



SEOLS
Southeastern Ohio Legal Services

**LEGAL RESOURCES
For
FAMILIES AND YOUTH**

2020-2021

WHAT IS SOUTHEASTERN OHIO LEGAL SERVICES?

Southeastern Ohio Legal Services (SEOLS) is a nonprofit law-firm serving low income individuals and senior citizens with free civil legal assistance in 30 Ohio Counties (see back cover of this booklet). SEOLS provides free legal assistance to people who cannot afford an attorney by providing representation and easy-to-understand information about your legal rights. This includes information about how to get into court, what to do when in court, or what to do when dealing with government agencies. SEOLS also provides easy-to-complete legal forms to assist anyone who will be representing themselves in court.

If you have a civil legal problem and would like to find out if you qualify for legal assistance through SEOLS, please call (800) 589-5888 to complete an application over the phone or visit our website at

www.seols.org



For Additional Resources Please visit

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For Additional Resources Please visit

SELF QUIZ: DO I NEED LEGAL SERVICES?

- | | | |
|--|-----|----|
| 1. Do you or your family feel unsafe at home? | Yes | No |
| 2. Have you or your child been denied, sanctioned, or terminated from food stamps, cash assistance, or social security? | Yes | No |
| 3. Are you facing a loss of housing or fear that you may be facing the loss of housing in the next 30 days? | Yes | No |
| 4. Are your utilities being shut off? | Yes | No |
| 5. Does your child have problems in school, but the school district refuses to provide needed support? | Yes | No |
| 6. Are you having problems getting your health insurance provider to pay for treatment or services? | Yes | No |
| 7. Has your housing provider treated you unfairly because of your race, sex, religion, national origin, ethnicity, or because you have children or are disabled? | Yes | No |
| 8. Do you have a criminal record that makes finding a job difficult or impossible? | Yes | No |
| 9. Do you owe money on a credit card debt or pay-day loan? | Yes | No |
| 10. Do you owe money to the IRS? | Yes | No |

**If you answered YES to any of the above questions, please contact
Southeastern Ohio Legal Services:**

For Additional Resources Please visit

CONSUMER



CAN MY WAGES BE GARNISHED?

Garnishment is the process of taking money from an employee's paycheck, bank account, or other type of income.

A creditor or debt collector cannot take your wages unless they have gotten a judgment against you in a court case. If a creditor or debt collector has a judgment against you, they cannot take your wages unless your take-home pay is more than \$217.50 per week. If your take-home pay is more than \$217.50 per week, no more than 25% of your take-home pay can be garnished.

A creditor or debt collector cannot take these types of income:

- Child support
- Unemployment compensation
- Social Security Disability
- Social Security Retirement
- Spousal support
- Ohio Works First (OWF) funds
- Supplemental Security
- Worker's Compensation



WHAT SHOULD I DO IF I NEED CAR REPAIRS?

You should always shop around before deciding on a repair shop. Do not assume that a shop has certified mechanics or can do the kind of work you need done. Make sure the shop will honor any warranty you have on your car. Ask about warranties on work done at the shop and parts installed by the shop. Do not assume that they will fix work or replace parts they have just installed if something goes wrong. If there is a warranty on parts or labor, it should be in writing.

If the cost of repairs is more than \$25, the shop should not begin work on your car until you have been given an estimate and give permission for them to work on your car.

Sometimes repair shops charge you for keeping your car on their property while they are waiting for parts or to make repairs. If they are going to do this, they must notify you first. The shop must also tell you in advance if there are any other charges or fees for inspections, work done, disassembly, reassembly, or partial work.

A repair shop must:

- Give you copies of any papers you sign or initial.
- Offer to return to you all parts they took out of your car.

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- Give you an itemized list of all repairs and services performed on your car.

It is against the law for a car repair shop to:

- Charge you for repairs or services you did not give them permission to do.
- Tell you repairs were necessary when they are not.
- Tell you repairs were made when they were not.
- Charge you for repairs they did not make.
- Tell you your car is dangerous when it is not.
- Substantially underestimate the cost of repairs or services.



WHAT DO I NEED TO KNOW ABOUT MY CREDIT REPORT?

It is a good idea to check your credit report regularly, even when you are not having credit problems. The information in your report affects your credit score and whether you can get a loan — and how much you will have to pay to borrow money. It is also helpful to make sure the information is correct, complete, and up to date before you apply for a loan for a house or car, buy insurance, or apply for a job. Ordering your report can also help you prevent identity theft. Identity theft occurs when someone uses your personal information — like your name, your Social Security number, or your credit card number — to commit fraud.

You can get a free copy of your credit report once every 12 months from each of the three big nationwide Consumer Reporting Agencies by:

- Going to www.AnnualCreditReport.com,
- calling 877-322-8228, or
- complete the Annual Credit Report Request Form (www.ftc.gov/credit) and mail it to: Annual Credit Report Request Service at P.O. Box 105281 Atlanta, GA 30348-5281.

If the information on your credit report is wrong, write to the Consumer Reporting Agency (Transunion, Equifax, or Experian) and tell them what information you believe is incorrect. Be as specific as possible. The Consumer Reporting Agency must investigate your complaint – usually within 30 days. You also have the right to dispute the incorrect information with the creditor directly.



WHAT SHOULD I KNOW ABOUT PAY-DAY LENDERS OR CAR TITLE LOANS?

“**Payday loans**” are generally small loans (usually \$1,000 or less) that are due in full in a period of week. The lenders make most of their money by

For Additional Resources Please visit

charging large fees associated with the loans, not with the interest. Many lenders will repeatedly refinance the loan, and borrowers end up in a “cycle of debt”, unable to ever pay their way out of the loan. Under the Ohio Fairness in Lending Act that took effect October 29, 2018, lenders must give buyers at least 90 days to repay the loan and the loan must be limited to 6% of the buyer’s gross income. The lender also cannot charge more than a 28% interest rate of the loan amount and a 10% monthly service fee for the loan amount or \$30, whichever is less.

Only some of these payday lenders will file a lawsuit against you. Most find other means of collection. Anyone the lender hires to collect their debt is subject to the federal Fair Debt Collection Practices Act (“FDCPA”), which means there are certain things they cannot do, like falsely imply that you committed a crime, threaten you with violence or harm, make repeated harassing calls after being asked to stop, contact other people to get in touch with you without your permission, etc.

“**Car title loans**” are a type of “payday loans” where the lender receives title to your vehicle when the loan is made. If you do not make your payment(s) your car may be repossessed. These loans tend to charge large additional fees when you first obtain the loan, and when you refinance. As of October 29, 2018, these loans are no longer lawful under Ohio law. Thus, no lender should be taking title to a vehicle in exchange for a loan after October 29, 2018.



CALL SEOLS IF:

- You have a credit card or a debt collection case currently in court.
- You have questions regarding bankruptcy.
- You have taken out one or more payday loans.
- You have taken out one or more car title loans.
- You have problems with a home repair you paid for.
- A court case has been filed against you to collect school debt.
- You are facing a mortgage foreclosure.
- You are facing a tax foreclosure.
- You purchased a faulty car or had faulty repairs completed on a car.

EDUCATION



WHAT ARE MY RIGHTS TO SPECIAL EDUCATION?

