

WHEN YOU REPRESENT YOURSELF

This webpage is for informational purposes only. It does not constitute legal advice and should not be relied upon as legal advice. For specific legal advice, consult with an attorney.

Every effort has been made to present accurate and up-to-date information on this page. However, procedures, laws, and rules change over time.

Court processes can be long, confusing, complicated, and difficult to understand. It is highly recommended that you consult with an attorney. One way to find an attorney is through the Clermont County Bar Association Lawyer Referral Service. You may contact them by e-mail at www.clermontcountybarassn.org.

In some cases, you might be entitled to a court-appointed attorney. If you qualify financially in delinquency or contempt cases, you may be entitled to representation by the Clermont County Public Defender. If incarceration is a possible penalty in your case, you may qualify. You may reach the Public Defender at (513) 732-7223. If you are involved in an abuse, neglect or dependent case initiated by Clermont County Children's Protective Services, you may be entitled to a court-appointed attorney. Contact the Court at (513)732-7696 for more information.

It is also your right to represent yourself. This is known as proceeding "pro se." The following information will be helpful to you if you choose to represent yourself

Court processes and procedures often reference confusing legal terms. The definition of many of these terms can be found on the Court's page [Definitions | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](http://www.clermontcountyohio.gov).

To initiate a case, or to re-open an existing case, you will need to file a Complaint or Motion. Examples and blank copies of a wide range of motions and complaints are available on the Court's website at [General Information | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](http://www.clermontcountyohio.gov) under Juvenile Court Forms.

Filing a Complaint or Motion usually requires the payment of a filing fee. The filing fees for the Court can be found at [COURT OF COMMON PLEAS \(clermontcountyohio.gov\)](http://www.clermontcountyohio.gov) .

After filing your Complaint or Motion, an initial hearing will be scheduled. Typically there is no testimony or evidence presented at this initial hearing. It is not necessary for you to bring your child with you to the initial hearing. At this initial hearing, the Court will inquire as to whether or not you and the opposing party have already reached an agreement; if appropriate, the Court may offer the Court Mediation Services to you and the opposing party in the hope of resolving the matter without further hearings. If an agreement has not been reached in one of these ways, the Court may appoint a guardian ad litem for the child, set the matter for further hearing or schedule a trial.

At the trial, you will appear and present your case to the Judge or Magistrate. When presenting your case, you will be required to follow this Court's Local Rules found here [Rule 1 \(clermontcountyohio.gov\)](http://www.clermontcountyohio.gov).

and the Ohio Rules of Juvenile Procedure found here [Ohio Rules of Juvenile Procedure](#) as if you were a licensed practicing attorney.

The burden is on you, at the hearing, to present the evidence and convince the Court to decide in your favor.

When preparing for your hearing, you will need to collect your evidence, contact your witnesses, subpoena them to appear at your trial if they will not come voluntarily, and make a written outline for your case so that you can present your case in an orderly, organized manner.

What to do at the trial and how to present your case:

The trial is your opportunity to present your claim. Both you and the opposing party will have an opportunity to present evidence to the Court.

You must bring your evidence and your witnesses with you to the trial regardless of whether trial is in person in the courthouse or is conducted by Zoom. Bring enough copies of your evidence (e.g. documents, photographs, etc.) so that the opposing party as well as the Court may have copies. The evidence must be marked clearly (if you are the party who filed the complaint or motion, use numbers to mark your exhibits; if you are the responding party, use letters (e.g. A, B, C). If an exhibit has multiple pages, number the pages accordingly. **Failure to provide the copies will result in the Court prohibiting their use as part of your case.**

Your witness must appear in person. You cannot bring a letter or a notarized statement signed by the witness. This is prohibited by the [Rules of Evidence](#).

As you are the party who filed the Complaint or Motion, you present your evidence first. You will present your own testimony; you will present the testimony of any witnesses who are present to testify in support of your claim. At the conclusion of your testimony, the opposing party (or their attorney if he/she is represented) will ask you questions on cross-examination. The opposing party or his/her attorney will ask each of your witnesses' questions on cross-examination.

Be concise and organized in the presentation of your case (through your testimony as well as any witnesses). Use the outline that you prepared when getting ready for the trial. Emphasize the points in your favor; explain the points against you.

