

MOTIONS

ALL MOTIONS

Case Caption [DR 1(B) and DR 31(C)]

Parties' names

Parties' address (**A Motion is not rejected if either party's address is listed as confidential or unknown.**)

Parties' telephone number(s) (**A Motion is not rejected if either party's telephone number is listed as confidential or unknown.**)

Assigned case Judge

Case number

Motion code(s)

Notice of Hearing [DR 31(A)]

1. Name of the hearing officer.
2. Time, date, and place of hearing.

Certificate of Service

A statement of instructions or request for service.

Counsel Identification

Counsel for filing party provided their name, Supreme Court Registration Number, address and telephone number.

Signatures on Motion

1. If the filing party is represented by counsel, the Motion was signed by counsel.
2. If the filing party is not represented by counsel, the Motion was signed by the filing party.

Number of Copies

Four (4) copies, plus the original, of the Motion were provided.

Required Documents for Motions

If the filing is a post decree Motion, a Family Information Sheet (DR Form 729) is provided. (This document is not required on DV motions, motions to withdraw as counsel, dismiss a motion, finding of fact and conclusion of law and objections.)

The address and telephone numbers for the parties provided on the DR Form 729 matches the address and telephone numbers for the parties in the case caption.

If the filing is a contempt motion, a Summons and Order to Appear form (DR Form 821) was provided with the motion.

Motions Regarding the Allocation of Parental Rights and Responsibilities and Parenting Provisions

1. Establishing or Modifying Parenting Allocation and Time

Identification of Children [DR 31(C)]

The Motion must identify the child(ren) at issue by name and date of birth.

Identification of Reason to Modify [DR 31(C)(1)]

1. A statement of the order sought to be modified.
2. A statement of the specific change of circumstances justifying the modification.

Required Documents for Motion to Modify Parenting

1. If the Motion requests sole custody or shared parenting, a completed, signed and notarized Information for Parenting Proceeding Affidavit (DR Form 616) was provided.
2. If the parties used the Court's standard parenting time order, then a copy of Form DR 610 was provided.

A. Child Support

(1) Establishing or Modifying an Obligation of Support

a. Statement of Modification

- i. A statement of the order sought to be modified.
- ii. A statement of the specific change of circumstances justifying the modification.

b. Child Support Calculation Worksheet

- i. A child support calculation worksheet is attached to the Motion and the income of the obligee and obligor is known, then child support shall be calculated pursuant to the guidelines and stated in monthly and per pay period, per child terms. **[DR 22(B)(3)]**
- ii. If a child support calculation worksheet is not attached to the Motion and the income of the obligor is unknown, but the employment is known, a statement that the income information is being obtained by subpoena *duces tecum*. **[DR 22(B)(3)]**
- ii. If a child support calculation worksheet is not attached to the Motion and both the income and employment of the obligor are unknown, a statement that the information cannot be obtained by reasonable means. Plaintiff may make a good faith estimate and calculate child support pursuant to the guidelines. **[DR 22(B)(3)]**
- iii. If a child support calculation worksheet is not attached to the Motion and the obligor has no income, the motion shall provide that the obligor seek work and pay the current statutory minimum support order. (Currently \$50.00 per month) **[DR 22(B)(4)]**

(2) Motion for Arrears

A Motion for arrears in support, which at any time has been paid through CSEA or OCSPC, shall contain a current CSEA affidavit for arrears or a statement that an affidavit for arrearage has been requested three (3) weeks prior to the hearing.

(3) Motion for Interest on Arrears

A Motion for interest on arrears must be accompanied by a CSEA interest calculation or a statement of request to CSEA.

(4) Motion for Lump Sum Judgment

- a. A statement of the order upon which the Motion is based.
- b. A statement of the total amount due under the order.
- c. A Motion for arrears in support, which at any time has been paid through CSEA or OCSPC, shall contain a current CSEA affidavit for arrears or a statement that an affidavit for arrearage has been requested three (3) weeks prior to the hearing.

(5) Required Documents to be submitted with a Motion to Establish or Modify Child Support

If a child support order is issued, a signed child support computation worksheet was attached.

If child support is ordered and paid through the CSEA, a Form DR 201 was provided.

If child support is ordered and paid through the CSEA, an original IV-D application was provided.

B. Health Care Expenses

(1) Motion for Health Care Expenses

- a. A statement of the amounts paid, balances remaining, and amount of reimbursement.
- b. A statement that the filing party has previously forwarded all bills and Explanation of Benefits to the respondent.
- c. A statement that the respondent has not paid the amounts forwarded within 30 days.

(2) Required Documents to be submitted with a Motion for Payment of Health Care Expenses

An itemized list of all bills, including the name and address of each provider, date of service, nature of service provided, and name and date of birth of person who received the services was presented with the Motion and placed in the case card.

2. Contempt Motions

- A. A statement of the order alleged to have been violated.
- B. A statement of facts constituting the alleged violation.

3. Emergency Motions

- A. A signed and notarized affidavit from the filing party supporting the request is provided.
- B. A completed C-16 requesting the emergency hearing is provided.
- C. A hearing officer has approved the emergency request on a Form DRC-16.

4. Objection Motions

- A. A statement of the basis for objection.
- B. A statement that a transcript is being requested or that no transcript is being requested.

5. Spousal Support

A. Establishing or Modifying an Obligation of Support

(1) Statement of Modification

- a. A statement of the order sought to be modified.
- b. A statement of the specific change of circumstances justifying the modification.

B. Motion for Arrears

(1) CSEA or OCSPC Statement

A Motion for arrears in support, which at any time has been paid through CSEA or OCSPC, shall contain a current CSEA affidavit for arrears or a statement that an affidavit for arrearage has been requested three (3) weeks prior to the hearing.

(2) Motion for Interest on Arrears

A Motion for interest on arrears must be accompanied by a CSEA interest calculation or a statement of request to CSEA.

(3) Motion for Lump Sum Judgment

- a. A statement of the order upon which the Motion is based.
- b. A statement of the total amount due under the order.
- c. A Motion for arrears in support, which at any time has been paid through CSEA or OCSPC, shall contain a current CSEA affidavit for arrears or a statement that an affidavit for arrearage has been requested three (3) weeks prior to the hearing.