For Additional Resources Please visit

A child who has a disability that causes problems for him in school has a right to special education and related services. Specific disabilities are listed in the Individuals with Disabilities Education Act (IDEA).

If you think your child has a disability that is causing problems for him in school, you should ask the school district in writing to evaluate your child for special education services. If you disagree with the outcome of the evaluation, you have the right to ask the school to pay for a second, independent evaluation.

If your child qualifies for special education, you have the right to participate as a member of the Individual Education Plan (IEP) Team to determine the goals the school sets for your child and the supports/services your child will receive to help him succeed in school.

Your child's IEP should be reviewed every year to make sure that he or she is making meaningful progress towards his goals.

If you believe your child is not getting the services he needs, or you disagree with the school's decisions, the Ohio Department of Education can get involved to try to work out an agreement with the school. Visit www.education.ohio.gov for more information.



MY CHILD HAS BEHAVIORAL PROBLEMS IN SCHOOL, WHAT SHOULD I DO?

If your child has an Individualized Educational Program (IEP), your child's school is required to address your child's behavior in school if the behavior impedes your child's learning or the learning of other children. Follow these steps:

1. Determine if the behavior needs to be addressed formally.
2. Ask for an IEP Meeting.
3. Ask for the School to Conduct a Functional Behavioral Assessment (FBA).
4. Review the Results of the Evaluation.
5. Determine Services Needed to Intervene, such as a Behavior Intervention Plan (BIP).



WHAT ARE MY RIGHTS IN SCHOOL DISCIPLINE CASES?

Schools have the right to set rules to maintain order and safety. When a student breaks those rules, schools have a right to discipline or punish that

For Additional Resources Please visit

student. Common forms of school punishment include taking away privileges, detentions, suspensions, and expulsions.

Before the school punish a student in any way that would interfere with his right to receive an education (like a suspension or expulsion), the student has a due process right to *notice* and a *hearing*.

No school may hit or otherwise physically discipline a student. Corporal punishment was banned in public schools in Ohio in 2009.



WHAT SHOULD I KNOW ABOUT TRUANCY?

All school-age children are required to attend school. Any school-age child, or student, who is absent without a valid excuse is considered truant. A student is a “habitual truant student” if he is absent without a valid excuse for:

- 30 or more consecutive hours, or
- 42 or more hours in a school month, or
- 72 or more hours in a school year.

Both the habitual truant student and his parent may face legal consequences. Under the current law, both a habitual truant student and his parents are assigned to an absence intervention team instead of Juvenile Court. (Legal proceedings will only start if the absence intervention team fails.) The absence intervention team will create an intervention plan for the student based on the student’s specific needs. In addition to setting attendance goals for the student, plans will often include counseling for the student and classes for parents to help them understand truancy and how to prevent it.

If a student refuses to participate in the truancy prevention plan or fails to make progress on it, the school district may file a complaint against the student with the Juvenile Court. The student would then be charged with “truancy” as a criminal misdemeanor. If the school feels the parent is at fault, the parent would be charged with “failure to send,” also a criminal misdemeanor.



WHAT ARE MY RIGHTS IF MY CHILD IS BEING BULLIED?

School Districts are required to have policies prohibiting bullying and harassment. If you believe your child is unsafe because of a bullying situation occurring at school:

For Additional Resources Please visit

1. A complaint and request for investigation should promptly be made to the school, in writing. Make sure to date and make copies of the complaint.
2. Request a safety plan while the investigation is occurring if necessary.
3. If the investigation finds that bullying occurred, the school should take steps to intervene and keep your child safe.



CAN A SCHOOL CHARGE ME FEES?

In Ohio, public schools are not allowed to charge students who are eligible for free lunch for any materials needed for a course of instruction. This includes textbooks or technology fees, and also applies to electives and career-technical classes.



I LOST MY HOUSING DURING THE SCHOOL YEAR, NOW I'M A HOMELESS STUDENT. WHAT ARE MY RIGHTS?

Federal law requires schools to work with homeless students and their families to make sure the school year is not interrupted for students who become homeless during the school year.

You may be considered homeless under the law if:

- You are no longer able to live with your family or have been kicked out of your home;
- You and your family lost your home due to missed payments (including eviction or foreclosure);
- You and your family are living with friends or family;
- You and your family are living in a place other than a home or apartment such as a hotel, motel, campground, or a structure without heat or running water;
- You and your family are living in an emergency shelter; or
- You and your family are living in a car, park, or public space.

If you are homeless during the school year, you have the right to continue attending the school you were attending before you became homeless. The school must provide transportation and connect you with community resources that may help you or your family get back on your feet.

If you do not want to continue attending the school you were attending before becoming homeless, you may enroll in the school district closest to you. The school must enroll you without delay, even if you do not have the required paperwork such as your birth certificate or medical records.

For Additional Resources Please visit

You have the right to receive free meals during the school day and can participate in any special programs the school offers to other students.



CALL SEOLS IF:

- You or your child need extra help at school due to a disability and the school will not help.
- You or your child are being removed from school regularly due to behavior problems.
- You or your child are being suspended or expelled for more than 10 days.
- You or your child are being bullied at school and the school will not help me address the issue.
- The school is withholding you or your child's transcript or other important document due to unpaid fines/fees that you cannot pay.
- You or your child are homeless and the school you wish to attend will not enroll the student or provide transportation.

EXPERIENCING DOMESTIC VIOLENCE



WHAT IS DOMESTIC VIOLENCE?

A relationship may be violent or abusive if one partner tries to control the other person's life through manipulation, fear, or bullying. In some abusive relationships, the abusive partner physically or sexually attacks the other person. In other cases, the abusive partner uses emotional abuse (such as name calling, keeping you from your friends and family, making you feel bad about yourself), intimidation (such as threats, scary looks, throwing things, or invading personal space to scare you), economic abuse (such as controlling money, not providing proper economic support for children, not giving their partner access to money), and/or restricting choices and options to obtain and maintain power and control.

If you are in an abusive relationship, you might feel like you aren't allowed to make your own decisions or decide where you want to go and who you want to talk to. You may feel like you can only talk to your partner in certain ways, and sometimes your partner blames you for his/her misbehavior. Often when you resist or fight back the abuse gets worse. Domestic abuse can happen in any relationship regardless of your ethnicity, race, age, educational level, religion, gender, and sexual orientation.

For Additional Resources Please visit



WHAT IS A CIVIL PROTECTION ORDER, DO I QUALIFY?

A Civil Protection Order, or a CPO, is a court order that protects a victim/survivor of domestic violence against the perpetrator of the violence or abuse. Domestic violence shelters and most courts have “advocates” whose job is to assist the survivor in the process of obtaining a CPO.

To start the CPO process, the survivor must file a “petition,” which is like a complaint, in common pleas court. The petition is a form established by the Supreme Court of Ohio and is readily available on its website and at many courthouses. The survivor will need to state some of the reasons why the survivor needs a protection order (a police report or photo evidence is not required). The Court conducts an immediate “ex parte” hearing. This is a hearing where only the person seeking the protection order, known as the “petitioner”, is present. At this hearing, the court determines whether it will grant a temporary “ex parte” CPO until the case can be scheduled for a full hearing. Regardless of whether the court grants the ex parte CPO, the court will schedule the case for a full hearing, where both the petitioner and the person whom the petitioner is seeking a CPO against, known as the “respondent”, present their evidence. This hearing is scheduled in approximately 7-10 days. For the court to conduct the full hearing, the respondent must be served with a copy of the petition, and the ex parte CPO (if one is issued).

