned request the Court order _____ to pay the Court costs of this motion and also for the further relief described below (state other remedies or actions which you would like the Court to order)

Your signature

Your street address

Your city, state, and zip code

Affidavit

State of Ohio)
County of _____) ss:

_____, being first duly sworn, states as follows:
Your name

I believe _____ has not abided by the prior Order of this Court by his/her failure to: (state your allegations here)

Your signature

Sworn to and signed in my presence this _____, 20_____.

Notary Public
My commission expires:

NOTE:

1. This must be notarized
2. You must supply the Clerk with the original and three additional copies of all documents. If the matter regards child and/or spousal support, you must supply a total of four copies.

**IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

Plaintiff

Case No. _____

SETS No. _____

Judge Bruce Winters

Vs

Defendant

Order to Appear and Show Cause

_____ is hereby ORDERED to appear before this Court, located at 315 Madison St. (3rd Floor), Port Clinton, Ohio, on the _____ day of _____, 20____ at _____, to show cause why he/she should not be held in contempt of court for failing to abide by this court's previous ORDERS.

JUDGE

NOTICE OF RIGHTS

A MOTION in CONTEMPT and an ORDER TO SHOW CAUSE have been filed in this Court, alleging you have FAILED TO COMPLY WITH A COURT ORDER; a copy of which is attached hereto.

IF YOU FAIL TO APPEAR, AN ORDER MAY BE ISSUED FOR YOUR ARREST. IN THE CASE OF AN ALLEGED FAILURE TO PAY SUPPORT, AN ORDER MAY ALSO BE ISSUED FOR THE WITHHOLDING OF SUPPORT PAYMENTS FROM YOUR PERSONAL EARNINGS OR OTHER ASSETS.

YOU HAVE THE RIGHT TO BE REPRESENTED BY COUNSEL AT THE HEARING. IF YOU ARE INDIGENT, YOU HAVE THE RIGHT TO REQUEST APPOINTED COUNSEL. IF YOU BELIEVE YOU QUALIFY FOR APPOINTED COUNSEL, YOU MUST CONTACT

THE OTTAWA COUNTY COURT OF COMMON PLEAS AT 419-734-6818 WITHIN
THREE DAYS AFTER YOU RECEIVE THIS SUMMONS.

AT THE HEARING, THE COURT MAY NOT GRANT YOU A CONTINUANCE FOR THE
PURPOSE OF OBTAINING COUNSEL IF YOU HAVE NOT MADE A GOOD FAITH
EFFORT TO RETAIN COUNSEL OR OBTAIN APPOINTED COUNSEL.

IF YOU ARE FOUND IN CONTEMPT, THE COURT MAY IMPOSE ANY OF THE
FOLLOWING PENALTIES FOR EACH DAY OF VIOLATION, IF YOU ARE FOUND
GUILTY OF CONTEMPT:

First Offense: A fine of not more than \$250, a definite term of imprisonment of not more
than thirty (30) days in jail, or both;

Second Offense: A fine of not more than \$500, a definite term of imprisonment of not
more than sixty (60) days, or both.

Third Offense: A fine of not more than \$750, a definite term of imprisonment of not
more than ninety (90) days in jail, or both.

JUDGE