

## INSTRUCTIONS FOR FILING A MOTION TO MODIFY

### BUTLER COUNTY DOMESTIC RELATIONS COURT

**DISCLAIMER:** This form has been provided to you as a public service of the Butler County Domestic Relations Court. If you choose to represent yourself and use this form, please understand that state law prohibits the staff of the Domestic Relations Court to provide legal advice. Local Rules of Court are available online at [www.butlercountydrcourt.org](http://www.butlercountydrcourt.org). If you have questions regarding your legal rights, or your responsibilities, you must contact an attorney. You can call Legal Aid at 241-9400 or the Butler County Bar Association at 896-6671.

**DEFINITION:** Motions to modify should only be filed if there is a Court order and you believe that the order should be changed. For example, a party is interested in increasing their court ordered parenting time or decreasing their court ordered child support amount. You will have to provide admissible evidence to prove to the Court that the order should be modified.

### STEPS FOR FILING A MOTION TO MODIFY

1. A Motion Form (Form DR726) must be completed. You are the moving party when you file a motion with the Court. The Case Management Office can provide you with your case number if you need assistance.
2. Choose the motion code and motion name from the Motion List (Form DR722) that is most appropriate to your situation. There are several motions to modify different types of court orders listed on the form for you to choose from. **Staff of the Domestic Relations Court cannot provide assistance with choosing the appropriate motion.**
3. In the space provided on the form, describe why you are filing the motion and what you want the Court to do. You must also specify within the body of your motion which child or children are at issue and their dates of birth, applicable.
4. If you want to file multiple motions to modify because you feel that there are multiple court orders that need changed or modified, you may do so. List each motion code and motion name separately. Explain in the spaces provided why you are filing each motion and what you want the Court to do.
5. **If you are filing a motion to modify support** in a case where administrative review and adjustment proceedings are pending, you must serve a copy of the motion on the CSEA by ordinary mail addressed to Administrative Modification Investigator, 315 High Street, 7<sup>th</sup> Floor, Hamilton, OH 45011. An original IV-D application, a Form DR201, and a completed Affidavit of Available Health Care must also be included.

6. **Motions to modify custody** must include a completed Parenting Proceeding Affidavit (Form DR616) or Supreme Court Affidavit 3.
7. After filling out the motion codes, motion names and reasons for why you are filing, you must obtain a hearing date, time, and location of hearing and name of hearing officer from the Case Management Office of the Domestic Relations Court. You can contact the Case Management Office at 887-3100 ext. 2.
8. **All** hearing dates are based upon the method of requested service. You need to choose which method of Service you would like Clerk to use when presenting your motion to the other party. **The other party must be served with your motion before you can have your hearing.**
9. After completing your motion paperwork, submit your motion to the Case Management Office for review and approval. The Case Management Office will determine if your motion complies with the Ohio Revised Code, Ohio Rules of Civil Procedure and Local Rules of Court.
10. After your motion is approved, you will need to file it with the Clerk of Courts' Office and pay the \$100.00 filing fee. Please contact the Clerk of Courts at 887-3278 if you have any questions about methods of payment for filing fees.
11. After filing your motion with the Clerk of Courts, you must give a file stamped copy of your motion to the Case Management Office of the Domestic Relations Court. **If you do not provide a file stamped copy of your motion, your hearing will be canceled.**

#### **PREPARING FOR YOUR COURT HEARING:**

1. Gather copies of any letter, notes, calendars or other materials that are related to your motion.
2. Bring two copies of each item with you. One is for the Court and one is for the other party.
3. Make arrangements to have witnesses, if applicable, present at your hearing. This may require you to subpoena those witnesses. Please contact the Clerk of Courts' Office at 887-3278 if you have any questions about filing a subpoena. The Court will not subpoena someone on your behalf.
4. Please be advised that the other party may have an attorney present.
5. Each party will present their case to the hearing officer, who will either issue a decision at the time of the hearing, or take your case under advisement. A hearing officer has thirty (30) days to issue a decision on a case that has been taken under advisement.