If a CPO is granted the Judge may issue an order requiring the respondent to stay away from the survivor, and the survivor’s residence, place of employment, or school; this also includes restricting communication, such as phone, letters, email or other electronic communication. It also prevents someone else from doing things on the respondent’s behalf that the respondent is prohibited from doing.

In addition, a CPO can: protect other family and household members; Provide an award of temporary custody and temporary financial support; Grant petitioner exclusive use of a residence and exclude the respondent from the residence; Divide household goods and furnishings; or require the respondent to allow the petitioner to use a motor vehicle.

A CPO can last up to 5 years from the date it is issued.

If the respondent violates a CPO by contacting the survivor or doing anything the CPO prohibits the respondent from doing, then the petitioner should call the police and report this right away so the CPO can be enforced.

For Additional Resources Please visit



CAN I GET CASH ASSISTANCE FROM OHIO WORKS FIRST WITHOUT ASKING MY ABUSER FOR CHILD SUPPORT?

Yes. When you apply for cash assistance you should ask to sign a Domestic Violence waiver. This will allow the Department of Job and Family Services to process your application without turning it over to the Child Support Enforcement Agency.



WHAT SHOULD I KNOW ABOUT PROTECTIONS FOR SURVIVORS OF DOMESTIC VIOLENCE IN SUBSIDIZED HOUSING?

The Violence Against Women Act (VAWA) protects survivors of domestic violence (both men and women) who receive public housing assistance, such as Section 8 Project-Based housing or Section 8 Housing Choice Voucher assistance. VAWA stops the public housing providers or landlords from denying an application for assistance for any reason related to the abuse. VAWA also does not allow the housing provider to evict a tenant for reasons that are directly related to their abuse (such as calling the cops during an abusive situation). VAWA protects survivors who receive housing assistance by providing emergency transfers and lease bifurcation (splitting the lease) when abuse occurs during your tenancy. Unfortunately, this does not apply to a survivor renting from a private landlord without a federal rent subsidy.



CALL SEOLS IF:

- You are a survivor of Domestic Violence and are interested in obtaining a Civil Protection Order against your abuser.
- You are afraid to apply for Ohio Works First (public cash assistance) because agreeing to seek child support from your abuser would put you in danger.
- You have been kicked out of subsidized housing (voucher, low-income housing, public housing), or you were denied admission into a subsidized housing program because of something that occurred while you were a survivor of domestic violence.

For Additional Resources Please visit

FAMILY LAW



WHAT DO I NEED TO DO TO LEGALLY END MY MARRIAGE?

There are several options available for separating couples under Ohio law.

Divorce: This is the most common way to terminate a marriage and is generally available to all separating couples. This option is used when the parties disagree about what the terms of their separation should be, including allocation of parental rights and responsibilities (custody) for a child, division of property, etc.

Dissolution: This is an option for terminating a marriage only when the parties are in complete agreement on every aspect of their separation.

Legal separation: This option does not end the marriage. A legal separation will address the same issues as a divorce—but it will not formally terminate the marriage. Some individuals choose this because of religious reasons. Some individuals must pursue a legal separation because they do not meet specific residency requirements for a divorce at the time they start the proceeding (explained below).

Annulment: This erases the marriage as if it never happened. This has limited availability and is typically only used when the marriage has not been consummated, one spouse was still married to someone else at the time of the marriage, or if one spouse was incompetent at the time of the marriage.

In any of the above cases, a Complaint or Petition should be filed in the Common Pleas Court of the County you are living in. To file for Divorce you must have lived in Ohio for at least 6 months, and at least 90 days in the County where you are going to file.



WHAT ARE MY RIGHTS AS AN UN-WED MOTHER?

In Ohio, an unmarried woman who gives birth to a child automatically has legal custody of the child unless a court has given custody to someone else. This means the mother has the right to decide who sees the child and for how long, the right to restrict visitation, the right to enroll the child in school, the right to obtain medical treatment, the right to get public benefits for the child, and the right to do anything else a parent with legal custody can do.

For Additional Resources Please visit

If the child's father files a court action for custody, the judge will give each parent an equal chance to prove that granting custody to that parent is in the child's best interest

You should consider allowing the father to have reasonable visitation, also known as "parenting time", with the child unless:

- You have concerns for the health or safety of the child during visitation, or
- You have concerns that the father may unreasonably keep the child from you.

The reason for this is that the judge will consider which parent is more likely to allow the other parent visitation with the child in the future. If visitation is unreasonably refused, it may be held against you and could result in custody being granted to the other parent.



WHAT SHOULD I KNOW ABOUT CHANGING AN EXISTING CUSTODY OR VISITATION ORDER?

A court cannot change custody from you to the other parent unless certain requirements of Ohio law are met. The judge must decide if there has been a "change of circumstances" of the child or the custodial parent (or either parent in a shared parenting plan). The change of circumstance must have happened after the last custody decree.

Such issues might include the mental instability of the custodial parent, custodial parent is now in jail or has been convicted of a crime, frequent changes of residence, abuse or neglect of the child, neglect of the child's education, or parental substance abuse. Other issues may be considered. Issues the court has heard and decided cannot be raised again. The situation must have a direct, adverse impact on the child.

If a judge finds that a "change in circumstances" has happened, the judge must then decide if:

1. If the modification is necessary to serve the best interest of the child; and
2. One of the following applies:
 - The present custodian has agreed to the change of custody;
 - The child has been placed in the other parent's home by the custodial parent and is integrated into that home; or
 - The harm likely to be caused by such a change of environment is outweighed by the benefit of placing the child in the other home.



CAN I MODIFY THE CHILD SUPPORT ORDER?

For Additional Resources Please visit

Yes, there are two ways for you to ask for the current child support order to be modified:

1. File a Motion to Modify Child Support in court.
 - With the Domestic Relations Court that issued your divorce, legal separation, dissolution, or Civil Protection Order, or
 - With the Juvenile Court that ordered custody or paternity.
2. Ask the Child Support Enforcement Agency (CSEA) to review your order, each party is entitled to a review every 36 months.

Child support cannot be modified retroactively. It can only be modified going forward.

The court and CSEA use a formula to calculate the amount of child support. You can use the Ohio Department of Job and Family Services child support calculator at www.ohiochildsupportcalculator.ohio.gov



WHAT IS A GRANDPARENT POWER OF ATTORNEY?

A grandparent power of attorney is an agreement between the grandparent and the parents, or an order by the Court stating that the grandparent has the right to make school and medical decisions for the child. To legalize this agreement:

1. the parents of the child must sign a notarized affidavit or
2. the grandparents have tried to locate the parents and are unable to do so and have filed a caretaker affidavit with the juvenile court.



CALL SEOLS IF:

- You would like to get a Divorce.
- You would like to have a Child Support Order in place.
- You would like to have visitation or custody of your child.

