

**CUSTODY
VERIFIED MOTION FOR TEMPORARY ORDERS EX PARTE
INSTRUCTIONS**

Attached is a form requesting that the Court grant you an emergency order for custody during the pendency of a case. This form must be filed in conjunction with your Complaint or Motion for Custody.

Disclaimer:

These forms are not intended as legal advice and should not be considered as such. To ensure proper use of any of these forms, consult a licensed attorney.

These instructions are intended to be a general guide to help you get the forms filled out, filed with the Court, and properly before the Judge. These instructions are not intended to be a legal analysis of your request or advice as to whether you should win your request. They are merely to assist you in preparing and presenting your request.

FILLING OUT THE FORM – CAN BE HANDWRITTEN OR TYPED

1. The enclosed forms should be filled out before you go the Courthouse to file them. Neither the Clerk of Court's staff nor the staff at the Law Library can help you in completing the forms.
2. Verified Motion for Temporary Orders Ex Parte – If there is an existing case with the court, keep the Plaintiff/Defendant the same as it was in the original case. If there is not an existing case, you would be the plaintiff and the person you are filing against, would be the defendant. Fill in the name of the county and court division i.e., Juvenile, Domestic Relations) and the name, address, telephone number, and birth date of both parties. If there is no existing order, leave the case number blank. If there is an existing order, use the same case number that is on the existing order. Fill in your name. Fill in the name(s) and date(s) of birth of the child(ren).

Under Memorandum, explain the reason that you need the Court to grant an emergency order. This is a verified Motion. Your signature has to be notarized. Do not sign your name above movant until you are in the presence of a notary.

Under Instructions for Service, check either Plaintiff or Defendant (the person you want the Court to serve the papers on) and sign your name above Movant.

3. Judgment Entry – Fill in the name of the county, the court division, and the Plaintiff and Defendant. Fill in the case number if there is an existing order.
4. Affidavit – Please see instructions in packet.
5. Remove the instruction sheets and examples and make three copies of the entire packet.

FILING THE MOTION

1. After the forms are filled out and copied, YOU MUST TAKE THEM to the Clerk of Court's office to be filed.
2. When you file your Motion, the Clerk's office staff will take the original and three copies of your papers. You should ask the clerk to time-stamp your copy of the Motion. This will be your proof that you filed the originals. The Judgment Entry will not be file-stamped at this time.
3. If your Motion is granted, a hearing will be set.

WHEN A HEARING IS SET

1. You should present a neat appearance to the Court. The Court will not permit anyone to appear in court if he/she is wearing any of the following items of clothing: a hat, shorts, sandals, sleeveless shirts, tops, or blouses, clothing displaying indecent language or pictures, or clothing large rips or holes. Make sure that your witnesses know this and comply with these requirements.
2. You must be prepared for the hearing. You should have with you any witnesses that you wish to use to support your request. You should also bring any papers or other physical evidence that you want the Magistrate to see. **It is your burden to prove that it is in the best interests of the child(ren) to be with you.**
3. You will probably testify first. You should be prepared to tell the Magistrate the events that have happened that demonstrate you should be granted temporary custody. This is the only opportunity that you will have to present the facts, **so make sure that you include everything.**
4. **VERY IMPORTANT: This is not the time to tell the Magistrate everything that the other person has done that you disagree with or that has hurt or angered you. The Magistrate will only want to hear the evidence that shows it is in the best interests of the child(ren) to be with you. Be prepared to limit your testimony to those points raised in your Motion. Tell the Magistrate why you believe the child(ren) benefit(s) by living in your home with you.**
5. At the hearing, you may be asked questions by the Magistrate or by the other party or by an attorney. Directly respond to the questions. Listen to the question; make sure that you understand the question; and answer the question. If you do not understand the question, ask to have the question explained to you before answering it. Never answer a question you do not understand.
6. Child support and parenting time will also be decided. When child support is at issue, you must prove your income and expenses.
7. Note: The other party may ask the Court for parenting time or visitation. If you want visitation limited or supervised, you will have to prove that it is in the best interests of the child to do that. You should have a list or idea of your reasons to tell the Court why visitation should be limited or supervised. If you have no reasons, you should not ask for limitations or supervision.

