

MOTIONS

ALL MOTIONS

If the filing is a post decree motion, a Family Information Sheet (DR Form 729) is required.

- This document is not required on DV motions, motions for continuance, 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 on the motion.

Case Caption [DR 1(B)]

Parties' names

Parties' addresses – the filing party may request that their address be confidential through the filing of a motion.

Parties' telephone numbers

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.

Number of Copies

Three (3) copies, plus the original, of the Motion is required.

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

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. 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 current signed and notarized Information for Parenting Proceeding Affidavit (Form DR 616) is required.

A. Child Support

(1) Establishing or Modifying an Obligation of Support

- a. A statement of the order sought to be modified.
- b. A statement of the nature of the modification sought.
- c. A statement of the specific change in circumstances that justifies the modification.

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

If child support is ordered and paid through the CSEA, a Form DR 201 is required. (Only original is needed and shall be kept in the case card.)

If child support is ordered and paid through the CSEA, an original IV-D application is required. (Only original is needed and shall be kept in the case card.)

A completed Appendix B - Affidavit of Available Health Care Coverage is required. (Only original is needed and shall be kept in the case card.)

(3) 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.

(4) 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.

(5) 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.

B. Health Care Expenses

(1) Motion for Health Care Expenses

- a. A statement regarding all amounts paid by insurance companies.
- b. A statement regarding cash medical support paid, if known, and credited, if any.
- c. A statement regarding the balance remaining after crediting the cash medical.
- d. A statement of the final amount sought to be reimbursed.
- e. A statement that an affidavit of cash medical support paid has been requested from the CSEA at least 3 weeks prior to the hearing.
- f. A statement that the filing party has previously forwarded all bills and Explanation of Benefits to the respondent.
- g. A statement that the respondent has not paid the amounts forwarded within thirty (30) days.

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

An itemized list of all bills that includes 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.

Contempt Motions

- A. A statement of the order alleged to have been violated.
- B. A statement of facts constituting the alleged violation.
- C. A Summons and Order to Appear Form (DR821) is required.

Emergency Motions

- A. A signed and notarized affidavit from the filing party supporting the request is required.
- B. A completed C-16 requesting the emergency hearing is required.

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.

Spousal Support

A. Establishing or Modifying an Obligation of Support

- 1. A statement of the order sought to be modified.
- 2. A statement of the nature of the modification sought.
- 3. A statement of the specific change in circumstances that justifies 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.

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.