

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

FILED-JOURNALIZED
HURON CO, OHIO

MAR 10 2023

COMMON PLEAS COURT
JUVENILE DIVISION

Monica Bautista

CASE NO. SU 2009 00028

Plaintiff(s)

SETS NO: 7073829132
7045126484
7079172420

vs.

JUDGE TIMOTHY L. CARDWELL

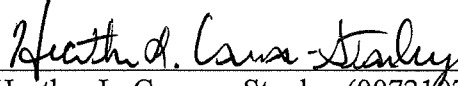
Juan Bautista III

**MOTION FOR SERVICE BY
POSTING**

Defendant

Now come the Plaintiffs herein, by and through the Title IV-D Attorney for the Huron County Child Support Enforcement Agency (CSEA), and pursuant to Rule 16(A) of the Ohio Rules of Juvenile Procedure and the Huron County Juvenile Court Local Rule 69 and request that service of summons and process be made upon the Defendant by Posting as authorized by Ohio Revised Code Section 2151.29. Certified mail service and personal service by sheriff has been attempted in this case and addresses for the Defendant are unknown and cannot, with reasonable diligence, be ascertained. Please see the attached Affidavit in support of this request.

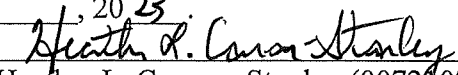
Respectfully submitted,



Heather L. Carman-Stanley (0072107)
Title IV-D Attorney
Huron County CSEA
185 Shady Lane Dr.
Norwalk, OH 44857
(419) 668-8126

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Motion for Service by Posting was sent to, Monica Bautista Plaintiff, located at 7460 Vantage Dr Unit 303, Columbus, OH 43235 and Crystal Gonzales Defendant, located at 142 Concord Court, Norwalk, OH 44857 by First Class U.S. Mail, this 8th day of March, 2023.



Heather L. Carman-Stanley (0072107)

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Plaintiff(s)

CASE NO. SU 2009 00028

SETS NO: 7073829132
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vs.

Juan Bautista III

Defendant

JUDGE TIMOTHY L. CARDWELL

PRAECIPE FOR SERVICE
BY POSTING

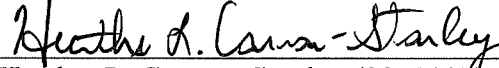
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PURSUANT TO LOCAL RULE 69 AND JUVENILE RULE 16(A)

TO THE CLERK: Please cause service upon Juan Bautista III by posting and mail pursuant to Local Rule 69 and Juvenile Rule 16(A) by:

1. Directing this party, Huron County CSEA, by and through the Title IV-D Attorney, to post the notice (a copy of which is attached) in a conspicuous space for a period of a minimum 7-day consecutive period at each of the following locations:
 - a) The Juvenile Court of Huron County, Ohio located at 2 East Main Street, 1st Floor, Norwalk, Ohio 44857.
 - b) The Huron County Department of Job and Family Services located at 185 Shady Lane Dr., Norwalk, OH 44857.
 - c) The Huron County Office Building located at 12 East Main Street, Norwalk, Ohio 44857.
 - d) The Huron County Juvenile and Probate Court Website, www.hcjpc.com.
2. Causing a Summons and the attached pleadings to be mailed by regular U.S. Mail, address correction requested, to Juan Bautista III, 205 Central Ave, Willard, OH 44890-1102.
3. Obtaining a certificate of mailing from the United State Postal Service. If the Clerk is then notified of a corrected or forwarding address within the seven-day period that the notice is posted, then the Clerk shall cause the Summons and accompanying pleadings to be mailed to the corrected or forwarding address; and
4. After the seven days of posting:
 - a) Note the name and address and date of each mailing on the docket: and
 - b) Note on the docket where and when the notice was sent.

In accordance with Local Rule 69 and Juvenile Rule 16(A), the required affidavit is attached.

Respectfully submitted,



Heather L. Carman-Stanley (0072107)

Title IV-D Attorney

Huron County CSEA


185 Shady Lane Dr.

Norwalk, OH 44857

(419) 668-8126

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing Motion for Service by Posting was sent to Monica Bautista Plaintiff, located at 7460 Vantage Dr Unit 303, Columbus, OH 43235 and Crystal Gonzalez, Defendant located at 142 Concord Court, Norwalk, OH 44857 by First Class U.S. Mail, this 8th day of March, 2023.


