

INSTRUCTIONS FOR MOTION TO RESTRICT PUBLIC ACCESS TO DOCUMENT PURSUANT TO SUP. R. 45 (E)

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list.

A filing fee is required at the time of filing. Current Court Costs are posted at:
<https://www.probatect.org/about/general-resources>.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **This fee must be paid in cash, certified check, MasterCard, Discover, or American Express. No personal checks or money orders will be accepted.**

The forms may be obtained from the Information Desk on the 9th floor of the Probate Court, 230 E. 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

STEP 1: Filing of the Motion
Self-Representation Form (270.01) <ul style="list-style-type: none">- Sign and Complete information if you do not have legal representation
Motion to Restrict Public Access to Document Pursuant to SUP. R. 45 (E) H.C. Form 630.84 <ul style="list-style-type: none">- Any party to a judicial action or proceeding or other person who is the subject of information in a case document may, by written motion to the Court, request that the Court restrict public access to the information or, if necessary, the entire document. Additionally, the Court may restrict public access to the information in the case document or, if necessary, the entire document upon its own order.
Entry Setting for Hearing Form 202.00 <ul style="list-style-type: none">- This motion will be set for hearing in front of Judge Winkler.
Notice Of Hearing On The Motion To Restrict Public Access To Documents <ul style="list-style-type: none">- Parties of the case must either waive notice by signing H.C. Form 630.86
OR
Written Request for Service on Motion to Seal or Unseal Records H. C. Form 200.47 <ul style="list-style-type: none">- The filing party shall complete a “Written Request for Service on Motion to Seal or Unseal Records” (HC Form 200.47) that lists the names and addresses of all persons who are party to the case and did not waive. Notice shall be served via certified mail.
STEP 2: Filing of papers with Cashier
The “Motion to Restrict Public Access to Document Pursuant to SUP. R. 45(E)” is taken to the cashier. At this time, the cashier will require the payment of the filing fee. The cashier will retain the original form. Please provide the cashier with a copy of the form so that it may be filed stamped.

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.
2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.
3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.
4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.
5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.
6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

Fiduciary/Applicant/Guardian

Typed Printed Name

Address

City/State/Zip

Telephone Number (include area code)

Email

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN RE: _____

CASE NO. _____

**MOTION TO RESTRICT PUBLIC ACCESS TO DOCUMENT PURSUANT
TO SUP. R. 45 (E)**

The Applicant moves the Court to restrict public access to a case document or information in a case document pursuant to Sup.R. 45(E). The presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

The Applicant hereby certifies that all requirements for restricting access to the case document or information in the case document are met.

Notice to Applicant: Restricting public access to a case document or information in the case document pursuant to Sup.R. 45(E) means the public will generally no longer have the right to see or copy the case document or information. Restricting public access does not have the same effect as the sealing or expungement of a case document. Sealing the document generally prevents anyone from seeing it without receiving a court order while expunging a case document generally means it is destroyed.

Attorney for Applicant

Typed or Printed Name

Address

City, State, and Zip Code

Phone Number (include area code)

Attorney Registration No.

Applicant

Typed or Printed Name

Address

City, State, and Zip Code

Phone Number (include area code)

Email

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN RE _____

CASE NO. _____

**WAIVER OF NOTICE OF HEARING ON THE MOTION TO
RESTRICT PUBLIC ACCESS TO DOCUMENT**

The undersigned who are parties in this matter who are entitled to notice of the filing of the motion to restrict public access to document, waive such notice.

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

IN THE MATTER OF _____

CASE NO. _____

ENTRY SETTING HEARING

The Application/Motion _____
filed by _____, by and through counsel,
is hereby set for hearing on the _____ day of _____,
at _____ o'clock _____.M. before Judge Ralph Winkler, Hamilton County Probate
Court, Room _____, _____ Floor, 230 E. Ninth Street, Cincinnati, Ohio 45202. The
Court orders that notice of the hearing be given, as provided by law and the rules of civil
procedure, to those persons entitled to notice who have not waived notice.

Ralph Winkler, Probate Judge

Attorney

**PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE**

N RE: _____

CASE NO. _____

**ORDER OF JUDGE TO RESTRICT PUBLIC ACCESS TO DOCUMENT
PURSUANT TO SUP. R. 45 (E)**

This matter to order the restriction of public access to a case document or information in a case document pursuant to Sup.R. 45(E) came before the Court on the Court's own motion or the Applicant's motion.

The Court finds by clear and convincing evidence the presumption of allowing public access to the case document or information in the case document is outweighed by a higher interest based upon the following:

THEREFORE, IT IS HEREBY ORDERED that public access to the case document or information in the case document shall be restricted as follows:

Notice: The restriction of public access to the case document or information in the case document means the public will generally no longer have the right to see or copy the document or information. The restriction of public access does not have the same effect as the sealing or expungement of the case document.

Sealing the case document generally prevents anyone from seeing it without receiving a court order while expunging the case document generally means it is destroyed.

IT IS FURTHER ORDERED that certified copies of this entry shall be served by the Clerk of Courts on the following:

1. The Applicant, or the Applicant's attorney (if applicable), at the address that appears on the application filed in this matter;

2. _____

_____.

IT IS SO ORDERED.

Date

Ralph Winkler, Probate Judge