

## **HOW TO FILE POST-DECREE MOTIONS OR CONTEMPT MOTIONS**

### **Filing**

Take the original motions and three copies to the Clerk of Courts, Domestic Relations Division on the first floor of the Summit County Courthouse addition - 205 S. High Street, Akron, OH 44308. At the Clerk of Courts you must complete an Instructions for Service, get a hearing date and pay the filing fee.

### **Hearing Date**

There is a phone in the Clerk's office which connects you to the Domestic Relations Assignment office. You need your Case Number and Name of the Magistrate which are stamped on your Motion.

### **Instructions for Service**

Service is a legal process which requires you to give notice of your motion to the other party through the Clerk of Courts. Check the type of service you request. If a **contempt motion** you must have personal service which can be done by the Sheriff or your own process server (forms available at Clerk's office). Suggest personal service on all pleadings because if no service, there is no hearing and no relief. On **Post Decree Motions** you may serve by certified mail which takes approximately three (3) weeks. If certified mail is returned "unclaimed" or "refused", you must have the Clerk serve by regular mail with a certification of mailing.

### **Contempt Motions**

Your **Affidavit of Specific Facts** must be notarized. The Judge must also sign the **Order to Show Cause**. This Order is filed with your motion and instructions for service.

### **Filing Fee**

You must pay a filing fee for all motions. The clerk of courts accepts cash or money orders only. Personal checks are not accepted. The allocation of court costs will be determined at the scheduled hearing.

### **Hearing**

One week before the hearing, call the Clerk's office to see if service has been completed (330-643-2201). If service is not made you must schedule another hearing date and serve the other party (see Instructions for Service). Ohio Civil Rules of Procedure require a seven (7) day notice of the hearing.

### **Subpoena**

Subpoena and Subpoena Duces Tecum is a command for presence of a person who will bring documents or other important records (forms available in Clerk's Office).

### **Preparation for Hearing (Child Support Modification or Arrearages)**

Bring all information and supporting documents to the hearing (see the information required in your motion). This will be your only opportunity to present your facts to the Court.

**It is recommended that an attorney review and file these pleadings for you. There are many procedures with which they can help you to achieve a satisfactory resolution of your problem.**

**August 29, 2005**