Heather L. Carman-Stanley (0072107)

Huron County Common Pleas Court
Juvenile Division
Norwalk, Ohio

Monica Bautista

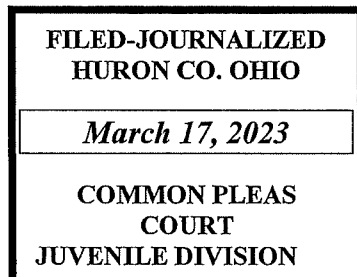
Plaintiff

vs.

Juan Michael Bautista III

Defendant

cc: defendant



Case Number: SU 2009 00028

Date: March 17, 2023

SETS No. 7073829132

7045126484

7079172420

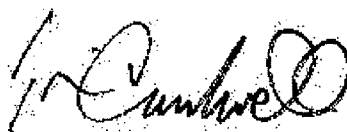
JUDGMENT / NOTIFICATION

This cause came to be heard on February 06, 2023, upon the Motion To Show Cause filed by Ms. Heather Carman-Stanley, Title IV-D Attorney, Huron County CSEA requesting that **JUAN MICHAEL BAUTISTA III** be required to appear personally before this Court to show cause why he should not be punished for failure to comply with the former orders of this Court.

The Court finding said motion well-taken, it is hereby ordered, adjudged and decreed that **JUAN MICHAEL BAUTISTA III** appear in person before the Huron County Juvenile Court, 2 East Main St., Room 101, Norwalk, OH 44857 on **TUESDAY, MAY 9, 2023, AT 10:00 AM** for a **TRIAL BEFORE THE COURT** to show cause why he should not be punished for contempt of Court for failure to comply with the former orders of this Court.

You are further notified that:

1. Failure to appear may result in the issuance of an order for your arrest.
2. You have a right to counsel and if you believe that you are indigent, you must apply for a public defender or court appointed counsel within three (3) business days after receipt of summons.
3. The court may refuse to grant continuance at the time of the hearing for the purpose of obtaining counsel if you fail to make a good faith effort to retain counsel or to obtain a public defender.
4. If you are found guilty of contempt for failure to pay support, or comply with a court order of visitation, the court may impose any of the following penalties:
 - a. FIRST OFFENSE: a fine of not more than \$250.00, a definite term of imprisonment of not more than 30 days in jail, or both.
 - b. SECOND OFFENSE: a fine of not more than \$500.00, a definite term of imprisonment of not more than 60 days in jail, or both.
 - c. THIRD OFFENSE: a fine of not more than \$1,000.00, a definite term of imprisonment of not more than 90 days in jail, or both.
5. If you are found guilty of contempt on other grounds, the Court may impose a term of imprisonment, fine, or both.
6. If your driver's license has been administratively suspended by a child support enforcement agency, you may request the Court to grant you limited driving privileges. When making this request you must also submit a recent copy of your driver's abstract from the registrar of motor vehicles.



Timothy L. Cardwell, Judge

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

FILED-JOURNALIZED
HURON CO, OHIO

FEB - 6 2023

COMMON PLEAS COURT
JUVENILE DIVISION

Monica Bautista)

Plaintiff)

vs.)

Juan Bautista III)

Defendant)

CASE NO.: SU 2009 00028

SETS NO: 7073829132/7045126484
7079172420

JUDGE: TIMOTHY L. CARDWELL

MOTION TO SHOW CAUSE

Now comes Heather L. Carman-Stanley, Title IV-D Attorney for Huron County Child Support Enforcement Agency and respectfully requests this Honorable Court for an order citing the Defendant, **Juan Bautista III**, for contempt for his failure to make payments upon the accrued child support arrearages at an amount previously ordered.

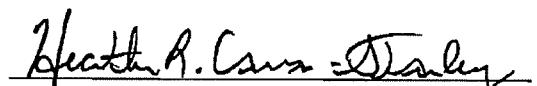
Additionally, the Title IV-D Attorney respectfully requests this Court to issue an order citing Defendant for contempt for failing to notify the Huron County CSEA of any changes in his address, employment, and financial information.

Additionally, the Title IV-D Attorney respectfully requests this Court to issue an order requiring Defendant to appear and to show cause why he should not be held in contempt.

