

# How to File a Complaint for Divorce with Children

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This information is provided to as a guide to file a Divorce 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!**

### **Required Forms Checklist:**

- |  |                        |
|--|------------------------|
| 1. <input type="checkbox"/> Complaint for Divorce                              | Form 7* or Your Own    |
| 2. <input type="checkbox"/> Mandatory Disclosure Order                         | Form 1.26              |
| 3. <input type="checkbox"/> Administrative Restraining Order                   | Form 19.0              |
| 4. <input type="checkbox"/> Questionnaire (Must be typed)                      | Form 1.1               |
| 5. <input type="checkbox"/> Property Statement                                 | Form 4.1 or Form 4.1S* |
| 6. <input type="checkbox"/> Affidavit of Income and Expenses                   | Form 7.3               |
| 7. <input type="checkbox"/> Affidavit in Compliance with ORC 3127.23           | Form 2.1               |
| 8. <input type="checkbox"/> Group Health Insurance Affidavit                   | Form 7.16              |
| 9. <input type="checkbox"/> IV-D Application                                   | Form ODHS 7076         |
| 10. <input type="checkbox"/> Copy of Plaintiff's Drivers License or State I.D. |                        |

**\*Indicates a Uniform Domestic Relations Form issued by the Supreme Court of Ohio**

### **BEFORE STARTING - IF CHILDREN WERE BORN DURING THE MARRIAGE...**

1. ...and custody has already been decided by another Court, the case must be filed as a divorce **WITH** children and the legal status of the children must be addressed in the initial pleading.
2. ...and it is alleged that the spouse is not the parent, you must file the case **WITH** children

#### **UNLESS:**

- a) The Complaint includes a statement that genetic testing has confirmed that the spouse is not the parent. Genetic test results must be attached to the Complaint.
- b) The Complaint includes a statement that the children have been adopted. Proof of the adoption must be attached to the Complaint.

# Filing Fee / Number of Copies / Forms



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## Filing Fee

The filing fee is **\$375.00** 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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## Service on Defendant

The documents for divorce must be served to 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.

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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 (Your Own or Form 6)

The Complaint for Divorce must be completed in full and signed by the plaintiff. You **must** indicate the grounds for divorce (statement #5 on page 2) or your divorce cannot be granted. Please note the Court does not offer a generic Complaint for Legal Separation or Complaint for Annulment.

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### 2 and 3. Mandatory Disclosure (Form 1.26) and Administrative Restraining Order (Form 19.0)

You will not need to fill out information on these forms as they are standing orders issued in every contested divorce case. These forms must be included in each packet of forms presented to the Court for filing. See Local Rules 1.26 and 19.0 for more information regarding these documents.

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### 4. Questionnaire (Form 1.1)

The Questionnaire form, as indicated, must be typed. A Microsoft Word template version is available on 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-serve station at Domestic Relations Court's Docket Office, 800 Broadway on the 3rd floor. **It is very important to fully complete every section of this document (social security numbers, parent's names, former marriages, etc.)!**

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## 5. Property Statement (Form 4.1)

The Property Statement must be completed in full and your signature must be notarized. This document contains sections regarding the **Notice of Scheduling Conference**.

The **scheduling conference** is only the **first** setting in a divorce case and will be set for 15 minutes. The Docket Office will schedule this conference, based on your availability, when you file your case. You will **not** be divorced at this time. The Magistrate will set the schedule of upcoming events. One copy will be served to the Defendant to notify of the hearing date.

***If issues to be decided are limited***, you may request a **Final Determination of Issues**. The Magistrate may, at their discretion, issue a written decision based on the limited issues in your property statement. If the Magistrate issues a Decision, the Court will mail you a copy. You will need to wait 15 days from the date stamped on the front of the Magistrate's Decision and then file a Request for Merits Setting (Form 9.1) with the Docket Office (Room 3-46) and schedule your final hearing before the Judge.

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## 6. 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 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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## 7. 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. This document must be notarized as it is a written sworn statement.

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## 8. 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.

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## 9. 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 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 \$375.00 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. The **first** hearing, called the scheduling conference, will be set about 40 days from the date of filing to allow for service on the defendant.
5. The last step is to fill in the scheduling conference date in the appropriate section on the first page of the property statement:

NOTICE OF SCHEDULING CONFERENCE A HEARING WILL BE HELD ON The \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_.M. for 15 minutes before Magistrate \_\_\_\_\_, Room \_\_\_\_\_, Domestic Relations Court, 800 Broadway, Cincinnati, Ohio 45202-1332.

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

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## Additional Questions?

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