EXAMPLE

IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
JUVENILE DEPARTMENT
TRUMBULL COUNTY, OHIO

IN THE MATTER OF:)	
)	CASE NO.
HOWARD ALLEN HUGHES)	
DOB: 05-22-2001)	
ALEX JASON HUGHES)	JUDGE
DOB: 07-01-2002)	
)	
)	MOTION FOR EMERGENCY
)	EX PARTE CUSTODY
)	
)	
)	
)	
)	
)	

Now comes the paternal grandmother, Emily R. Hughes, and move this Court for an Order finding the minor grandchildren JOSEPH ALLEN HUGHES, born May 5, 2001 and ALEX JASON HUGHES, born July 1, 2002 to be dependent pursuant to O.R.C. Section 3109.04 due to the facts that the minor children are not capable of meeting their own needs, that the natural parents of the children are currently not able to meet the children's needs and that a declaration of dependency will be serve the needs and interests of the children.

Movant further asks this Court for an Ex Parte Order granting them custody of said minor children for the reasons that the natural mother, Esther Hughes, is a transient, that she is currently residing with an individual who has physically abused the children and that she has verbally agreed to the petitioner/movant having custody.

The natural father, Benjamin R. Smith, is also in agreement with the movant, the maternal grandmother, having custody, having turned the children over to her on or about March 5, 2009. In addition the father has a substance abuse problem.

Further, the mother has moved so many times in the last few years that she does not have a stabile lifestyle. Due to her transient nature, the children have missed over 30 days of school.

EXAMPLE

Finally, the Petitioner/Movant has secured a family support agreement from the Trumbull County Children Services for her to keep the children. A copy of said agreement is marked as Exhibit "A", attached hereto and incorporated herein by said attachment and reference.

The Movant resides at 1234 Fields St, Girard, Ohio and have room for the children.

Movant also request that the Court grant an order maintain or granting them custody of the children after the issue of the ex parte order is resolved.

Movants attach hereto affidavits in support of their motion.

Respectfully submitted:

Emily R. Hughes – Pro Se
(Print Address) _____

Phone No.: (_____) _____

STATE OF OHIO)
COUNTY OF TRUMBULL) SS: AFFIDAVIT OF
)

Now comes Emily R. Hughes who being first duly sworn,

Deposes and says the following:

1. I am petitioner in case No. _____ and the grand-mother of Howard Allen Hughes, born 05-22-2001 and Alex Jason Hughes, born 07-01-2002.
2. In April of 2013, the Defendant, Esther Hughes, suffered a stroke and was on certain medications as part of his recovery. I believe that she has stopped taking her medications and has done so without a doctor's orders. It is my understanding that there are side effects to the use and discontinued use of these medications. One such side effect was suicidal tendencies.
3. The Defendant was hospitalized for her emotional / mental state. She was then released and since that time , she has become violent with me.
4. In February of 2014 the Defendant violently pushed me while I had Alex in my arms. In March of 2014 she threw a rock threw the window of my apartment while I was sitting in the living room, narrowly missing my head. When I refused to open the door to the apartment she used a golf club and broke out all the lights to my car. This occurred in Warren, OH, Trumbull county.
5. The Warren Police are going to file either assault or domestic violence charges against her. In addition they will also be filing child endangering charges.
6. If I had opened the door to the apartment in March of 2014 I am sure she would have used the golf club to physically assault me. I am fearful of her and can not trust her with the safety of my grandchildren.

EXAMPLE

7. I do not believe my grand-sons would be safe with her in her present state.

Further Affiant sayeth naught.

Signature

(address withheld for safety)

Sworn to and subscribed before this _____ day of _____

2014.