FAIR HOUSING



CAN I REQUEST A REASONABLE ACCOMMODATION?

Yes, if you are unable to access or enjoy your housing due to a disability.

Housing providers must permit reasonable accommodations requested by residents who suffer from a physical or mental impairment which substantially limits one or more major life activity. A “reasonable accommodation” is a change, exception or adjustment to a rule, policy,

For Additional Resources Please visit

practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling. For example, reasonable accommodations include allowing an assistance animal even if there is a “no pets” policy or creating a reserved accessible parking space for a specific resident. A request for a reasonable accommodation may be denied if providing the accommodation would impose an undue financial and administrative burden on the housing provider or would fundamentally alter the nature of the provider’s operations, determined on a case-by-case basis. When a housing provider refuses a requested accommodation because it is not reasonable, the provider should discuss with the requester whether there is an alternative accommodation that would effectively address the requester’s disability-related needs.



WHAT DO I NEED TO KNOW ABOUT MY RIGHT TO A SERVICE ANIMAL/EMOTIONAL SUPPORT ANIMAL?

A housing provider must grant a reasonable accommodation to allow you to keep a service or emotional support animal if:

1. you have one or more mental or physical disabling conditions that substantially limit your major life activities, and
2. your doctor has determined that the animal provides a disability related benefit to you or helps you overcome the symptoms of your disability so that you can use and enjoy your home.

The animal does not have to be certified or registered.

You must submit a request for a reasonable accommodation if your landlord does not allow pets or charges a pet fee. The landlord has a right to request documentation to prove that you need the animal. This can be done in the form of a note from your doctor.

A landlord cannot:

- ask you to pay any extra rent or deposit for the animal,
- ask for more detailed information about your disability,
- ask you to register your emotional support animal
- require the animal to have any specific training
- require that the animal meet certain breed, size, or species criteria.

The landlord does have the right to ask you to pay for any damages the animal causes to the property and the landlord does have the right to evict you if your animal is unruly.



CALL SEOLS IF:

- Your landlord or housing provider has treated you differently because of your:
 - Disability
 - Race
 - Color
 - Religion
 - Sex (including sexual harassment)
 - Familial Status (including having children or getting custody of your child)
 - National Origin (including the language you speak)
 - Ancestry
 - Military Status
- Your landlord or housing provider has denied a reasonable modification or reasonable accommodation that is necessary for you to use or enjoy your housing because of a disability.
- You have been sexually harassed by your landlord, housing provider, or someone working for your landlord including a property manager or maintenance worker.

HEALTH CARE



WHAT SHOULD I DO IF I DO NOT HAVE HEALTH INSURANCE?

Contact the Department of Job and Family Services about Medicaid eligibility. The following people may qualify for Medicaid coverage in Ohio:

- Low-income individuals
- Pregnant women, infants, and children
- Older adults
- Individuals with disabilities.

Health insurance plans are also available for anyone in Ohio who does not have coverage through an employer, a family member, or the government. www.HealthCare.gov has information on how to apply. Subsidies may be available to help you purchase insurance through the Marketplace.



CALL SEOLS IF:

- You have been denied Medicaid.

For Additional Resources Please visit

- Your Medicaid or Managed Care Plan has been terminated, sanctioned or you have been denied services.
- You need a home health aide, but your provider has reduced your hours of service or is refusing to provide the services you need.
- You cannot afford your Medicare Part B premiums or cannot get the treatment you need.
- Your child is not getting all the services, treatment or medical equipment their doctor says is medically necessary.
- You have chronic mental illness or certain physical health conditions and need help to continue your healthcare and getting other services needed.

HOUSING



WHAT SHOULD I KNOW ABOUT RENTING?

Many tenants sign a lease. If you don't, you still have most of the same rights as tenants who have leases. If you do have a lease, you should read it and make sure you understand it before you sign it. You are entering into a contract.

Under Ohio law, the landlord has several obligations the law says he must perform, even if the lease says he does not, or even if there is no written lease. Such as:

- Make the house or apartment comply with all building, housing and health codes that significantly affect health and safety.
- Make all repairs necessary to make the house or apartment livable.
- Keep in good working order all electrical, plumbing, heating and ventilation systems and all appliances supplied by the landlord.
- Supply adequate hot water and heat at all times, although the tenant may be required to pay for these services.
- Keep hallways and stairways safe and sanitary.
- Provide garbage cans (if four or more units in the same building).
- Give the tenant at least 24 hours' notice before he enters the apartment. A landlord cannot walk in whenever he wants for any reason, except for an emergency, and even if he gives notice, he must have a legitimate reason to enter.
- Begin an eviction against a tenant if he has good reason to believe the tenant is using or selling illegal drugs on the property.

Under Ohio law, the landlord CANNOT:

- Do anything to prevent his tenant from exercising certain rights.

For Additional Resources Please visit

- Increase rent, decrease services, bring or even threaten to bring an eviction because a tenant has complained to him or to the city about a code violation or because a tenant participated in a tenant's union.
- Shut off utilities, change the locks, set out a tenant's possessions or threaten any of these acts to make a tenant move out of an apartment.
- Enter an apartment whenever s/he wants or repeatedly demand to enter.
- Remove any property belonging to a tenant from a dwelling without proper court action or to keep the tenant's property as collateral to force a tenant to pay rent.



I'M RENTING MY FIRST APARTMENT, WHAT SHOULD I DO TO PROTECT MY RIGHTS?

Signing the Lease:

- Make sure the lease is in writing.
- Make sure to read the lease fully and ask questions if you do not understand something.
- DO NOT rely on "verbal agreements" between you and the landlord; make sure the lease contains everything that was agreed to and mark out any language in the lease that does not apply to you or your agreement and have both you and the landlord initial beside it.
- The length of the lease matters! A tenant with a one-year lease will have more protection from eviction than a tenant in a month to month lease.

Moving In

- Take pictures of the rental (especially of anything that appears damaged) before moving anything in. Save the photos to a computer, upload them to the cloud, or send them to a friend or family member for safe keeping.
- Let your Landlord know, in writing, if you noticed any damage or things that need repaired when you were moving in. Make sure to do this as soon as possible after moving in.

During Your Tenancy

- Pay your rent on time and make sure you get receipts. If your landlord will not give you a receipt, pay with a check (notating on the check that the money is for rent) and keep your bank statements.
- Let your landlord know immediately, in writing, if something in the rental breaks or needs to be repaired.

For Additional Resources Please visit

- You cannot simply stop paying your rent because you are unhappy with your landlord! If you wish to do this because they are not making repairs, there are certain steps you must follow to escrow your rent (detailed further in the section below).
- If you and your landlord make any other agreement outside of the lease, such as a payment plan, waiver of a fee, or a work-for-rent plan, make sure that agreement is in writing – again, DO NOT rely on a “verbal agreement” of any kind.
- Make sure conversations with your landlord about your lease, rent, necessary repairs, etc., are in writing. This includes through email, text, Facebook Messenger, and other communication/social media platforms (take screenshots and save them to the Cloud or other backup).
- Follow the policy in your lease regarding things like quiet hours and overnight guests and remember to be respectful of your neighbors.

