

### FILING A MOTION FOR EMERGENCY TEMPORARY CUSTODY

- 1. This motion should be filed when there is an **emergency** that requires **immediate** removal of the child.
- 2. Motions for Emergency Temporary Custody must be filed with an accompanying <u>Complaint for Legal Custody</u> or <u>Motion for Modification of Legal Custody</u>.
- 3. To ask the Court for emergency temporary custody, *completely* fill out *all* sections of the required forms.

After filing a motion for Emergency Temporary Custody, you will be taken to a reception area on the 2<sup>nd</sup> or 3<sup>rd</sup> floor. A Magistrate will review your motion (including the Affidavit within this packet) and determine whether granting emergency temporary custody is appropriate. You may or may not get to speak directly with the Magistrate. The Magistrate may do any of the following things or a combination of them:

- Grant you emergency temporary custody,
- Set the matter for a hearing for the next day or the day after,
- Deny your motion.

**Remember:** Legal matters are often complicated and involve issues that are best handled by an attorney. We advise all litigants coming before our court to retain an attorney. If you do not know an attorney that you wish to retain the Akron Bar Association's Lawyer Referral Service can provide you with the name of a Juvenile Law practitioner who will do an initial one-half hour consultation with you for \$30.00. The Lawyer Referral Service can be reached by telephone at **(330) 253-5038** or e-mail at <u>iris@akronbar.org</u>. An Attorney Help Desk service is also available on a first come first serve basis here at the Juvenile Court on Wednesdays from 9:00-12:00 and 1:00-4:00. Brochures with additional information about this service are available in the lobby.

#### IN THE COURT OF COMMON PLEAS JUVENILE DIVISON SUMMIT COUNTY, OHIO

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Proposed Legal (	Custodian(s)
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Address

City, State, Zip

#### **PETITIONER(S)**

VS.

Mother

Address

City, State, Zip

AND

Father

Address

City, State, Zip

#### AND

Current Custodian(s)

Address

City, State, Zip)

RESPONDENT(S)

IN RE:
Child's Name
D.O.B.:
Case Number:
JUDGE LINDA TUCCI TEODOSIO
MAGISTRATE

MOTION FOR EMERGENCY TEMPORARY CUSTODY BEFORE HEARING R.C. 2151.33(D), Juv.R. 6, and Juv.R. 7

#### Motion for Emergency Temporary Custody

			, requests that the	
	Petitioner(s)	Relationship to Child		
chi	ld be placed in the temporary custody of Petitie	oner(s).		
1.	The child is in the legal custody of		The child now	lives with
	at the following address			
	, and has lived there since			
2.	The Mother of the child is			
	She resides at			
	The (Alleged) Father of the child is			
	He lives at			

 There are reasonable grounds to believe that the child is in <u>immediate</u> danger from the child's surroundings and the child's removal is necessary to prevent immediate or threatened physical or emotional harm based on the reasons contained in the attached Affidavit.

The Petitioner(s) are asking this court to issue an emergency order of temporary custody of the child to Petitioner(s) before hearing. Petitioner(s) ask that the matter be set for hearing as provided by law, and that all persons deemed necessary, be summoned to appear in Court.

Respectfully submitted,

Petitioner, (Signature)	Petitioner, (Signature)
Printed Name	Printed Name
Address	Address
City, State, Zip	City, State, Zip
Phone	Phone

#### AFFIDAVIT Supporting <u>Emergency</u> Order of Temporary Custody

I have reason to believe and, personally swear or affirm, that the child is in <u>immediate</u> danger from the child's surroundings, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm because:

Further, I personally swear of affirm that I/we have made reasonable efforts to notify the child's parent or custodian by: \_\_\_\_\_\_

Or I/we personally swear or affirm that notification would jeopardize the physical or emotional safety of the child or result in the child's removal from the court's jurisdiction because:

Petitioner(s)

Sworn to before me and signed in my presence this <u>day of</u>, 20<u>,</u> Linda Tucci Teodosio, Judge, Clerk of the Common Pleas Court, Juvenile Division.

Deputy Clerk

## PARTY INFORMATION FORM

	CASE NO:				
1.	NAME OF CHILD:	DOB:	SEX:		
2.	MOTHER'S NAME:ADDRESS/CITY/ZIP:		DOB:		
	SSN:				
	HAS PATERNITY BEEN ESTABLISHED? IF SO, HOW?	YES GEN ACK PRES	ETIC TESTING NOWLEDGEMENT		
3.	FATHER'S NAME:ADDRESS/CITY/ZIP:				
	SSN:	PHONE NUMBER:			
4.	NAME OF PERSON FILING: RELATIONSHIP TO CHILD: ADDRESS/CITY/ZIP:				
	SSN: PHONE NUMBER: EMAIL ADDRESS:				
5.	CURRENT ADDRESS OF CHILD:				
6.	6. PERSON CURRENTLY PROVIDING CARE AND SUPERVISION FOR CHILD:				

# COURT OF COMMON PLEAS, COUNTY OF SUMMIT, STATE OF OHIO INSTRUCTIONS TO CLERK FOR SERVICE

IN RE: \_\_\_\_\_

Case No. \_\_\_\_\_

DOB: \_\_\_\_\_

TO JUVENILE COURT CLERK

You are hereby requested to make the following type of service: (check one)

		C	PERSONAL		
To serve the following persons:					
Name:		Name:			
Address:					
Name:		Name:			
Address:		Address:_			
WITH: (check one)			□ SUBPOENA		
Special Instructions for server:					
	Name	2:			
	Addre	ess:			
	Telep	Telephone Number:			
	Signe	Signed By:			