NOTARY PUBLIC

My commission expires

IN THE COMMON PLEAS COURT

_____ COUNTY, OHIO

_____ DIVISION

Name

*

Address

*

City, State, Zip

*

Telephone Number

*

Birthdate

*

Plaintiff/Petitioner

*

CASE NUMBER _____

VS

*

JUDGE _____

Name

*

Address

*

City, State, Zip

*

Telephone Number

*

Birthdate

*

Defendant

*

VERIFIED MOTION FOR TEMPORARY ORDERS EX PARTE

Now comes _____, and moves this Honorable Court for an Order designating him/her as the temporary, residential parent and legal custodian of the minor child(ren)

STATE OF OHIO

SS

VERIFICATION

COUNTY OF _____

The undersigned being duly sworn, hereby state that the facts in the foregoing Verified Motion for Temporary Orders Ex Parte are true to the best of his/her knowledge and belief.

Movant

SWORN TO AND SUBSCRIBED BEFORE ME, a Notary Public, this _____ day of

_____ 20_____.

NOTARY PUBLIC

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve a copy of the Verified Motion for Temporary Orders Ex Parte upon:

- Plaintiff
- Defendant

At the address designated in the caption by Certified Mail service, with a return thereof as required by law.

Movant

IN THE COMMON PLEAS COURT

_____ COUNTY, OHIO

_____ DIVISION

Plaintiff/Petitioner,

Case No. _____

vs.

JUDGE _____

Defendant/Respondent

JUDGMENT ENTRY

Upon Motion of _____ and for good cause shown, he/she is hereby designated *ex parte* as the temporary residential parent and legal custodian of the following children born on the following dates:

IT IS SO ORDERED.

JUDGE

Further Affiant sayeth naught:

Signature

(address withheld for safety)

Sworn to and subscribed before this _____ day of _____

NOTARY PUBLIC

My commission expires:

HOW TO COMPLETE THE INFORMATION FOR PARENTING PROCEEDING AFFIDAVIT

FILLING OUT THE FORM: Check each instruction below after you have read and completed it:

- Print or type only. Attach an additional page to the Affidavit for your answers if you need more room.
- At the top of the front page, fill in the names. Leave the Case No. and Judge lines blank for the Clerk of Court to complete.
- First paragraph. Fill in your legal name in the blank line.
- Paragraph 1: Check this box if you wish your current address to remain confidential, pursuant to R.C. 3127.23D.
- Paragraph 2: On the blank line fill in the number of children that are subject to this court case. For each table at the top write in the child's name, place of birth, date of birth, sex, and address unless confidential. As you write on each line going across the table, start with the length of time, the address unless confidential, the adult the child lived with at that time, and the relationship of that adult to the child. There are three tables. If you have more than three children that are subject to this court case, attach additional pages containing the requested information for each of those additional children.
- Paragraph 3: Mark the box showing whether or not you have participated as party, witness, or in any capacity concerning any civil or criminal case regarding custody or visitation of any of the children that are subject to this court case. If you have been involved in such a case fill in the details requested in lines a, b, c, and d.
- Paragraph 4: Mark the box showing whether or not you have any information concerning any case that could affect the current case including any case relating to custody, domestic violence and or protection orders, dependency, neglect, or abuse allegations or adoptions other than those listed in paragraph 3. If you do have such information, fill in the details requested in lines a, b, c, and d.
- Paragraph 5: List the criminal background and history of yourself and members of your household including any convictions or guilty pleas of any offense resulting in a child being an abused or neglected child, any offense that is a violation of R.C. 2919.25 any sexually oriented offense defined by R.C. 2950.01, and any offense involving a victim who was a family or household member or the time of the offense and caused physical harm to the victim during the commission of the offense.

- Paragraph 6: Check the first box if you do not know of any person not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case. Check the second box if you do know anyone who is not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case. If you check the second box you will fill in the required information for each person that you know who is not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.

- Paragraph 7: You have an on-going duty to notify the Court of any custody, visitation, parenting time, divorce, dissolution of marriage, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or domestic violence case concerning the children that are subject to this case.

