HAMILTON COUNTY JUVENILE COURT

Objections to Magistrate's Decision or Motion to Set Aside Magistrate's Order

Instructions for Filing

If you think that the magistrate has not determined the factual issues or applied the law correctly, you may file **Objections To The Magistrate's Decision** or **A Motion To Set Aside The Magistrate's Order**. Blank forms are available from the Clerk's Office or you may prepare your own. Your request must be in writing, and typed or neatly handwritten. At the top, include the case number and the heading, **Objections To Magistrate's Decision** or **Motion To Set Aside Order.** You must include the date of the order or decision and the specific reasons for your motion or objection. Use clear and concise language. If you are unsure whether the magistrate's action was an **order** or a **decision**, review the magistrate's written report of the hearing. The heading at the to p of the page should indicate 'Order' or 'Decision.'

A Motion to Set Aside must be filed no later than 10 days after the Magistrate's Order is filed. Objections to a Magistrate's Decision must be filed within 14 days of the filing of the Magistrate's Decision or within 10 days of the filing of another party's objections. You must serve the Motion or Objection on all parties.

Scheduling the Hearing and Serving the Parties

The Clerk's Office will provide you with the date and time and the judge's name for the initial hearing on your Motion or Objection. You then must serve, by regular mail, your Motion or Objection on all other parties or the opposing side. To obtain service, you must submit a **Written Request For Service** form to the Clerk's Office and include the date and time of the hearing and the judge's name. Blank forms are available from the Clerk's Office.

Written Transcripts; Estimates and Costs

In most cases, the judge will need a written transcript of the hearing(s) to review the magistrate's action. You are responsible for contacting the Court Reporter and ordering the appropriate transcripts. Fees to prepare a transcript are charged by the page. A general estimate for a half-hour hearing is approximately $100-$150. It is recommended that you **promptly** contact the Court Reporter to get an estimate of the cost for your case and identify the hearing date(s) to be transcribed. It is your responsibility to select the hearing dates that are to be transcribed when you order the transcript.

The Court Reporter may require you to submit a written order. The Court Reporter will not begin transcription until payment arrangements are made and you submit a written order if required. If you fail to submit your order to the Court Reporter in a timely manner, your objection or motion may be denied.

To contact the Court Reporter and/or order a transcript:

If your case has been scheduled before Judge Lipps, call 513-946-9231.
If your case has been scheduled before Judge Grady, call 513-946-9204.

The Hearing

You must be present for the hearing. Failure to appear may result in your objection or motion being denied.

NOTE: Clerk's Office employees cannot give legal advice. This guide provides only general information on some of the common issues related to motions or objections to magistrate's orders and decisions. If you have additional questions, you may refer to Juvenile Rule 40 or consult with an attorney.

Copies needed for filing: Original and (3-5) copies plus one additional copy for each person to be served. (Dependency, add two copies – Traffic, Paternity and Support cases, add one copy.) The clerk can make copies at a cost of 10 cents per page. Please let the clerk know if you need help with copies.

Hamilton County Juvenile Court

In Re: : **Case Number**_____

: **OBJECTION TO MAGISTRATE'S DECISION**

:

Now comes _____, who hereby gives notice of objection to the Magistrate's
(Name)
decision issued on _____ and who further moves the Court to over rule the findings and
(Date of Entry)
recommended disposition contained in the above-mentioned decision. My objection is based on the following:

_____

_____

_____

_____

_____

_____.

I include a copy of the referenced decision.

_____
Signature

_____
Print Name

_____
Address

_____
City **State** **Zip Code**

Certificate of Service

I certify that I have served a copy of the foregoing on _____ by

_____ at _____.

_____
Signature

FORM 582 (Revised 1/2004)

HAMILTON COUNTY JUVENILE COURT
SERVICE REQUEST

☐ **WRITTEN REQUEST FOR SERVICE (Civil)**
☐ **PRAECIPE (Delinquent/Criminal)**

IN RE: _____ **CASE NUMBER:** _____

_____

Case Type: _____ **Reason for Hearing:** _____

Charges: _____ _____ _____

A hearing is scheduled on the _____ **day of** _____ **20**_____**, at** _____ **:** _____ AM / PM.

Judge / Magistrate: _____ **Case Manager:** _____

Type of Form: **(Summons)** *(Parties)* **(Subpoena)** *(Witnesses)* **or (Notice)** *(Attorney/Parties)* *(List one of these selections for each address listed below.)*

Type of Service: **(Regular Mail)** **(Certified Mail)** *(Usual Service)* **(Personal Service)**
(Residential Service) or (Publication) *(List one of these selections for each address listed below.)*

Type of Form	Type of Service	Name and Complete Address and Zip Code
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Requested by: _____ **Phone: (** **)** _____

Address: _____
City State Zip

Form 1397 Revised 12/2006