Moving Out

- Make sure to clean the rental as best as you can after moving your belongings out (this includes wiping down surfaces, sweeping the floors, mopping the floors, and removing the trash).
- Take pictures of the rental after you have cleaned it.
- Make sure to return the keys to the landlord in the way you both agreed upon (leaving it in the rental, dropping it off at the rental office, etc.).
- Give the landlord a forwarding address so they know where to send your security deposit.



HOW DO I GET MY LANDLORD TO MAKE REPAIRS (RENT ESCROW)?

Landlords have a duty to fix any problems with the housing that materially affect your health and safety, violate local building, housing, or health and safety codes, or make the property unlivable.

You must give your landlord written notice of the problems. Your landlord has a reasonable amount of time to fix the problems, generally 30 days unless it is an emergency.

If the problem is not fixed within 30 days you have the right to end your lease and move, or to deposit your rent (on time) with the Court. By depositing your rent with the Court, you are asking the Court to either force your landlord to make the repairs or ask the court to give you the money back, so you can make repairs yourself.

For Additional Resources Please visit



I MISSED A MORTGAGE PAYMENT; CAN I SAVE MY HOME FROM FORECLOSURE?

The sooner you deal with missing mortgage payments, the easier it is to find a solution. Ask for help as soon as you realize you might miss a payment.

Contact your servicer right away. Many servicers are willing to work with homeowners. You may be able to create a repayment plan, add the missed payment to the remaining balance, or modify the loan.

You do not have to leave your house until it is sold at a Sheriff's sale. You should continue to live in your house while you are trying to get help. If you abandon the property, you may not qualify for assistance.

Document all contact with your service provider. Keep a list of who you spoke to and when.

If you receive court papers, respond to the summons within 28 days. You can ask the Court for more time to answer, if you need it. You can also ask the Court to schedule the case for mediation, so you can try to work out an agreement to get back on track with your mortgage and stay in your home.



CALL SEOLS IF:

- Your landlord has filed an eviction against you.
- You have a problem with the condition of your rental property.
- Your housing subsidy is being terminated.
- Your landlord has locked you out or disconnected your utility services without a court order.
- You are facing a Mortgage Foreclosure.
- You are facing a Tax Foreclosure.

PUBLIC BENEFITS



HOW DO I APPLY FOR CASH ASSISTANCE (OHIO WORKS FIRST), FOOD ASSISTANCE, OR MEDICAL ASSISTANCE?

You can apply for several types of public benefits through the Ohio Department of Job and Family Services. You can apply online at

For Additional Resources Please visit

<https://benefits.ohio.gov/> or by contacting your local Job and Family Services office.



I AM BEING SANCTIONED, WHAT CAN I DO?

Everyone who receives cash assistance or food stamps signs a self-sufficiency contract. If a required individual in your household does not complete their assignment under the self-sufficiency contract, then the whole house will lose its cash assistance. That person's share of food stamps will also be stopped. Your Medicaid benefits cannot stop unless you have already had two sanctions:

- The first time, the sanction will last one month.
- The second time, the sanction will last two months.
- The third time, the sanction will last for six months. You may lose your Medicaid for six months

When you receive a sanction, you have the right to a state hearing to dispute the sanction. You can ask for a state hearing anytime within 90 days of the mailing date of the sanction notice. If you ask for a state hearing within 15 days of the mailing date on the sanction notice, your benefits will continue until the state hearing decision is issued. If you win your state hearing, then you will not be sanctioned.

To win your state hearing, you must show you had a good reason for not doing what was in your self-sufficiency contract or your work assignments. Some examples of good reason, or "good cause", are:

- A death in the family.
- You, your child, or other household member were sick or were at the doctor. (You may be asked for a doctor's note.)
- You had a job interview
- You had no childcare.
- You had transportation problems.
- You were denied reasonable accommodations for your disability.



I AM RAISING A CHILD THAT IS NOT BIOLOGICALLY MINE, CAN I GET BENEFITS?

If you have custody of the child, you may be eligible for the Kinship Permanency Incentive (KPI) program. KPI provides time-limited incentive payments to families caring for their kin. Eligible kinship caregivers will receive an initial payment to defray costs of initial placement and may receive subsequent payments at six-month intervals to support the stability

For Additional Resources Please visit

of the child's placement in the home. KPI payments are in addition to Ohio Works First (OWF) cash assistance received for the child.

If you do not have permanent custody of the child, you may still be eligible to receive benefits on the child's behalf. You should talk to the Department of Job and Family Services about adding the child to your benefits if you have them, or about opening a "child only" case for cash assistance, also known as Ohio Works First (OWF) or Prevention, Retention, or Contingency funds.



CALL SEOLS IF:

- You have been denied food stamps, or your food stamps have been sanctioned or reduced.
- You have been denied Medicaid or your Medicaid has been sanctioned.
- You have been denied cash assistance through Ohio Works First, or your cash assistance has been sanctioned.
- You have been denied childcare by the Department of Job and Family Services.
- You have been denied Prevention, Retention, and Contingency funds by the Department of Job and Family Services.
- You or your child have been denied SSI, or your SSI (or SSD) has been terminated.
- You have been denied Veterans Benefits.
- You have been denied Kinship Care Assistance.
- You are between 14 – 24 years of age and have been denied training and/or help getting work through the Comprehensive Case Management and Employment Program (CCMEP).

TAX



SOMEONE STOLE MY IDENTITY, WHAT CAN I DO?

Tax-related ID theft can affect you in two main ways:

1. Someone uses your (stolen) identification information to file a fraudulent tax return and get a refund.
2. Someone uses your (stolen) information to obtain employment, which can make it seem like you had more income than you earned.

If you get an IRS letter that requests you to verify your identity, it's possible someone used your SSN to file a tax return. The IRS Taxpayer Protection

For Additional Resources Please visit

Program identifies potential identity theft returns as a precautionary measure to protect you. If you receive an IRS Letter, contact the toll-free Identity Verification line at 800-830-5084 immediately. Be prepared to verify your identity.

If you get a letter that says you didn't report all your income and you don't recognize the names of the companies where the income was earned, it's possible someone used your SSN for employment purposes. You should respond to the letter as soon as possible, following the instructions.

If you know your information has been compromised due to a lost or stolen wallet or for some other reason, you should alert the IRS by calling the Identity Protection Specialized Unit at 800-908-4490. This allows the IRS to take steps to secure your account.



WHAT SHOULD I DO IF I CAN'T AFFORD TO PAY MY TAXES?

Most options for paying off a tax debt work best if you take action. By acting as soon as possible, you'll help ease the burden and keep the IRS from acting to collect the debt.

If you need to file a tax return, you should. You'll still owe the taxes, whether or not you file. You should file your return on time, with or without a payment — the IRS charges penalties for filing late. The IRS also charges daily interest on unpaid tax bills, so the longer you wait, the more interest you will owe.

Figure out how much you think you can pay. If you can, pay the full amount immediately or within 120 days. You can ask for an Installment Agreement which allows you to pay a fixed monthly payment. You may also be able to negotiate an Offer in Compromise, which allows you to pay less than the full amount you owe. If none of the above are applicable, the IRS may be able to put you into a status called "Currently Not Collectible" and the IRS will not seek to collect payments from you, but the debt does not go away and the penalties and interest will continue to grow.