SIGNING THE FORM: After you have filled out the form, take the form to a notary public to have your signature notarized. Do not sign the form unless you are in front of the person who will notarize the parenting proceeding affidavit for you.

Information obtained from The Supreme Court of Ohio Website

Disclaimer

Please be aware that these forms do not include instructions or legal advice regarding your rights, responsibilities, and legal options.

To be fully informed and get answers to your questions, you should seek the advice of an attorney.

IN THE COURT OF COMMON PLEAS

 DIVISION
 COUNTY, OHIO

 Plaintiff/Petitioner 1

vs./and

 Defendant/Petitioner 2/Respondent

Case No. _____

Judge _____

Magistrate _____

Instructions: Check local court rules to determine when this form must be filed. By law, this affidavit must be filed and served with any Complaint, Petition or Motion regarding the allocation of parental rights and responsibilities, parenting time, custody, or visitation. Each party has a continuing duty while this case is pending to inform the Court of any parenting proceeding concerning the child(ren) in any other court in this or any other state. **If more space is needed, add additional pages.**

PARENTING PROCEEDING AFFIDAVIT (R.C. 3127.23(A))

Affidavit of _____
 (Print Name)

ONLY CHECK THE FOLLOWING BOX IF YOU BELIEVE THAT THE HEALTH, SAFETY, OR LIBERTY OF YOURSELF OR YOUR CHILD(REN) WOULD BE JEOPARDIZED BY THE DISCLOSURE OF YOUR ADDRESS OR IDENTIFYING INFORMATION. YOU ACKNOWLEDGE THAT THE COURT MAY CONDUCT A HEARING REGARDING THE BASIS FOR YOUR REQUEST.

Pursuant to R.C. 3127.23(D), I allege that my health, safety, or liberty or that of my child(ren) would be jeopardized by the disclosure of identifying information to my spouse or the public. Therefore, I request that my address be placed under seal. I have marked the corresponding box next to each address I am requesting to be sealed.

1. (Number): _____ Minor child(ren) is/are subject to this case as follows:

Insert the information requested below for all minor or dependent children of the parties. You must list the residences for all places where the children have lived for the last **FIVE** years.

a. Child's name		Place of birth	Date of birth	Sex <input type="checkbox"/> M <input type="checkbox"/> F
_____		_____	_____	
Date of residence	Address Confidential	Person child lived with (name and address)		Relationship
_____ to present	<input type="checkbox"/>	_____		_____
_____ to _____	<input type="checkbox"/>	_____		_____

to _____	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____

b. Child's name _____	Place of birth _____	Date of birth _____	Sex <input type="checkbox"/> M <input type="checkbox"/> F
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Check this box if the information below is the same as in Section 1(a). Skip to the next question.

Date of residence	Address Confidential	Person child lived with (name and address)	Relationship
_____ to present	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____

c. Child's name _____	Place of birth _____	Date of birth _____	Sex <input type="checkbox"/> M <input type="checkbox"/> F
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Check this box if the information below is the same as in Section 1(a). Skip to the next question.

Date of residence	Address Confidential	Person child lived with (name and address)	Relationship
_____ to present	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____
to _____	<input type="checkbox"/>	_____	_____

d. Additional children are listed on Attachment 1(d). (Provide requested information for additional children on an attachment labeled 1(d).)

2. Participation in custody case(s): (Check only one box)

- I **HAVE NOT** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time), with any child subject to this case.
- I **HAVE** participated as a party, witness, or in any capacity in any other case, in this or any other state, concerning the custody of or visitation (parenting time), with any child subject to this case.

Explain: _____

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

3. Information about custody case(s): (Check only one box)

- I **HAVE NO INFORMATION** of any cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning any child subject to this case.
- I **HAVE THE FOLLOWING INFORMATION** concerning cases that could affect the current case, including any cases relating to custody; domestic violence or protection orders; dependency, neglect, or abuse allegations; or adoptions concerning a child subject to this case, other than listed in Paragraph 2.