Additionally, Obligor should be advised that his ability to pay constitutes a critical question in a civil contempt action.

A Memorandum in support is attached hereto and made part hereof.

Respectfully submitted,



Heather L. Carman-Stanley (0072407)
Title IV-D Attorney
Huron County CSEA
185 Shady Lane Drive
Norwalk, Ohio 44857
(419) 668-9152

MEMORANDUM

The Plaintiff, **Monica Bautista and mother Crystal Gonzalez and caretaker Kathy Bautista**, are recipients of services from the Huron County Child Support Enforcement Agency (HCCSEA) in accordance with Title IV-D of the "Social Security Act", 42 U.S.C. 651 (1975), as amended.

In a **Termination Orders** dated **December 6, 2021/March 1, 2009/February 17, 2012**, this Court ordered Defendant to pay Monica, Crystal and Kathy respectively upon his current child support for parties' child at a rate of **\$0.00/\$0.00/\$0.00** per month, plus **\$0.00/\$0.00/\$0.00** for cash medical support per month, plus **\$357.87/\$45.90/\$25.00** per month for payment on arrears, plus **\$7.16/\$.92/\$.50** per month for administrative fees, to Plaintiff through Huron County CSEA until the accrued arrearage is paid in full.

It is the finding of the Title IV-D Attorney that Defendant has failed to make timely payments on his accrued child support arrearage. See, Affidavit of Huron County Child Support Agency Investigator, attached as Exhibit A.

The Title IV-D Attorney further states that as a result of nonpayment, Defendant has accrued an arrearage on Monica, Crystal and Kathy's SETS cases respectively of **\$31044.80/\$4378.52/\$490.57** as of **February 2, 2023**, of this total, **\$30177.02/\$0.00/\$0.00** is owing to obligee, **\$0.00/\$3943.32/\$408.23** is owing to the State of Ohio and **\$867.78/\$435.20/\$82.34** is owing to Huron County CSEA for administrative fees. See, Exhibit A.

The Title IV-D Attorney further states that Defendant has failed to notify Huron County CSEA of any changes in his address, employment, and financial information.

WHEREFORE, the Title IV-D Attorney respectfully requests this Honorable Court to find Defendant in contempt of court pursuant to O.R.C. §2705.02(A) and 3113.06, for his failure to make timely payments on the accrued child support arrearage.

It is further requested that this Honorable Court find Defendant in contempt of court for failing to immediately notify HCCSEA, in writing of his employment status as required by O.R.C. §3121.

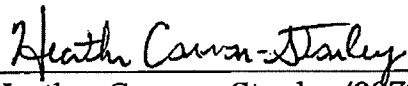
It is requested that this Court, pursuant to O.R.C. §3121.03(D)(1) issue an order requiring the Defendant, when not gainfully employed for any length of time, to report to the Huron County Ohio Means Jobs Program, apply for services and fully participate in said program. Should Defendant not be eligible for such services, require Defendant to seek work at no less than ten (10) employers per week and report his efforts weekly to HCCSEA on the forms they provide.

It is requested that this Court, pursuant to O.R.C. §3121.03(D)(1), issue an order requiring Defendant to notify HCCSEA upon obtaining employment, obtaining any income, or obtaining ownership of any asset with a value of five hundred dollars (\$500.00) or more.

It is further requested that this Court, pursuant to O.R.C. §3121.05, order Defendant to establish a bank account at a financial institution of his choice that child support funds may be deducted from monthly; keep on account funds equal to two (2) months full child support obligation, inclusive of payment on arrears and administrative fees; and notify HCCSEA within 24 hours of the routing and account number and location of said account.

It is further requested that this Honorable Court find Defendant in contempt of court for failing to abide by previous orders and sentence Defendant to **30** days of incarceration in the Huron County Jail and require Defendant to pay all costs incurred to bring this action.

