

OBJECTION TO MAGISTRATE'S DECISION AND ORDER OR MOTION TO SET ASIDE MAGISTRATE'S ORDER

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NOTICE

- This form has been provided to you as a public service by the Butler County Juvenile Court.
- Although you may use this form and represent yourself in this case, you are cautioned that **if you choose to do so, you are continuing at your own risk.**
- If you have questions regarding this case, your legal rights, or your responsibilities, you are advised to contact an attorney.
- This form is to be used when 1) you disagree with a Magistrate's Final Order OR with a Magistrate's Order.
- Filing this form does not guarantee a court hearing will be scheduled.

INSTRUCTIONS FOR FILING FORM

- You **MUST** complete the forms before you file them. Other than telling you the time and date of the hearing, the clerk staff will **NOT** help you in completing the forms.
- To determine which document to file please read the following description:
 - Objection to Magistrate's Decision is a request made to the Court asking the Judge review the Magistrate's Final Decision and Order, and asking the Judge to modify the Magistrate's Decision and Order partially or completely or to reject the Decision and Order entirely and order a new trial.
 - This document **MUST** be filed within 14 days after the Magistrate's Decision and Order is issued.
 - Motion to Set Aside is a Magistrate's Order is a request made to the Court asking the Judge review the Magistrate's Order and asking the Judge to modify the Magistrate's Order partially or completely or to reject the order entirely.
 - This document **MUST** be filed within 10 days after the Magistrate's Order is issued.

NOTE: If you are unsure whether the Magistrate's entry was a "Decision and Order" or a Magistrate's Order, review the Magistrate's written entry from the hearing. The heading at the top of the page should indicate the type of order that was issued.

- There is no filing fee to file this document.
- When filing an Objection to a Magistrate's Decision a typed transcript, in most cases, **MUST** be provided to the Court.
- There **IS** a charge for the transcript and you are responsible for payment. The transcript **WILL NOT** be typed until payment is made. It is your responsibility to provide the typed transcript of the hearing to the court per Ohio Rule of Juvenile Procedure 40(N)(3)b(iii). See attached Transcript Policy for more information.

NOTE: If no transcript is provided and the court determines one was needed, the Court can dismiss your objection or motion.

- You **WILL NEED** a separate objection or motion for each child.
- Incomplete, soiled, damaged, or illegible forms may be rejected. Forms that are incomplete may be rejected.
- Form **MUST** be neatly typed or printed in black ink. Forms filled out in colored ink or pencil may be rejected because they can not be adequately scanned.
- **You must bring the completed original packet along with 5 copies to the Clerks Office for processing. When submitting the completed documents, you must organize the original and all copies in the correct order.** Each packet (original and copies) shall be separated to identify a new packet.

ATTENDANCE AT THE HEARING

You must attend the initial hearing and all additional hearings regarding your request. Do not bring the child to any hearing unless ordered to do so by the court.

Policy for Requesting Transcripts in Butler County Juvenile Court

If your motion to set aside or objection relates to a hearing where the court considers evidence (testimony, documents, etc.) it is your responsibility to provide a typed transcript of the hearing to the court per Ohio Rules of Juvenile Procedure 40(N)(3)(b)(iii). If you fail to provide the court with an **acceptable reason why a transcript is not needed; it is highly probable that your motion or objection will be dismissed without a hearing.**

If the court determines that a transcript is needed and you have failed to provide the court with a transcript, the court may summarily dismiss your Motion to Set Aside or Objection.

TYPED TRANSCRIPT

- a. Once the request for preparation of transcript is received, it will be the responsibility of the transcript manager to contact you by phone within five business (5) days of your request. At this point, you will be given an estimated amount of the cost for the transcript. This will be followed up with a written estimate that will be mailed to you. You have the option to either withdraw your request or continue the process.
- b. If you withdraw your request for the transcript, you **MUST** immediately do so in writing.
- c. If you continue you must deposit the estimated cost with the Court within five business days of transcript manager phone call. **The transcript will not be started until the court receives your deposit.** The deposit may be made at the Clerk's Office of Butler County Juvenile Court or may be mailed in. When mailing the case number and reason is on the check and/or money order. At this time, the Court accepts cash, check and money order.
- d. The cost of a transcript is charged on the per page basis and will vary depending on its purpose:
 - a. Official transcript - \$4.00 per page
 - b. copy of transcript already prepared - \$.05 per page
- e. You **must** give **specific** hearing dates that you are requesting to be typed and/or recorded. Giving a very broad time-span is **not acceptable**.
- f. When the transcript is completed, the transcript manager will determine its length and the total cost. You will be contacted with the final amount. If the estimate was higher than your deposit, you will receive a refund. If the estimate is lower than your deposit, you must pay the remaining amount. **You will not be given your transcript until all money owed is paid in full.**