CALL SEOLS IF:

- The IRS is asking for more information about your tax return.
- You have a lien on your property or wage garnishment due to unpaid taxes.
- You are receiving bills from the IRS for taxes from a joint return and you think your spouse should pay.
- You have been denied the Earned Income Tax Credit, Child Tax Credit, or other tax credits you believe you qualified for.

For Additional Resources Please visit

- You have an IRS tax debt you cannot pay or do not think you owe.
- You believe that someone has used your identity to file taxes or earn money.
- You filed a return and have not received the refund you expected.

UTILITIES



MY LANDLORD WON'T PAY THE UTILITY BILL, WHAT CAN I DO?

If your lease requires you to put the utility bill in your name, or requires you to pay the bill, you must do so to keep the utility on. Your landlord is only required to provide access to the utility. However, if you live in a building/home that has multiple rental units and the utilities are not separately metered, your landlord is required to keep the utility bill in his/her name, though you may still be required to pay a set amount or a portion of the overall bill.

If your landlord is responsible for paying the bill and the utility gets shut off, you must act fast. Contact your landlord to let them know that the utility was shut off and ask that the bill be paid. If he/she refuses, contact the utility company to see about getting the utility transferred into your name for the time being. If the utility company is not willing to work with you, you may want to contact the Public Utilities Commission and the Ohio Consumers Counsel to report the problem.



CAN I KEEP MY ELECTRIC OR GAS ON IF I NEED IT FOR MEDICAL REASONS?

State law prevents utilities from disconnecting your electric and natural gas services for nonpayment if a member of the household has a medical condition defined as “especially dangerous” to health. You should submit a note from your doctor to the utility company and fill out a medical certification waiver.



CALL SEOLS IF:

- Your landlord has turned off your utilities or has threatened to turn off your utilities.
- Your landlord is not paying the utility bill, even though your lease says the landlord will provide utilities.

For Additional Resources Please visit

- Your electric or gas service is being turned off but having the utility off will result in medical problems for you.
- Your electric or gas is being turned off because you cannot afford the payments.
- You have been denied or terminated from the PIPP or HEAP program.

WORK



I HAVE A CRIMINAL RECORD AND CAN'T FIND EMPLOYMENT, WHAT SHOULD I DO?

You are eligible for an expungement if:

- You were charged with a crime but were found guilty finding, the case was dismissed, or a no bill was issued, OR
- You have up to two convictions. (You may have one felony conviction and one misdemeanor conviction, or two misdemeanor convictions). Unless:
 - You were convicted of two or more crimes based upon the same action. In that case, all of these convictions will be considered one conviction and can be erased from your record. OR
 - This or your other convictions are for minor misdemeanors. Minor misdemeanors, including most traffic offenses, do not count as criminal convictions. These charges should not prevent you from having your record sealed.
- You were convicted of a misdemeanor and more than one year has passed since your “final discharge”, or you were convicted of a felony and more than three years have passed since your “final discharge”. Final discharge means completion of jail time and/or probation.
- You currently do not have any criminal or traffic proceedings against you.

If you are applying for one expungement now, you cannot have had more than one other case expunged. If you are applying for two expungements now, you cannot have had any other conviction (other than a minor misdemeanor) expunged.



I HAVE A JUVENILE RECORD, HOW WILL THAT IMPACT ME?

For Additional Resources Please visit

A Juvenile Record is not technically a criminal record. However, they do create a record of court involvement that may cause a problem when applying for a job, college enrollment, or military service.

Most Ohio juvenile court records are confidential. However, a felony juvenile record may still show up on a background check unless the record is sealed or expunged. Likewise, if you are required to register on the juvenile sex offender registry, information about your juvenile record is available to the public.

Failing to seal your juvenile record may mean you have to report it in an interview or on a job application if you are asked about “adjudication”, even though it is not a “conviction” and you were never “arrested,” you may still have to report your juvenile record and it may show up on a background check.

Your Juvenile Record may also be used against you if you are charged with a future crime, if you apply for public housing, if you are applying for a change of immigration status, or if you are attempting to purchase a gun.



CAN I SEAL MY JUVENILE RECORD?

Probably. Most Juvenile Records are eligible to be sealed. Sealing means the record is removed from the court’s main records and kept elsewhere. Only the court and some government agencies have the right to view the record once it is sealed. If your record is sealed you can honestly say (and report on job applications) that you do not have a court record.

Some juvenile charges are automatically sealed. Your record should have been automatically sealed if:

- You were arrested as a minor, but a formal complaint was not filed;
- You were charged with underage drinking and completed a diversion program;
- The court dismissed the complaint or find you not to be delinquent, unruly, or a juvenile traffic offender;
- You were adjudicated “unruly” but are now 18 and have no pending delinquency charged.

If you have other charges, or you believe your record was not automatically sealed, you can apply to have them sealed. All juvenile records are eligible to be sealed EXCEPT aggravated murder, murder, and rape. If you were adjudicated delinquent on any of those three charges, then that record can never be sealed.

If you are under the age of 18, then you must wait 6 months from the final conclusion of the case to apply to have your record sealed. This means 6

For Additional Resources Please visit

months after release from detention or DYS and all court orders have ended.

Once you are eligible, you should contact the Clerk of Courts at the Juvenile Court where the records are located and ask for an application to have your records sealed. You should complete the application and provide as much supporting documentation as possible. The Court will be looking for school performance, work experience and performance, as well as any volunteer or other activities. The Court will also be concerned with any other juvenile or criminal cases.

Once your application is complete, you should file it with the Clerk of Courts for the Juvenile Court where the records are located. There is no filing fee. The prosecutor will be notified and given an opportunity to object to the record being sealed. If the prosecutor objects, the Judge may hold a hearing to determine whether the record should be sealed. If the prosecutor does not object, the Judge may grant the sealing without a hearing. It is ultimately up to the Judge whether the record is sealed or not.



WHAT ARE MY RIGHTS IF MY EMPLOYER ISN'T PAYING ME?

Your employer is required by law to pay wages timely. You should demand your wages for any work you have done if your employer has not paid when you were to have received them. If this fails, then you can use the courts.

If your employer goes bankrupt, you should file a Proof of Claim with the Bankruptcy Court. Wage claims may be paid ahead of some of the employer's other bills.



I AM NO LONGER WORKING; CAN I GET UNEMPLOYMENT COMPENSATION?

To receive unemployment benefits, you must apply online at <https://unemployment.ohio.gov/> or visit your local Ohio Means Jobs office normally located at your local Job and Family Services. After you are approved for benefits, you must file a claim each week until you get a new job. You must be available, able and seeking work and file weekly claims until you get a new job or exhaust your benefits.

For Additional Resources Please visit



CALL SEOLS IF:

- You have been denied Unemployment Benefits.
- Your wages or bank account is being garnished.
- You have a criminal record that makes finding a job difficult.
- You have questions about sealing your juvenile record.
- An employer is not paying you for your work.

REPRESENTING YOURSELF IN COURT



WHAT SHOULD I KNOW ABOUT FILING IN COURT?

