

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

IN RE

CASE NO. LC

D.O.B.

JUDGE LINDA TUCCI TEODOSIO

MAGISTRATE

WAIVER OF TRIAL RIGHTS

I, _____, (circle one) Mother, Father, Alleged Father, Legal Custodian 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 proving that I am unsuitable to hold custody of the above captioned child(ren) by a preponderance of the evidence. The moving party also has the burden of proving 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 Rules of Evidence apply 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 give 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. Subpoenas, which are court orders requiring persons to appear, can be issued to help me bring my witness(es) to court. If I agree to the proposed award of legal custody, I give up my right to call witnesses for trial.

_____ 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 _____.

_____ If I am a parent and I agree to the change of custody proposed, I understand I cannot later ask for the court to modify that change unless I prove that it is in the best interest of the child(ren) to be placed in my legal custody.

_____ If I am a parent and I agree to the change of custody proposed, 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.

_____ If I am a nonparent and I agree to the change of custody proposed, I understand I cannot ask for the court to modify that change unless the circumstances of the legal custodian or child change. If the court finds there has been a change of circumstances, I would need to prove that it is in the best interest of the child(ren) to be placed in my legal custody.

_____ No one has pressured or 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.

After having been advised by the Court of my rights, 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 have been previously told that I had the right to obtain counsel prior to the trial and hereby waive (give up) my right to an attorney for the purposes of trial.

Mother, Father, Alleged Father, Date
Legal Custodian

Attorney Date

Judge/Magistrate Date