

In the Common Pleas Court of Montgomery County, Ohio
Juvenile Division
Ex Parte/ Emergency Motions- General Information
(PLEASE READ AND INITIAL BEFORE FILING YOUR MOTION)

WHAT DOES “EX PARTE” MEAN? - “Ex Parte” refers to motions, hearings, or orders granted on the request of, and for the benefit of, one party only. This is an exception to the basic rule of court procedure that both parties must be present at any argument before a Judge or Magistrate, and to the otherwise strict rule that an attorney may not contact a Judge or Magistrate without previously notifying the opposition. Ex parte matters are usually temporary orders (like a restraining order or temporary custody) pending a formal hearing or an emergency request for a continuance.

WHEN WILL AN “EX PARTE” MOTION BE GRANTED? – Motions requesting ex parte orders that affect children are discouraged. The court will issue such orders **only** where it is shown that **irreparable harm will occur** to the child unless immediate action is taken, **and** the moving party has also filed and scheduled for hearing a complaint or motion for custody, the reallocation of parental rights and responsibilities, or other relief as appropriate to the circumstances.

“IRREPARABLE HARM” – “Irreparable harm” means that harm which cannot be undone.
“WILL OCCUR” – “Will occur” Does not mean may occur, does not mean you fear it will occur, and does not mean you believe it will occur. It means that “harm” **WILL OCCUR** and the harm is unable to be repaired. It has to be real harm to the child.

SUPPORTING AFFIDAVITS – Motions for Ex Parte/Emergency Orders must have supporting affidavits that **clearly detail the expected harm**. These are statements you make under oath, signed and affirmed by a notary public or deputy clerk of court so that you are subject to penalty of perjury for making false statements. Incomplete, inaccurate or misleading information provided to the Court may result in sanctions against the attorney or party providing such.

“CLEARLY DETAIL THE EXPECTED HARM” – This means your affidavit has to state clearly what it is that will happen to the child. **“EXPECTED HARM”** means not just feared harm, but what **WILL** happen if the court does not issue an ex parte/ emergency order.

PHYSICAL CUSTODY – if you are not in physical custody of and caring for the child at the time you file this Motion, you must state the name and address of who is in physical custody of and caring for the child at that time.

<p>Instructions: This form is used to request an ex parte/emergency order, and will issue only where irreparable harm will occur to the child unless immediate action is taken. It must include your sworn affidavit. Incomplete, inaccurate or misleading information may result in sanctions against you. Please check local rules to determine what else may be required with this filing.</p>

I have read and understand the above _____

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO
JUVENILE DIVISION**

IN RE:

Minor Child(ren)

Name

Street Address

City, State, Zip Code

Petitioner

vs. / and

Name

Street Address

City, State, Zip Code

Respondent

vs. / and

Name

Street Address

City, State, Zip Code

Respondent

J C # _____

J C # _____

J C # _____

SETS# _____

JUDGE _____

MAGISTRATE _____

**MOTION FOR EX PARTE
EMERGENCY ORDER**

1. I, _____ (name), _____ (relationship to child(ren)) request this Court issue and ex parte/emergency order changing the allocation of parental rights and responsibilities (custody); regarding the minor child(ren):