Explain: _____

- a. Name of each child: _____
- b. Type of case: _____
- c. Court and State: _____
- d. Date and court order or judgment (if any): _____

4. Information about criminal convictions:

List all of the criminal convictions, including guilty pleas, for you and the members of your household for the following offenses: any criminal offense involving acts that resulted in a child being abused or neglected; any domestic violence offense that is a violation of R.C. 2919.25; any sexually oriented offense as defined in R.C. 2950.01; and any offense involving a victim who was a family or household member at the time of the offense and caused physical harm to the victim during the commission of the offense.

NAME	CASE NUMBER	COURT/COUNTY/STATE	CHARGE

5. Persons not a party to this case: (Check only one box)

- I **DO NOT KNOW OF ANY PERSON** not a party to this case who has physical custody or claims to have custody or visitation rights with respect to any child subject to this case.
- I **KNOW THAT THE FOLLOWING NAMED PERSON(S)** not a party to this case has/have physical custody or claim(s) to have custody or visitation rights with respect to any child subject to this case.

- a. Name/Address of Person: _____
 has physical custody claims custody rights claims visitation rights
 Name of each child: _____
- b. Name/Address of Person: _____
 has physical custody claims custody rights claims visitation rights
 Name of each child: _____
- c. Name/Address of Person: _____
 has physical custody claims custody rights claims visitation rights
 Name of each child: _____

6. I understand that I have a continuing duty to advise this Court of any custody, visitation, parenting time, divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, parentage, termination of parental rights, or protection order from domestic violence case concerning the children about whom information is obtained during this case.

OATH OR AFFIRMATION
(Do not sign until Notary Public is present)

I, (print name) _____, swear or affirm that I have read this Affidavit and, to the best of my knowledge and belief, the facts and information stated in this Affidavit are true, accurate, and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

 Your Signature

STATE OF _____)
) SS
 COUNTY OF _____)

Sworn to or affirmed before me by _____ this _____ day of _____, _____.

 Signature of Notary Public

 Printed Name of Notary Public

Commission Expiration Date: _____

(Affix seal here)

**TRUMBULL COMMON PLEAS COURT
DIVISION OF DOMESTIC RELATIONS
AND JUVENILE DEPARTMENT
EX PARTE CUSTODY COURT INQUIRY**

Please complete the top portion of this form and have court personnel fax it to Trumbull County Children Services Board
Fax Number: (330) 372-4686 ATTENTION: Screeners. Copies of the Pleadings and Supporting Affidavit must be attached.

Date of request: _____ Attorney for Petitioner(s): _____
 Name of Petitioner(s): _____
 Address of Petitioner(s): _____
 Social Security Number(s): _____ DOB(s): _____ Phone: _____
 Relationship to child(ren): _____
 Mother's name: _____ Alias/Maiden Name: _____
 Address: _____
 Social Security Number: _____ DOB: _____ Phone: _____
 Father's name: _____
 Address: _____
 Social Security Number: _____ DOB: _____ Phone: _____
 Child (ren)'s Name(s), Birthdates and who has current possession of child(ren):

**CHILDREN SERVICES BOARD RESPONSE
Regarding Petitioner(s) and Child(ren)**

_____ No Record
 _____ Open Record
 _____ Closed Record
 _____ Open Record In another county(s): _____

Assigned Caseworker/Supervisor: _____
 Date closed: _____ TCCSB's last date of contact: _____

- This Agency supports this action.
- This Agency cannot support this action due to significant child welfare history.
A Court hearing is recommended.
- This Agency does not have a position regarding this action.
- See attached summary of Agency involvement.

