

**INSTRUCTIONS FOR FILING A MOTION AFTER TERMINATION OF THE MARRIAGE  
WITH MINOR CHILDREN**

You must print clearly or type the information that you fill out for each case. If the forms are not completely filled out, the Court will not accept the forms for filing. If you do not know an answer, you must state “unknown”. Once the clerk has given your case a case number, you will use that case number in all documents that are filed in this case.

The filing fees for court costs for a post termination motion are \$250. The above filing fees are deposits for court costs. Court costs in your case may be more or less than the deposit. The Court will decide who pays the court costs at the end of the case.

If you do not have funds to pay the filing fee, you must complete the “Motion to File Without Payment of Costs” papers, **Court Form 1**, which must be signed in front of a notary and then notarized by the notary public, and the Court will then determine whether you qualify to have the filing fee waived. It is possible that you will still have to pay the court costs, in whole or part, at the end of the hearing.

**Praecipe for Service** - The Praecipe for Service must be completed by you at the time that you file your court documents. Service of process (the way that the person(s) receive a copy of the court papers that you are filing at this time) is one of the most important procedures which you must decide at the beginning of the legal action. All necessary parties must be served with the court documents that you are about to file. It is your responsibility to make sure that the documents are served on the other party(ies). You may choose to have the documents served by 1. Certified mail or 2. personal service, usually by the county sheriff where the person resides. If the certified mail is returned unclaimed, then you may attempt service by regular mail. All costs for service will be added to the court costs and or the filing fees.

**Child Custody Affidavit Form - Court Form 6** In all cases where there are minor children, unless this form is completed, **YOUR CASE WILL NOT BE SET FOR HEARING**. This form is required by law to be completed and submitted to the court at the time that the complaint for divorce, the petition for dissolution or the motion for change of custody is filed. All questions must be answered. When you list where the child has lived for the last five years, please start with the most recent address and work backwards. Answer all questions. This form must be signed in front of a notary public who will notarize this before it is filed with the court.

**IV-D Application** – In all cases where there are minor children and child support will be ordered and/or health insurance will be provided, the person receiving the child support or health insurance must sign and complete the IV-D application if an application for child support services has not already been signed.

**Post Decree Motions** include:

**Motion for Change of Parental Rights**

You must have completed the following:

1. The Motion for Change of Parental Rights and Affidavit in Support or Memorandum in Support of your motion;
2. The Classification form, **Court form 2**;
3. The Affidavit of Income and Expenses, which must be signed in front of a notary and then notarized by the notary public, **Court form 4**;
4. The Health Insurance Information Worksheet, **Court form 5**,
5. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public, **Court form 6**;
6. The Praecipe for Service;

7. Completed IV-D application signed by the party receiving child support or insurance. You must provide the Clerk of Courts the original and four copies of all the above.

### **Motion for Change of Parenting Time**

You must have completed the following:

1. The Motion for Change of Parenting Time and Affidavit in Support or Memorandum in Support of your motion;
2. The Classification form, **Court form 2**;
3. The Affidavit of Income and Expenses, which must be signed in front of a notary and then notarized by the notary public, **Court form 4**;
4. The Health Insurance Information Worksheet, **Court form 5**,
5. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public, **Court form 6**;
6. The Praecipe for Service
7. Completed IV-D application signed by the party receiving child support or insurance. You must provide the Clerk of Courts the original and four copies of all the above.

### **Motion for Modification of Child Support/Spousal Support**

You must have completed the following:

1. The Motion for Change of Support and Affidavit in Support or Memorandum in Support of your motion;
2. The Classification form, **Court form 2**;
3. The Affidavit of Income and Expenses, which must be signed in front of a notary and then notarized by the notary public, **Court form 4**;
4. The Health Insurance Information Worksheet, **Court form 5**,
5. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public, **Court form 6**;
6. The Praecipe for Service
7. Completed IV-D application signed by the party receiving child support or insurance
8. A current print-out of child support or spousal support records from the Seneca County Child Support Enforcement Agency, also known as an “arrearage statement”. You must provide the Clerk of Courts the original and four copies of all the above.

### **Motion for Contempt**

You must have completed the following:

1. The Motion for Contempt and Affidavit in Support of your motion;
2. The Classification form, **Court form 2**;
3. The Affidavit of Income and Expenses, which must be signed in front of a notary and then notarized by the notary public, **Court form 4**;
4. The Health Insurance Information Worksheet, **Court form 5**,
5. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public, **Court form 6 if the contempt involves the child(ren)**;
6. The Praecipe for Service
7. The “Notice of Hearing” form which must be attached to the motion for contempt;
8. If the contempt is for failure to pay child support or spousal support, you must have a current computer print-out of support records from the Seneca County Child Support Enforcement Agency, also called an “arrearage statement”. You must provide the Clerk of Courts the original and four copies of all the above.