If you wish to file a Complaint, sometimes also called a “Petition”, in court, you can find some forms on the Ohio Supreme Court website, on your local court’s website, in your local law library, or in clerk of courts office in your local courthouse.

There are often other forms that you must file along with your Complaint/Petition in order for the court to consider your case. What exactly you need to file will depend on the type of case you are filing. For example, if you wish to file for a divorce, along with your “Complaint for Divorce”, you must also fill out and file forms titled “Affidavit of Income and Expenses”, “Affidavit of Property”, and “Parenting Proceeding Affidavit”, among others. The Ohio Supreme Court website will tell you which forms need to be filed in your type of case.

Sometimes you may be able to find fillable forms online that you can download and type your information into. Otherwise you can print or pick up hard copies from the courthouse and fill them out by hand. Make sure to use blue or black ink when filling them out and write as clearly and neatly as possible. If you need extra space to complete an answer, you can continue onto a blank piece of paper, clearly marking which section or question on the form is corresponds to and attach it to your filings.

No matter what you are filing, you will also have to file a “Request for Service” form. This tells the court who else in the case needs to get a copy of what you filed. You should do your best to find the address of the Defendant or Respondent or anyone else involved in the case. You will also need to tell the Court in your Request for Service how you would like the forms to be sent (by certified mail or regular mail). If you do not give the Court the name and address of the Defendant/Respondent, the Court may not move forward with your case.

For Additional Resources Please visit

Please note that there is a fee to file a case in court. The fee depends on the type of case you are filing. You can find out what that fee will be by looking at your local court's website or calling the clerk's office. If you are able to afford this payment at the time of your filing, you may also wish to call the court to find out what form of payment they will accept.

If you are not able to afford the filing fee, you can complete a "Poverty Affidavit", or what is sometimes called a "Request to Waive Filing Fees", and file this with your other forms. This does not actually waive your filing fee; it places you on a monthly payment plan to pay off that fee rather than having to pay the entire fee upfront at the time of filing. Be sure to continue making your monthly payments and notify the court if you are no longer able to afford these payments. Please be aware, however, that you cannot be sent to jail for failing to pay court costs.

Most of these forms you are required to file with your Complaint require you to sign at the end in front of a notary. Most banks have a notary on staff that can provide this service for you.

After completing your Complaint and other forms, you should make three copies of each. Then take the originals and three copies to the Clerk of Courts office to file. Depending on the type of case you are filing, you have to file the forms either with the Clerk of Common Pleas or Clerk of Municipal or County Court. The name of the court may differ from this depending on which county you are filing in, and they may be in the same or different buildings depending on the size of your county. The best thing to do is call of the clerk's offices ahead of time and ask which court your type of case should be filed in.

After filing your Complaint, the other side should be served with those filings. They then have 28 days to provide an "Answer", in writing, to you and the court. After this, the Court will schedule your case for a hearing and you should receive a notice with the details of your hearing in the mail. It is important to keep the court informed if you move or get a new phone number so you can be sure to continue getting updates on your case from the court.



SOMEONE FILED A LAWSUIT AGAINST ME – NOW WHAT?

If you have been sued, you will be notified with a written "Summons" and a copy of the Complaint filed by the person who sued you. The Summons will tell you that within 28 days from the day you were served, or the date you received, the Summons, you must file an "Answer" to the Complaint. An Answer is a written document that you prepare and file with the court.

For Additional Resources Please visit

Filing an Answer gives you the opportunity to tell the court your side of the story.

In preparing a written Answer to the Complaint, certain information must be included so that your Answer will be properly recorded when you file it. Write this information the same way as it appears on the Complaint. You must include:

1. Name of the Court and County
2. Name and address of the person who sued you (the “Plaintiff”)
3. Your name and address (the “Defendant”)
4. Case Number and name of the Judge

You can then start writing your answer by addressing the Judge as “Your Honor” and stating you are writing to him or her about a lawsuit filed against you in the Judge’s court. Next, you should go back and read the Complaint that you received very carefully and note which allegations in the Complaint are true (like where you live or your relationship to the other party), and which are not. Then go back to your Answer and write that you “admit” to whatever it is in the Complaint that is true, and “deny” whatever is not true. If the Complaint filed against you has numbered paragraphs, as most of them do, then go through the Complaint paragraph by paragraph, admitting what is true and denying what is not true. If they are not numbered, then you should write out the sentences that you admit and deny as it is written in the Complaint.

Whenever you deny something in the Complaint, you should also state briefly your reason why you are denying it or any part of it. For example, if the Complaint says that you owe money but you know that you already paid the money, then you should deny that you owe the money and say that you already paid it.

If you have legal claims of your own against the person who filed the Complaint against you, you may wish to include these in your Answer. Such claims are called “counterclaims.”

At the end of your Answer, ask the Judge to dismiss the Complaint. Then clearly write your name, address, and phone number.

You should then complete a form called a “Request for Service” (or “Certificate of Service”). You can find this on the Ohio Supreme Court website or ask for one from the court clerk. On this form, you should fill in the address of the Plaintiff or Plaintiff’s attorney, if they have one, and the date you mailed your Answer to the Plaintiff or Plaintiff’s attorney.

After you have prepared your Answer, make two copies of it. Mail one of these copies to the Plaintiff or Plaintiff’s attorney who filed the Complaint.

For Additional Resources Please visit

Although you do not have to mail the Answer by certified mail, you may want to ask the Post Office to provide you with a Certificate of Mailing. This will prove the date you mailed the Answer and to whom it was addressed.

Within three days of mailing a copy to the Plaintiff or the Plaintiff's attorney, take the original of your Answer and your remaining copy to the clerk's office of the court that served the papers on you. The clerk will file-stamp them, keep the original for the court, and give the copy to you for your records. Keep your file-stamped copy in a safe place because it is your proof that you filed your Answer in the place and on the date indicated in the file stamp.

Failure to answer the Complaint in writing within 28 days after you receive it is an admission that what the Complaint says is true and the other person should win whatever they have asked for from the Court. If you do not answer the Complaint in writing, the law says this means that you agree with what the Complaint says is true, that the other side should win, and generally the other side may be able to make you pay money to them. If this is the case, there is no reason for the Court to have a trial, other than possibly a short hearing to determine the amount of the "damages", or money you owe. If there is no trial, then you will not get your day in court. Also, if you do not file an Answer to the Complaint, you may not receive any further notice from the Court about what is happening in your case until the person who has sued you tries to collect those damages from you. If you do file an Answer, then everyone will know where you stand and that you are fighting the Complaint. The Court will then keep you updated on what happens in your case, and the person who filed the Complaint against you will know where to send any additional papers that he or she may file. You must keep the Court and the other side up-to-date on what your current address and phone number is so they can continue to communicate with you and notify you when a hearing in your case is scheduled.

PLEASE NOTE: You have the right to court-appointed counsel in certain cases if you are low-income:

- Contempt of Court
- Juvenile court cases involving Children's Services
- Felony criminal cases
- Misdemeanor criminal cases if jail time is possible

If you are named as a Defendant in any of the above cases and are low-income, then you should make a request for the public defender or court-appointed lawyer with the clerk of courts as soon as possible.