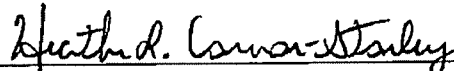
Respectfully submitted,


Heather Carman-Stanley (0072107)
Title IV-D Attorney
Huron County CSEA
185 Shady Lane Drive
Norwalk, Ohio 44857
(419)668-9152

PRAECIPE

TO THE CLERK OF COURT:

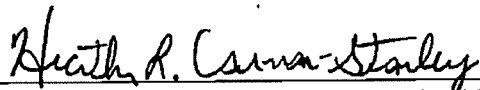
Please cause service of a true copy of the forgoing Motion to Show Cause to be served upon **Juan Bautista III**, Defendant, located at **205 Central Ave Willard, OH 44890-1102** by **Certified US Mail**, pursuant to Rule 4.6 of the Ohio Rules of Civil Procedure.



Heather L. Carman-Stanley (0072107)
Title IV-D Attorney
Huron County CSEA

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the forgoing Motion to Show Cause was sent to **Monica Bautista**, Plaintiff, located at **7460 Vantage Dr Unit 303, Columbus, OH 43235-2238** via First Class U.S. Mail, this 2nd day of February, 2023.



Heather L. Carman-Stanley (0072107)
Title IV-D Attorney
Huron County CSEA

EXHIBIT A

STATE OF OHIO) SS:
COUNTY OF HURON)

AFFIDAVIT

Now comes the undersigned, **Joni Blystone**, for the Huron County Child Support Enforcement Agency (CSEA) and, after first being duly sworn and cautioned according to law, hereby deposes and states as follows:

1. That the records of the Huron County CSEA indicate that Defendant, **Juan Bautista III** has failed to comply with this Court's orders requiring Defendant to:

- make ordered payment upon current child support;
- make ordered payment upon accrued child support arrears; and
- notify Huron County CSEA of changes in his address and employment.

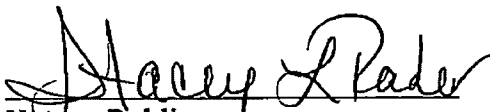
2. That the records of the Huron County CSEA further indicate that Defendant has failed to timely remit child support payments; and therefore has an arrearage in his support obligations to Monica, Crystal and Kathy's SETS cases of \$ **31044.80/\$4378.52/\$490.57** as of **February 2, 2023**.

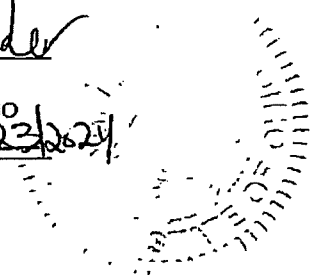
3. That Huron County CSEA conducted a review regarding Obligor's ability to pay and determined that a final and enforceable determination of default has been made against Obligor, that Obligor does not have a pending personal bankruptcy action, that Obligor is not receiving any protected benefits pursuant to OAC 5101:12-50-10. Further, Huron County CSEA conducted research into any and all income Obligor may or may not be receiving that is subject to a withholding or deduction.

Further Affiant sayeth naught.


Huron County CSEA

Sworn to before me and subscribed in my presence this 3 day
of February 2023.


Notary Public
STACEY L. RADER
NOTARY PUBLIC, STATE OF OHIO
My Commission Expires 9/23/24
Commission Expiration Date



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JUDGE TIMOTHY L. CARDWELL

Defendant

AFFIDAVIT FOR POSTING

.....
STATE OF OHIO) SS:
COUNTY OF HURON)


I, Joni Blystone, do hereby swear and affirm as follows:

1. A MOTION TO SHOW CAUSE was filed with this Court on 02/06/2023.
2. Defendant, Juan Bautista III, is a necessary party to this case and as such needs to be served with notice of said action.
3. Several attempts have been made to perfect service upon Defendant via Certified Mail and Personal Service by Sheriff.
4. The current address and whereabouts of Defendant are unknown to affiant and cannot be ascertained by due diligence.
5. By reason of the foregoing, service of summons upon Defendant cannot be made by personal service or by means of certified or registered mail.
6. Affiant further states that this affidavit is made to obtain Service by posting as required by Civil Rule 4.4(A)(2).

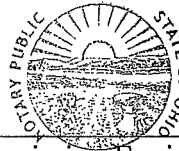
Further affiant sayeth naught.

Jon Blysfur
Huron County CSEA Caseworker

Sworn to before me and subscribed in my presence this 8th day of
March, 2023.



Notary Public



CHARLENE D STEFFANNI
Notary Public
State of Ohio
My Comm. Expires
February 7, 2026

Commission Expiration Date