

# How to File a Complaint for Allocation of Parental Rights and Responsibilities and/or Parenting Time (Establishment of Custody)



This information is provided as a guide to file a Complaint for Allocation of Parental Rights and Responsibilities and/or Parenting Time (Establishment of Custody) case with Domestic Relations Court. For more specific legal advice you should contact an attorney. Court personnel are not permitted to give legal advice.



## **THE FOLLOWING DOCUMENTS ARE REQUIRED AND MUST BE COMPLETED IN FULL**

**THE FORMS CAN BE FOUND ON OUR WEB PAGE AT:**

**[https://www.hamiltoncountyohio.gov/government/courts/court\\_of\\_domestic\\_relations](https://www.hamiltoncountyohio.gov/government/courts/court_of_domestic_relations)**

### **Required Forms Checklist:**

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|--|----------------|
| 1. <input type="checkbox"/> Complaint for Allocation of Parental Rights and Responsibilities and/or Parenting Time | Form 1.30      |
| 2. <input type="checkbox"/> Written Request for Service  | Form 43.7      |
| 3. <input type="checkbox"/> Questionnaire (Must be typed)  | Form 1.1       |
| 4. <input type="checkbox"/> Affidavit of Income and Expenses   | Form 7.3       |
| 5. <input type="checkbox"/> Affidavit in Compliance with ORC 3127.23   | Form 2.1       |
| 6. <input type="checkbox"/> Group Health Insurance Affidavit   | Form 7.16      |
| 7. <input type="checkbox"/> IV-D Application   | Form ODHS 7076 |
| 8. <input type="checkbox"/> Copy of Plaintiff's Drivers License or State I.D.                                      |                |

# Filing Fee / Number of Copies / Forms

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## Filing Fee

The filing fee is **\$350.00** and is payable by **CASH, PERSONAL CHECK, CERTIFIED CHECK, MONEY ORDER, MASTERCARD, VISA, AMERICAN EXPRESS, or DISCOVER CARD**. If you are paying by credit card, a fee will be added as dictated by this schedule: [www.courtclerk.org/forms/pnp\\_schedule.pdf](http://www.courtclerk.org/forms/pnp_schedule.pdf) When using a credit card, the card holder must be present. Checks and Money Orders are to be made payable to: **CLERK OF COURTS**

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## Required Copies

The Clerk of Courts will retain your original signed documents at the time of filing. Copies must be provided to serve the defendant, for the Court of Domestic Relations, and for your records. Therefore, you must provide the original signed documents and **THREE** sets of copies. If you are requesting service by publication or posting, you must provide the original signed documents and **FOUR** sets of copies. Only **one** copy of the Questionnaire and **one** copy of Plaintiff's driver license or state ID is required.

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### 1. Complaint (Form 1.30)

The Complaint for Allocation of Parental Rights and Responsibilities and/or Parenting Time must be completed in full and signed by the plaintiff. You **must** indicate that the parents of the child(ren) are married (statement #3 on page 1) and attach documentation providing proof of marital status.

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### 2 . Written Request for Service (Form 43.7)

The documents for Establishment of Custody must be served on the defendant. The most common method of service is certified mail issued through the Clerk of Courts office. If you are requesting Sherriff's service or hiring a process server, inform the Clerk of Courts at the time of filing. If you have no address for the Defendant and are requesting service by publication or posting, you will need to provide an **Affidavit for Service by Publication/Posting** and a **Legal Notice** at the time of filling. Both forms are available at 800 Broadway on the 3rd floor at the Clerk of Courts Office.

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### 3. Questionnaire (Form 1.1)

The Questionnaire form, as indicated, must be typed. A Microsoft Word template version is available on the Domestic Relations website that you can fill in and print. If you do not have Microsoft's Word program on your computer, you may type and print this document at the Self-Help Center at Domestic Relations Court at 800 Broadway on the 3rd floor. **It is very important to fully complete every section of this document (social security numbers, parents' names, former marriages, etc.)**

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#### 4. Affidavit of Income and Expenses (Form 7.3)

This document is an accounting of the financial information of the parties and may be used to establish support and/or identify assets and liabilities of the parties. The Income Section starting on page 1 of this document is divided into separate columns for each spouse. The remaining sections of this document describe the affiant's monthly expenses, installment payments, financial disclosure, and other assets and lump sum income. This document must be notarized as it is a written sworn statement.

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#### 5. Affidavit in Compliance with ORC 3127.23 (Form 2.1)

This document identifies the minor child(ren) of the marriage, date(s) of birth, and current and prior addresses of the child(ren). Further statements require disclosure of any proceeding regarding the child(ren) in Ohio or another state as well as names and addresses of individuals other than the parties who claim to have custody or visitation rights with regard to the child(ren). This document must be notarized as it is a written sworn statement.

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#### 6. Group Health Insurance Affidavit (Form 7.16)

Access to health insurance for **both parties** is reported in this affidavit. The document is divided into columns for plaintiff and defendant and should be completed as fully and accurately as possible. Health insurance availability and the associated cost may be taken into consideration when calculating child support. This document must be notarized as it is a written sworn statement.

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#### 7. IV-D Application (Form ODHS 7076)

The IV-D Application is an application to receive child support services from Child Support Enforcement Agency. Domestic Relations Court requires this document in all cases involving children. The IV-D Application must be filed **even if the parties do not request an exchange of child support.**



# The Filing Process

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Please remember that Court staff is not permitted to give legal advice.

1. Bring your completed documents to Domestic Relations Docket Office at 800 Broadway on the 3<sup>rd</sup> floor, Room 3-46. The Docket Office staff will ensure all required documentation has been provided. They will notify you of any omitted paperwork so be sure to utilize the checklist.
2. Once the Docket Office acknowledges the complete filing, you will be given a classification form and sent to the Clerk of Courts Office, Room 3-47 (both offices are located in the same area on the 3<sup>rd</sup> floor).
3. The Clerk of Courts office will collect the \$350.00 filing fee, assign a case number, and retain your original set of documents for their file. Copies of your case documents will be stamped and returned to you.
4. Next you will return to the Docket Office and provide a stamped set of copies to Domestic Relations Court. The staff will enter your case into their system, assign a Judge and a Magistrate, and schedule your hearing date.
5. The last step is to fill in the Certificate of Service and Notice of Hearing in the appropriate section on the last page of the complaint:

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Complaint has been served by Certified Mail/Personal Service/Process Server to:

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_, State \_\_\_\_\_, Zip Code \_\_\_\_\_  
On this date: \_\_\_\_\_

## **NOTICE OF HEARING**

Notice is hereby given that a hearing for Establishment of Custody has been scheduled on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ for 30 minutes before Magistrate \_\_\_\_\_ in Room \_\_\_\_\_. Said hearing will take place at 800 Broadway, Cincinnati, Ohio.

You will need to fill in this date on the original document and two copies and then return to the Clerk of Courts office to drop off the original and copy to serve on the defendant.

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## **Additional Questions?**

Please contact the Docket Office at 513-946-9043.