HOW SHOULD I PREPARE FOR MY CASE?

Make an outline

- Before going to Court, take time to think about what are the main issues and facts that will determine the outcome of your case.
- Make an outline of the important issues in your case and the facts that support your side of each issue.
- Include in your outline the facts you think the opposing party will bring up and write down how you would respond to them.
- The more detail you have in your outline, the better. In addition to being a useful tool at your hearing, preparing an outline will also help you figure out what issues are important in your case and which ones are not before you get to court.
- Bring your outline with you to court and use it!

Gather Evidence

- Once you have made an outline and determined what facts and issues are the most important, you will want to gather evidence that supports your side.
- While testimony is important, photos and documents will often be the most valuable evidence when two parties are in a “he said / she said” situation
- Remember that when you present evidence in a hearing, you will need to leave that evidence with the Court. So, if you have screen shots of text messages or other photos on your phone, print them out before going to the hearing.
- If you have witnesses you want to testify for you at your hearing, talk to each witness and make sure they are available at the time of the hearing and will be able to get to the courthouse.



CAN THE COURT STAFF HELP ME PREPARE?

Court staff cannot help you prepare your case. They cannot:

- Provide you with legal research
- Tell you what sorts of claims to file or what information to put on the forms
- Tell you what to say in court
- Give an opinion on how the Judge is likely to decide your case
- Give you information that they would not give to the opposing party
- Tell you about the Judge’s decision before it is issued by the Judge.

Court staff may:

- Answer questions about how the court works;
- Explain terms used in the court process;

For Additional Resources Please visit

- Give you information from your case file (including anything filed by yourself or the opposing party);
- Provide you with court forms and sample filings and documents



WHAT SHOULD I WEAR TO COURT?

Dress as if you are going to church. Some Courts have dress codes. Consider calling the Court ahead of time to ask if there are any restrictions.



WHAT SHOULD I EXPECT TO HAPPEN AT MY COURT HEARING?

You should expect that you will be mostly on your own when it comes to presenting your case. The Court will hold you to the same rules that attorneys are held to. If you feel you cannot represent yourself, you should ask the court (in writing before your hearing) for the hearing date to be continued until you can find an attorney. The Court may or may not grant this request.

If you go forward with representing yourself you will be required to treat everyone in the courthouse with respect.

- You may be screened by a bailiff and metal detector upon entering. You should tell the bailiff where you are going in the courthouse and why you are there, he or she can help direct you.
- You should stand when the Judge enters or leaves the courtroom and when you speak to the Judge. Address the Judge as “Your Honor”.
- Never argue with the opposing party directly. Use respectful terms when addressing the opposing party (Mr., Ms.,).
- Come prepared, the courts are busy. You should speak clearly and keep your case to a few sentences. Listen to the questions asked and answer them directly.

The Judge may not help you present your case. The Judge will not point out mistakes or let you know what to do next. When you represent yourself it is your responsibility to present the case.

The Judge will not speak to you about your case when the opposing party is not present. Even if you just have a question about the court process.

For Additional Resources Please visit



HOW DO I PRESENT MY EVIDENCE?

There are many different types of evidence, and the rules for using each type of evidence are different. You cannot just walk into court with a photograph or document and show it to the judge or jury. There are things you must do before the court will even look at the evidence you have. Once you follow these rules, your evidence will be “admitted.”

Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled “Exhibit 1,” “Exhibit 2,” etc.). Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:

- Show the exhibit to the other party or the other party’s attorney.
- Then “lay the foundation” for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed below for “laying the foundation” - explaining why and how the exhibit is connected to your case.
- 3.) Either you or your witness must testify about the exhibit.
- 4.) Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can’t, let the judge decide.
- 5.) If there are no objections from the other party, or the judge has ruled in your favor, ask the court to “admit the Exhibit into evidence.”

How do I lay the foundation for a photograph?

To lay the foundation for a photograph, follow these steps:

- Explain why a photo is connected to your case. For example: “This photo shows the injury I suffered after my ex-boyfriend punched and kicked me.”
- Explain how you know about what is in the photo. For example: “I had my sister take this photograph two hours after the incident occurred.”
- Explain that the photo is timely. For example: “At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend.”
- Explain that the photo “fairly and accurately” shows what is depicted in the photo as it appeared on the date relevant to your case. For example: “This photo is a fair and accurate depiction of

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how my face looked two hours after the incident and for the next two weeks.”

How do I lay the foundation for a letter or a document?

To lay the foundation for a letter or a document, follow these steps:

- Explain why the letter or document is connected to your case. For example: “This is the letter that I received from my ex-boyfriend shortly before he beat me up.”
- Explain when and how you got the letter or document. For example: “This letter was shoved under the door to my apartment some time before 6 p.m. on January 2. I found it on the floor when I came home from work that day.”
- Prove that the signature is that of a party to the case by testifying that you are familiar with the signature or call a witness who is familiar with the party’s signature.
- Explain that the letter is in the same condition now as when you received it. For example: “The letter was kept in a safe place and nothing has been changed since I received it.”



DO I NEED A WITNESS?

It is always a good idea to bring a witness to court if you have one. The witness can confirm that what you tell the court is true. The witness can also tell the court that you are an honest person. In most court cases, both sides tell a different version of the same story. The testimony of a witness will make your side of the story more believable.

Your witness must come to the hearing in person. A handwritten note from a person will not be accepted by the court. The witness must show up at the hearing and testify live. To make sure your witnesses show up, make sure you call them the week of the hearing and again the day before the hearing to remind them. If your witness will not appear voluntarily, a subpoena can be obtained from the Clerk of Courts. A subpoena is an Order from the Court demanding the witness to appear.

Your witness should be someone who knows about the situation from things they have seen or heard firsthand. You should only use a witness after you have talked with him or her and you are sure that person will tell the court something helpful to your case. You may also want to bring a witness who knows you and your reputation in the community. While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With friends or family members, the judge may assume that the witness is testifying for you because he or she likes you and wants you to win.

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HOW DO I QUESTION A WITNESS IN COURT?

Before getting to Court you should think about what is the most valuable thing each witness could say on your behalf and write down questions that will help the witness get those answers out in his or her testimony. You should practice with your witness ahead of time.

When the witness is on the stand in court, start by asking the witness his or her name and address for the record. Then, ask specific questions about what information they have about your case. Start your question with *who*, *what*, *when*, *where*, *why*, or *how*. If your witness has a profession, you should ask about his or her job, education, work history, and how long he or she has been doing that job.

You will also have a chance to “cross-examine,” or question, the other side’s witnesses. After the other side has asked their witnesses questions the Judge will then give you the opportunity to ask your own questions. You do not have to ask any questions if you think the witness will only repeat what he/she already said.

When questioning any witness (whether it is your witness or the other side’s witness) you should always be polite and respectful. Never argue with the witness, even if you believe he or she is lying. If the witness refuses to answer, ask the Judge to make the witness answer the question.

You should keep your questions short so the witness will understand what you are asking. Never ask a question you do not already know the answer to in Court. The answer could hurt your case more than help it.

The Information in this packet is not legal advice. If you are seeking representation or legal advice, please contact SEOLS. An attorney client relationship does not exist between you and SEOLS at this time.

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