Name of Child: _____ Date of Birth: ___ / ___ / _____

Name of Child: _____ Date of Birth: ___ / ___ / _____

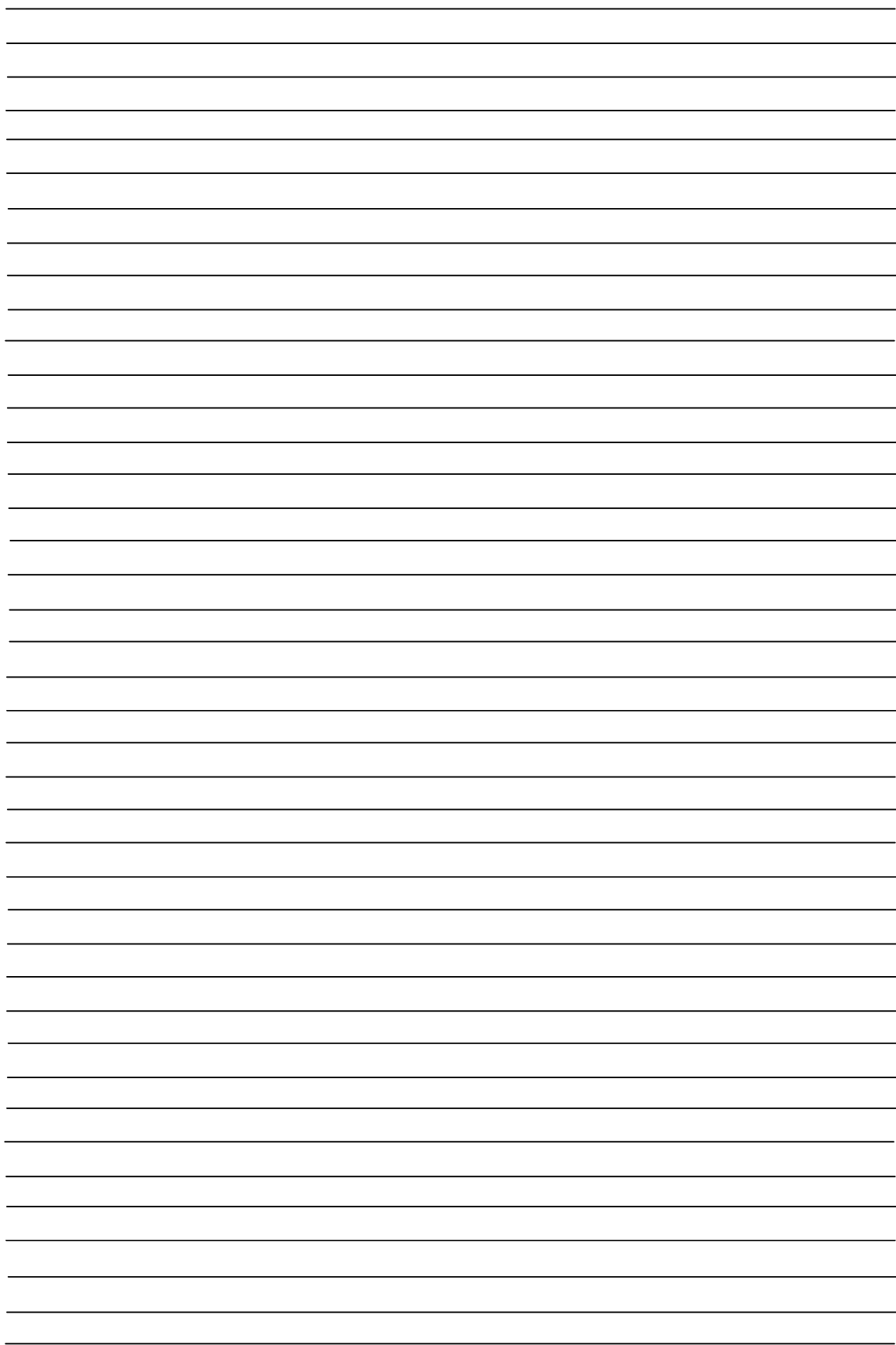
Name of Child: _____ Date of Birth: ___ / ___ / _____

2. _____ (names(s)) is/are currently designated as the residential parent(s) and/or legal custodian(s) of the child(ren).

3. **At the time of filing of this Motion**, the child(ren) ___ is / are in my physical custody and came into my physical custody because _____

OR ___ is/are in the physical custody of [Name] _____
and living at [Address] _____
and came into their physical custody because _____

4. Unless immediate action is taken, **irreparable harm will occur** to the child. **The irreparable harm that will happen and that cannot be undone is:**



5. I have also filed and scheduled for hearing a complaint or motion for custody, the reallocation of parental rights and responsibilities, or other relief as appropriate to the circumstances regarding the child.

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this _____ day of _____, _____.

Notary Public

My Commission Expires: _____

[THE CLERK OF COURTS WILL SEND NOTICE TO ALL PARTIES TO THE CASE IN THE EVENT THAT A STATUS REVIEW IS SET.]

List names and complete addresses for all parties to be notified. [Attach additional sheets if needed]

Other Party's Name

Additional Party's Name

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

Additional Party's Name

Additional Party's Name

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code