NOTE: If at any point a transcriber begins your transcript and you change your mind, you will be responsible for any costs incurred for the partial transcript prepared up to that point.

The transcript manager may be reached at (513)887-3313 between the hours of 8:30 a.m. to 4:30 p.m. Monday through Friday to answer any questions as they relate to the requesting and/or payment of transcripts.

This office cannot provide you with legal advice. If you have any legal questions including, but not limited to, whether you will need a transcript to support your Objection or Motion to Set Aside, please seek the advice of a qualified attorney at law.

**OBJECTION TO MAGISTRATE’S DECISION AND ORDER
OR
MOTION TO SET ASIDE**

INSTRUCTIONS FOR COMPLETING FORMS

Case Number: Case Number is located on previous orders issued by the court regarding the child. The clerk can help you find the case number if you need assistance.

Case Caption : (name of the case) - You should be able to find the name of the case on child custody, visitation, protection orders, abused child, neglected child, and dependent child cases. Most cases are usually captioned as “In the Matter of: Child’s Name.” Some child custody cases are captioned “Plaintiff’s Name vs. Defendant’s Name.” This motion should not be filed in a parentage (paternity), delinquent child, unruly child, or juvenile traffic offender case. The clerk can give you assistance if you cannot find the name of the case.

Checkmark the type of document you are filing

Print Your Name on the blank line indicating that you object or are the movant.

Print of date the court entry that you would like reviewed

Print the reasons for your objection or the reason you would like the order set aside. When printing the reasons, be specific on why you disagree.

Checkmark the appropriate box to indicate, if you are requesting a transcript. If you choose no transcript, print the reason.

Name: Print the child’s first and last name

DOB: Print the child’s date of birth

You must serve all parties a copy of the document you have filed. Print the first and last names, addresses, city, state and zip code of all parties on the lines supplied on the document by:

Print: Your first and last name, address, zip code, date of birth and telephone number.

Print: Mother’s first and last name, address, zip code, date of birth and telephone number.

Print: Father’s first and last name, address, zip code, date of birth and telephone number.

Print: Custodian’s first and last name, address, zip code, date of birth and telephone number.

If the custodian is the mother, you may print “Mother is Custodian” in this space on the form. If the custodian is the father, you may print “Father is Custodian” in this space on the form.

Your Signature: Sign your first and last name

Notice of Hearing: The deputy clerk will print the date and time and hearing officer.

REQUEST FOR PREPARATION OF TRANSCRIPT

INSTRUCTION FOR COMPLETING FORMS

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In the Matter Of: (name of the case) - You should be able to find the name of the case on child custody, visitation, protection orders, abused child, neglected child, and dependent child cases. Most cases are usually captioned as "In the Matter of: Child's Name." Some child custody cases are captioned "Plaintiff's Name vs. Defendant's Name." This motion should not be filed in a parentage (paternity), delinquent child, unruly child, or juvenile traffic offender case. The clerk can give you assistance if you cannot find the name of the case.

Print your first and last name and relationship to the case

1 through 5 - Print the date of each hearing you would like transcribed, also note the name of the Magistrate

NOTE: Each day you would like transcribed must be noted separately on the available lines

Purpose: Checkmark the reason for requesting the transcript

Type of Transcript:- Checkmark the type of transcript

NOTE: If the court determines that a transcript is needed and you have failed to provide the court with a transcript, **the court may summarily dismiss your Objection to Magistrate's Decision and Order or Motion to Set Aside.**

Verify that you have read the transcript policy by:

Sign your name

Print your daytime Phone Number

Print your Street Address

Print you city, state and zip code