

NOTICE

Any request for an emergency order of custody must be filed at the same time as a motion or a complaint for custody of the child.

Any person requesting an emergency order must provide the court with a valid state-issued identification card.

Any person requesting an emergency order will be subject to a background check including, but not limited to a check of the Ohio Court Network.

Per order of the court, the court will not consider any requests for emergency child custody orders unless one of the following criteria is met:

The person requesting the order has been given physical care of the child by the Butler County Department of Job & Family Services (Children Services) and has attached a copy of the Safety Plan put in place by Children Services which places the child in his/her care, or,

The person requesting the order:

- Alleges that the child is in imminent risk of physical harm (physical abuse);
- Has contacted Children Services regarding the allegations and;
- Has attached documentation verifying that Children Services is either investigating the allegations of physical abuse or, Children Services has already investigated those allegations and has found those allegations to be substantiated, or,

The person requesting the order:

- Alleges that the child is in imminent risk of sexual abuse;
- Has contacted Children Services regarding the allegations and;
- Has attached documentation verifying that Children Services is either investigating the allegations of sexual abuse or, Children Services has already investigated those allegations and has found those allegations to be substantiated, or,

The person alleges that the child is at imminent risk of harm and attaches a copy of a police report which indicates that law enforcement has placed the child in his or her care due to those allegations, or,

The person filing for custody alleges that the a parent, the parents, or the custodian of the child is deceased, that the only person entitled to legal notice of the case is the person filing, and the person filing attaches copies of death certificate(s) regarding the death(s) of the parent, parents, or custodian.

Terms and Conditions

The person using (hereinafter referred to as “the user”) the forms, information, and instructions provided by the Juvenile Court acknowledges and agrees by the use of said forms to the following terms and conditions without limitation.

1. **Filing fees are not refundable. This is true even if court staff approves your filing and your case is dismissed for any reason.**
2. The forms and information provided by the Juvenile Court are not legal advice and are not a substitute for legal advice. The user understands that these forms, information, and instructions are provided as a public service by the Butler County Juvenile Court. **The user may use these forms and may represent himself or herself in court, however, the user acknowledges and understands that if he or she chooses to do so, the user proceeds at his or her own risk.**
3. The user agrees to release and hold harmless The Butler County Commissioners, the Judges of the Butler County Juvenile Court, The Butler County Court of Common Pleas, The Butler County Juvenile Court, and all magistrates, administrators, employees, agents, assigns, or representatives of the aforementioned entities from any and all liability for any and all damages, injuries, or losses which might arise as a result of using the forms, information, and instructions provided by the Juvenile Court.
4. The user agrees that he or she will use the forms, information, and instructions provided by the Juvenile Court solely for his or her personal use. The user agrees that he or she will not provide, use, or prepare the forms, information, and instructions provided by the Juvenile Court to or for any other person, individual, or entity unless otherwise authorized by law. The user agrees, further, that he or she will not provide, use, or prepare the forms, information, and instructions provided by the Juvenile Court to assist any person, individual or entity in the unauthorized practice of law. The user agrees to indemnify and to hold harmless the Butler County Commissioners, the Judges of the Butler County Juvenile Court, The Butler County Court of Common Pleas, The Butler County Juvenile Court, and all magistrates, administrators, employees, agents, assigns, or representatives of the aforementioned entities regarding the use or dissemination of the forms, information, and instructions provided by the Juvenile Court.
5. The Butler County Juvenile Court does not and cannot warrant that the forms, information, and instructions provided by the Juvenile Court will be legally sufficient for use for the user’s particular circumstances.
6. The user is advised that the employees of this court **are not** qualified to provide the user or any other person with legal advice and **cannot** provide legal advice. The Butler County Juvenile Court does not and cannot warrant

that any guidance or information provided in the forms, information, and instructions provided by the Juvenile Court or by the staff of the Butler County Juvenile Court will be accurate or ultimately acceptable by the court.

7. The user understands that even if the he or she uses and/or completes the forms provided by the Juvenile Court in full compliance with any and all instructions and information provided by the Juvenile Court or by the staff of the Juvenile Court, the court may not grant the relief that the user seeks. The user understands and acknowledges that such a denial of relief may, in whole or in part, be based upon defects in the forms, information, and instructions provided by the Juvenile Court or the staff of the Juvenile Court. The user understands and acknowledges that if the user has concerns regarding his or her legal situation, his or her legal rights, or his or her legal responsibilities that the user should not rely upon the forms, information, and instructions provided by the Juvenile Court or upon the information provided by the staff of the Juvenile Court. In such circumstances, the user understands and acknowledges that the user should consult with a qualified attorney.
8. Many documents made available by this court must be notarized. That means that the user must state that they are true under oath. If any person submits a material false statement on a notarized form that is presented to the court, this court has a duty to refer the matter to the criminal division of the office of the prosecuting attorney. If you make a false statement under oath you may be prosecuted for perjury. Perjury, under Ohio Law, is a felony.

**IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO
JUVENILE COURT**

Case Caption (Name of the Case)

Case No _____

**MOTION FOR AN EMERGENCY
ORDER OF CUSTODY AND/OR HEARING**

I, _____ (Your name) moves the Court to issue an emergency order which places the child named above into my temporary custody.

The name and date of birth of the child involved in this motion is:

NAME _____ DOB _____

The names and addresses of the parties to this action are as follows:

1. Your Name, _____
Any maiden name or aliases by which you have been known: _____

Your Address, _____
Zip Code, _____
Date of Birth, _____
Telephone Number, _____
Email address, _____
School District where you reside, _____

This Space is for Court Use Only

2. Said child now resides at _____ which is located within the _____ school district in _____ County, Ohio.

3. Said child's parents and custodians are identified as follows:

Mother's Name: _____

Mother's maiden name _____
and/or aliases: _____

Mother's Address: _____
City, State, & Zip _____

Mother's Phone No.: _____

Mother's email address: _____

Mother's Date of Birth: _____

School District where mother resides _____

Father's Name: _____

Father's name and/or aliases: _____

Father's Address _____
City, State, & Zip _____

Father's Phone No.: _____

Father's email address: _____

Father's Date of Birth: _____

School District where father resides: _____

Custodian's Name: _____

Custodian's maiden name _____
and/or aliases: _____

Custodian's Address: _____
City, State, & Zip _____

Custodian's Phone No.: _____

Custodian's email address: _____

Custodian's Date of Birth: _____

School District where custodian resides _____

I am requesting the court to place the child named above into my temporary custody and to issue the following additional order(s):

The reason(s) that I want the court to issue the order(s) is/are set forth in my affidavit attached hereto and (At least one of the boxes below must be checked and the documents mentioned must be attached or the court will not issue an emergency order): **Notice: If you provide information to this court that indicates there is reason to believe a child is abused or neglected, this Court will report that information, including full information regarding the source of the information, to Butler County Children Services.**

I have been given physical care of the child named herein by the Butler County Department of Job & Family Services (Children Services) and I have attached a copy of the Safety Plan put in place by Children Services which placed this child in my care.

The child named herein is in imminent risk of physical harm (physical abuse). I have contacted Children Services regarding the allegations of physical abuse and I have attached documentation verifying that Children Services is either investigating the allegations of physical abuse or, Children Services has already investigated those allegations and has found those allegations to be substantiated

The child named herein is in imminent risk of sexual abuse. I have contacted Children Services regarding the allegations and I have attached documentation verifying that Children Services is either investigating the allegations of sexual abuse or, Children Services has already investigated those allegations and has found those allegations to be substantiated, or,

The child named herein is at imminent risk of harm. I have attached a copy of a police report which indicates that law enforcement has placed the child into my care due to those allegations.

The parent, the parents, or the custodian of the child named herein is/are deceased, I am the only person entitled to legal notice of this request for custody and I have attached a copy or copies of death certificate(s) regarding the death(s) of the parent, parents, or custodian.

SEE THE ATTACHED AFFIDAVIT

Your signature

NOTICE OF HEARING

A hearing on the above motion to modify will be held at the Butler County Juvenile Court, 280 North Fair Avenue, Hamilton, Ohio 45011 before a Judge or a Magistrate of the Court on _____ at _____.

AFFIDAVIT

The undersigned affiant, being first duly sworn, avers that the following statements are true to the best of affiant’s knowledge, information and belief. Further, the undersigned acknowledges that s/he has read and understands the Notice and the Terms and Conditions attached to this motion information packet.

If you provide information to this court that indicates there is reason to believe a child is abused or neglected, this Court will report that information, including full information regarding the source of the information, to Butler County Children Services.

The reason(s) I am asking for this order is (are):

NOTICE: This affidavit is a sworn document that will be filed in a court of law as evidence regarding the welfare of a child. That means that you are stating that the information in this affidavit is true. If you make a material false statement in an affidavit, this court has a duty to refer the matter to the criminal division of the office of the prosecuting attorney. If you make a false statement under oath you may be prosecuted for perjury. Perjury, under Ohio Law, is a felony.

Signed: _____
Affiant

The foregoing affidavit was sworn to and subscribed before me, a Notary Public for the State of Ohio this _____ day of _____, 20_____.

Signed: _____
Notary Public