

**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 TRIAL RIGHTS

I, _____, (circle one) Mother, Father, Alleged Father, Legal Custodian, Guardian, hereby acknowledge that I am waiving my right to trial for legal custody of the above-captioned child(ren). I understand each of the following (initial each applicable line):

_____ I have the right to have a trial before the Judge or Magistrate. If I agree to the proposed award of legal custody, I give up my right to trial. At trial:

_____ The moving party has the burden of showing the proposed award of legal custody is in the best interest of the above-captioned child(ren). If I agree to the proposed award of legal custody, I give up my right to have them prove that the proposed award of legal custody is 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 trial.

_____ 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 award of legal custody, I give up my right to right to testify at trial.

_____ 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. A subpoena, which is a court order requiring a person to appear, can be issued to help me bring my witness to court. If I agree to the proposed award of legal custody, I give up my right to call witnesses for trial, to cross examine witnesses, and present evidence.

_____ If I disagree with the Magistrate's decision following a trial I may file an objection with the Judge.

_____ If I disagree with a decision made by the Judge, I have the right to appeal the Judge's decision to the Ohio Ninth District Court of Appeals.

_____ If I agree to the proposed award of legal custody, I understand that the court may place the above-captioned child(ren) in the legal custody of _____.

_____ I understand that the proposed award of legal custody is intended to be permanent in nature and cannot be reviewed unless there is a change in circumstance of the legal custodian or above-captioned child(ren) **and** that a change would be in the best interest of the child(ren).

_____ I understand that I will have residual parental rights, privileges and responsibilities, including, but not limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility of child support.

_____ 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 disposition, 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 and to have a reasonable continuance in order to obtain counsel. I understand that if this matter arises from a finding of abuse, neglect, or dependency, 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 trial.

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

Attorney Date

Judge/Magistrate Date