

IF YOU DECIDE TO REPRESENT YOURSELF

SENECA COUNTY JUVENILE COURT

JUDGE JAY A. MEYER

103 EAST MARKET STREET

TIFFIN, OHIO 44883

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When you decide to represent yourself, you take on the full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses, and any other issues that may come up.

You have a right to the assistance of an Attorney, and you should consult with an Attorney if you have any questions regarding

your rights or how you should proceed. The Court may continue a scheduled hearing to provide you time to find an Attorney if your request is made prior to the hearing date.

Representing Yourself:

If you choose not to have an attorney represent you (what we call “pro se,” which means “for yourself”), you need to understand some basic rules for being in Court. We cannot possibly cover all the legal rules that attorneys spend years learning, but we can give you some explanation of what to expect in general about the legal process.

BASIC RULES FOR COURT SETTING:

1. All cell phones, pagers, palm pilots, etc. that may make noise while you are in a hearing **MUST BE TURNED OFF.**
2. Dress appropriately-no shorts, t-shirts, tank tops, or similar casual wear. Hats should be removed. You don’t have to be fancy – clean and neat are the rules to show proper respect for the court that will decide your case.
3. This is not the time for drinks, snacks or chewing gum. If you need to have water or certain foods because of a medical condition, please advise the Clerk.
4. Children should not be brought to court unless they are supposed to talk to the Judge or Magistrate that day. There is little for children to do here, and they may become restless and noisy in the hall or courtroom.

They should not be made part of your disputes.

5. You need to use words that show respect for the Judge, Magistrate and the other party and attorney.

6. No matter how much you disagree with others, be polite and do not interrupt. You will get a chance to say what you want if it relates to what the court has to decide.

7. The Judge or Magistrate cannot help you present your case; may not speak with you about your case when the opposing party is not present; and will decide your case only on the basis of the facts presented in Court, under the applicable law.

GETTING INFORMATION FROM THE STAFF:

By law, the Courts staff may not advise you on what to do; please be courteous to the Court staff and respect the limits on what they may do for you.

The people who work at the courthouse cannot give you legal advise (that is, tell you what you *should* do, or what you should file). They can give you information so you make decisions for yourself. So:

They can:

- Explain how the Court works
- Give you information from your case file.

- Give you general information about rules and procedures.

They cannot:

- Tell you whether you should file a motion or a complaint.
- Tell you what words to use in your Court papers.
- Tell you what words to say in Court.
- Give you an opinion about what will happen when you go to Court.
- Let you talk to the Magistrate or Judge outside of a Court Hearing.

WHAT HAPPENS IN COURT:

1. The Judge or Magistrate is in charge of the procedure that is followed in Court and decides what evidence can be legally used by the Court to decide the case. You have to follow those rules. You will not have a jury trial.
2. When you are in the Courtroom, the hearings are recorded. That means that you need to speak clearly and always use words to answer questions. It also means that we have to take turns talking so the recording is understandable if we have to play it back.
3. The Judge or Magistrate can only hear about and decide the problems that have been legally brought to the Courts attention. For example, if the only motion that was filed with the clerk’s office said that you wanted visitation, the Magistrate could not decide

that you should have custody of the child(ren) or want child support.

4. If you and the other party **CANNOT AGREE** on how to resolve the case, the hearing begins and progresses as follows:

a. Opening Statements: Both sides can outline what they think the evidence will prove.

b. Evidence: The party who filed the motion, or the complaint, presents his or her evidence first. If you filed, you have the “burden of proof”-that is, you have to prove that it is more likely that you are right than that the other person is right.

The other party then produces his or her evidence. The first party gets another chance in what we call “rebuttal.” During this part of the hearing, you can ask questions of any witnesses who are called to testify. This is not a chance for you to make more statements-you can only ask the witnesses questions. The Court has to consider all the evidence based on legal standards. The Court has to consider facts, not your opinions, so you need to have witnesses who can tell what *they* saw or heard, not what they heard from someone else (which is called hearsay).

-Rules about admissible evidence are complicated. There are many possible reasons that evidence or testimony you think is relevant and important may not be admissible in Court. If your case will involve contested evidence, consider again whether you need an Attorney.

-Make sure evidence you plan to use will be acceptable and available in court. If your case will involve documents, pictures, receipts or other items, you must prepare them for court use. In particular you must bring copies

for the court and opposing party and be able to verify the documents are what you say they are, and contain accurate information.

-Make sure your witnesses are prepared and available in court. If your case will involve testimony from others you need to make sure they are present and prepared to answer your questions.

c. Closing Arguments: Now each side gets to argue why, based on the evidence the Court has heard, that party should get what they want.

d. Magistrate’s Decision: If a Magistrate hears your case, within the next 2 to 4 weeks, you will get a written Decision from the court. This will explain what the Magistrate recommends and why. If you disagree with that Decision, the Judge will review everything if you file a written objection with the court clerk within 14 days the decision is made and provide a transcript of the hearing for the Judge.

5. If you and the other party **AGREE**, you will go into the courtroom and tell the Magistrate what the agreement is. If the Court approves your agreement and it is in the best interest of the child(ren)it will then be written up as a court order and you will each get a copy.

EVEN THOUGH YOU HAVE NO ATTORNEY, YOU ARE REQUIRED TO FOLLOW THE LEGAL RULES.

SOME WORDS YOU MIGHT SEE OR HEAR:

Magistrate: This is a person appointed to hear cases for the Judge. They hear evidence,

issue certain types of orders and recommend what orders the Judge should make.

Motion: This is a written request for the court to do something, for example, reduce your child support or give you more time with your child(ren). Motions need to be written and served on the other party.

Pretrial: This is a meeting to see if we can agree on some things and to decide what we need to do next. You may meet with the other attorney and the Judge or Magistrate. Witnesses do not come to these meetings.

Hearing: This is when you need evidence to show the Judge or Magistrate why you should get what you want. You may testify, you may bring other witnesses, and you may use documents to prove your case.

Party: These are the people named in the case, typically you and the child’s parent.

Service/serve: This refers to sending to the other party a copy of all papers that are filed with the court.

Guardian ad litem: When children are involved in a dispute, this is someone the court may appoint to check into the situation and recommend what is best for the child(ren). This person will talk with you and other people who know the child.

In Camera Interview: This is when the Judge or Magistrate speaks with the child(ren) to see if they are mature enough to express their opinions about their situation.

OTHER AVAILABLE RESOURCES:

1. Ohio State Legal Services Association: www.oslsa.org (Public Law Library) provides brochure on different legal processes.

2. Seneca County Juvenile Court has forms available for filing motions with the Court. The forms must be notarized by a public notary. The clerks cannot notarize your filings.

Requirements for what has to be filed are different in different states AND in different counties. Do not assume that forms you buy or that are used in another court are right for this court.