It will benefit you to be polite and respectful to the Court, the Court process, the parties and the witnesses. Good manners, a calm attitude, and an orderly presentation promote a fair and efficient hearing. It also makes a positive impression on the Court.

The Court may or may not ask questions. It is your responsibility to present your evidence. The Court listens to the evidence and decides the issue.

You will probably be nervous. This is to be expected. Relax, be yourself, and present your case in the manner that comes most easily to you. Listen carefully to what the Judge or Magistrate says or asks, and respond accordingly.

After hearing both sides make their presentation, the Court will make its decision. The Court might state its decision in Court at the end of the trial. It might take the case under advisement and issue to both parties a written decision. The Court (the Judge or Magistrate) will let you know at the end of the trial as to how they will make the decision.

Presenting Evidence at Trial:

Your evidence may include:

Your testimony

Testimony of witnesses

Documents and reports

Other written items

Photographs, videos, or diagrams

Anything that can support your case may be useful as evidence, so long as it complies with the [Rules of Evidence](#).

It is your responsibility to make sure that the evidence you intend to present does comply with the [Rules of Evidence](#).

Witnesses may include friends, family members, bystanders or professionals who have some useful knowledge of information relevant to the issues (e.g. teachers, therapists, medical professionals). When you speak with your witnesses, tell them that it is mandatory that they are truthful when testifying. Shortly before your trial date, contact your witnesses again and ensure they agree to testify. Make sure you confirm the date and time of the trial, and whether it is in-person or via Zoom. If the trial is via Zoom, it is your responsibility to provide your witnesses with the Zoom link.

If a witness will not voluntarily appear at trial, you can file a request for subpoena which is available at the reception desk in the Court lobby. A subpoena is a court order requiring the witness to appear at your trial. Failure to comply with the subpoena can result in a warrant for his/her arrest.

Cross-examination is NOT a time to argue with the person testifying. Nor is it a time to tell the witness something. It is not yet a time to tell the Court something; you will have this opportunity in your testimony.

More important than the *quantity* of your evidence is the *quality* of your evidence. Your witnesses should be believable, have direct knowledge of the facts they testify to, and they should be trustworthy individuals. Remember that the opposing party may present witnesses and evidence that conflict with yours. You want to ensure that your case is supported by the best testimony and evidence possible.

When you have gathered your evidence, including your own testimony and testimony of other witnesses, this is the time to prepare the outline of your case. This enables you to organize your evidence to make the points you wish to make to the Court. List your witnesses and evidence in the order in which you wish to present them at trial. A good way to present your claim is to present the facts in the chronological sequence in which they occurred.

For additional information, review “Representing Yourself in Court: A Citizen’s Guide” prepared by the Ohio Judicial Conference found here [Document.ashx \(ohiojudges.org\)](#).

What if I disagree with a Magistrate's Order?

If you disagree with an Order made by a Magistrate, you may file a Motion to Set Aside the Magistrate's Order. You must do so no later than 10 days after the filing of the Magistrate's Order. The Motion to Set Aside must be accompanied by a transcript of the hearing that was held before the Magistrate. A request for a transcript must be made pursuant to this Court's Local Rules found here: [Local Rules | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](http://clermontcountyohio.gov)

The filing of this Motion to Set Aside does not automatically stay the Order made by the Magistrate.

What if I disagree with a Magistrate's Decision?

If you disagree with the Magistrate's Decision, you may file an Objection to Magistrate's Decision found here [IN THE COURT OF COMMON PLEAS, JUVENILE DIVISION \(clermontcountyohio.gov\)](http://clermontcountyohio.gov). You must file no later than 14 days after the filing of the Magistrate's Decision. The Objections must be accompanied by a transcript of the hearing that was held before the Magistrate. A request for a transcript must be made pursuant to this Court's Local Rules [Local Rules | Probate / Juvenile Court | Clermont County, Ohio \(clermontcountyohio.gov\)](http://clermontcountyohio.gov).

Your Objections will be reviewed by the Judge. There may, or may not, be an additional hearing before the Judge. Upon review, the Judge has the option of affirming and adopting the Magistrate's Decision, modifying the Magistrate's Decision, or ordering a new trial (either to the Magistrate or to the Judge).