Comments/Findings: _____

 Trumbull County Children Services Board,
 Executive Director

Completed by: _____
 Date: _____
 Supervisor Initial: _____

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO
JUVENILE DIVISION

IN THE MATTER OF:

CASE NO. _____

Judge _____

Minor Child(ren)

PETITION FOR CUSTODY

Child(ren) of:

1. He/she/they is/are related to the following named child(ren) as follows:

_____.

2. _____ is the natural mother of the minor child(ren) and resides at

_____.

3. _____ is the natural father of the minor child(ren) and resides at

_____.

4. The minor child(ren), to wit:

_____, _____ years, DOB _____.

_____, _____ years, DOB _____.

_____, _____ years, DOB _____.

is/are currently residing with petitioner(s) at _____

_____, _____ County, Ohio, have resided there since

approximately _____ and it would be in the child(ren)'s best interest to

be placed in my custody so that I may consent to medical treatment, enroll the child(ren) in school,

and take other action necessary to provide for this child(ren).

5. The child(ren) are not the wards of another court of this state.

WHEREFORE, Petitioner(s) prays for an order granting him/her/them legal custody of said child(ren) under R.C. 2151.23 (A)(2) subject to the natural _____ 's right to standard and reasonable visitation and for such further relief as is appropriate.

Petitioner(s)

State of Ohio

_____ County

_____ and _____ being duly sworn, says that he/she/they has/have read the above petition by him/her/they signed, and know(s) the contents thereof and that the same is true according to the best of his/her/their knowledge and belief.

Petitioner(s)

Sworn to before me and signed in my presence this _____ day of _____,
20_____.

NOTARY PUBLIC

INSTRUCTIONS FOR SERVICE

Please issue a service of summons and copy of the foregoing

_____ to _____,
located at _____ by certified U.S. mail,
return receipt requested.

Name

Address

City, State, Zip

Telephone Number

NOTICE OF HEARING

The _____ will take notice that the foregoing _____
will come on for hearing on the _____ day of _____ 20_____
at _____ am/pm at the Trumbull County Family Court, Second Floor, 220 Main SW,
Warren, Ohio 44482, or as soon thereafter as the Court may conveniently hear the
same.

IN THE COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS ** JUVENILE DEPARTMENT
TRUMBULL COUNTY, OHIO
CASE NUMBER:

In the matter of: _____)

)

AFFIDAVIT FOR SERVICE BY POSTING

_____ (name of movant) being first duly sworn according to law,
deposes and says that he/she is the Movant for Custody in these proceedings and is related to the
child(ren) as follows: _____. Affiant further states:

1. That _____ is the mother/father/custodian of the
child(ren) and I must serve them to get custody. **I do not know where I can serve them
with court papers.**
2. That the last address I have for said party is:

The last cell telephone number of the party is: _____

Before I enrolled the child(ren) into school, they attended school at: _____

I asked the child(ren) where the party can be found and they said: _____

3. That with due diligence I do not know where said party is.
4. **That I have exercised due diligence and cannot find the current whereabouts of said
party despite my best efforts to locate them (mark each circle with an X indicating
your efforts to locate the party, and complete the line with the nature of your
search!):**
 - I conducted these internet searches: _____
 - I have contacted the following relatives of the party whose names and address and/or
telephone numbers are as follows: _____
 - I tried to find an address for the party by checking the following public records:

 - I asked the following friends, neighbors, etc who might know their location:

And I have concluded after reasonable diligence that service on this parent can only be had on
the parent by posting; that this Affidavit is made pursuant to law as set forth in Ohio Juvenile
Rule 16 and Ohio Civil Rule 4.4.

_____ Movant for Custody

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS _____ DAY
OF _____ 202__

_____ NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS
JUVENILE DIVISION
TRUMBULL COUNTY, OHIO

IN THE MATTER OF:

_____)
_____) CASE NO. _____
_____)
_____)
MINOR CHILD(REN)) LEGAL NOTICE

_____, _____ of
_____ (minor child(ren),

whose place of residence or address is unknown will take notice that

_____, _____ has filed a motion seeking custody of such minor child(ren), in that it is alleged that the natural parents are not capable of providing said child(ren) with proper care or support, and that you are required to appear for a hearing on the _____ day of _____, 20_____, at _____ am/pm at the Trumbull County Court of Common Pleas, Juvenile Division, 220 Main SW, Warren, Ohio 44482.

JUDGE, COURT OF COMMON PLEAS
JUVENILE DIVISION