

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

IN RE:

D.O.B:

CASE NO. DN

JUDGE LINDA TUCCI TEODOSIO

MAGISTRATE

WAIVER OF HEARING RIGHTS

I, _____, (circle one) Mother, Father, Alleged Father, Legal Custodian, Guardian, hereby acknowledge that I am waiving my right to a shelter care hearing in the above-captioned matter. I understand each of the following (initial each applicable line):

_____ I have the right to have a hearing before the Judge or Magistrate. If I agree to the shelter care orders, I give up my right to a shelter care hearing. At a shelter care hearing:

_____ Children Services has the burden of proving there was probable cause for the emergency removal of the above-captioned child(ren).

_____ I understand Children Services is seeking:

- the removal of the above-captioned child(ren).
- temporary custody of the above-captioned child(ren).
- an order of protective supervision for the above-captioned child(ren).
- temporary custody to a relative with an order of protective supervision for the above-captioned child(ren).

If I agree to the proposed shelter care orders, I give up my right to have Children Services prove the shelter care orders are in the best interest of the above-captioned child(ren) by a preponderance of the evidence. I also give up the right to prove my own proposed shelter care orders, including orders granting temporary custody to a willing and appropriate relative, are in the best interest of the above-captioned child(ren) by a preponderance of the evidence.

_____ The Court may admit evidence that is material and relevant, including but not limited to, hearsay, opinion and documentary evidence at hearing.

_____ I have the right to testify (tell my side of the story) but I cannot be forced to testify to something that may subject me to criminal prosecution. If I agree to the proposed shelter care orders, I give up my right to right to testify at hearing.

_____ I have the right to present evidence (have my own witness(es) testify and provide my own physical proof) and to cross examine (ask questions of) the witness(es) presented against me. If I agree to the proposed shelter care orders, I give up my right to call witnesses for hearing, to cross examine witnesses, and to present evidence.

_____ If I disagree with the Magistrate's orders following the hearing I may file a motion to set them aside with the Judge.

_____ No one has threatened me in any way or promised me any particular outcome to persuade me to waive my right to trial. I have made this decision knowingly, voluntarily, and intelligently, without being under the influence of drugs or alcohol. My ability to think clearly and make decisions is not being adversely affected by any medication(s) I might or might not be taking.

After having been advised by the Court of my rights, the nature of the proposed shelter care orders and the possible outcomes, I fully understand my rights and have no additional questions for the Court.

Counsel:

_____ I am represented by counsel and have discussed my decision with my attorney.

Pro Se:

_____ I am not represented by counsel. I understand that I have the right to obtain counsel prior to the trial at adjudication. I understand that I have the right to have an attorney appointed for me without cost if I am indigent. I hereby waive or give up my right to an attorney for the purposes of this hearing.

Mother, Father, Alleged Father, Date
Legal Custodian, Guardian

Attorney Date

Judge/Magistrate Date