

# How to File a Complaint for Divorce with Children and a Separation Agreement

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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:**

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| 1. <input type="checkbox"/> Complaint for Divorce                                    | Form 7* or Your Own  |
| 2. <input type="checkbox"/> Waiver of Service of Summons                             | Form 9.3             |
| 3. <input type="checkbox"/> Separation Agreement                                     | Form 16* or Your Own |
| 4. <input type="checkbox"/> Questionnaire (Must be typed)                            | Form 1.1             |
| 5. <input type="checkbox"/> Administrative Restraining Order                         | Form 19.0            |
| 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"/> Request for Merits Setting Entry                        | Form 9.1             |
| 11. <input type="checkbox"/> Proof of Attendance at a Court-Approved Parenting Class |                      |
| 12. <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**

### **\*IMPORTANT NOTE: IF CHILDREN WERE BORN DURING THE MARRIAGE...**

1. ...and custody has already been decided by another Court, you must still file the case **WITH** children and address the legal status of the children in the pleading.
2. ... and it is claimed that the spouse is not the parent, you must still file the case **WITH** children **UNLESS:**
  - a) Genetic testing has confirmed that the spouse is not the parent. Genetic test results must be attached to the Petition for Dissolution, or
  - 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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## Required Copies

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

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### 1. Complaint for Divorce (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) if using the Supreme Court's Complaint 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. Waiver of Service of Summons (Form 9.3)

Both parties signing the Waiver of Service of Summons directs the Clerk of Courts **not** to issue a summons. A summons is a document issued by the Clerk of Courts to the defendant notifying them of times within which rules or statutory provisions require the defendant to act, and notifies them that in case of their failure to do so, judgment by default will be rendered against them for the relief demanded in the Complaint.

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### 3. Separation Agreement (Your Own or Form 16)

A Separation Agreement resolves all issues between the parties and should be completed in full and signed by both parties. Copies of this document will also be needed along with a Decree of Divorce for the final hearing. For information about Decree documentation, see Forms/Procedures Section 3.

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### 4. Questionnaire (Form 1.1)

The Questionnaire form, as indicated, must be typed. A template version is available on Domestic Relations website in Microsoft Word format 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. Administrative Restraining Order (Form 19.0)

You will not need to fill out information on this form as it is a standing order issued in every divorce case. This form must be included in each packet of forms presented to the Court for filing. See Local Rule 19.0 for more information regarding this document.

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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**.

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## 10. Request for Merits Setting Entry (Form 9.1)

By filing this document, the parties assert all issues have been resolved and the case should be scheduled for a final hearing, referred to as Merits, before the Judge assigned to the case. Please indicate the date the Decree and/or Separation Agreement was signed on the appropriate line, sign the document, and complete in full the address information of the parties. If one of the parties will not be attending the merits hearing, this document instructs to attending party to bring a witness. The witness will corroborate the testimony of the attending party in regards to the grounds for divorce.

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## 11. Proof of Attendance at a Court-Approved Parenting Class

The plaintiff is required to complete a court-approved parenting class before filing the Complaint for Divorce. Both parties are required to complete a court-approved parenting class if there is a Shared Parenting Plan to be approved. Three classes will satisfy the requirement: "[Parenting Through Transitions](#)" a 2 1/2 hour, in-person class; "[Children in Between](#)" an online class; and "[Two Families Now](#)" an online class. Certification from the parenting education class is valid for 2 years. Parties must retake the class if certification has expired. The Court receives an attendance roster after each session but highly recommends you provide a copy of the Certificate of Attendance distributed at the end of the class to ensure an easy filing process.

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## The Filing Process



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 for Domestic Relations Court. The staff will input your case into their system, assign a Judge and a Magistrate, and schedule your hearing date.
5. Your Merit hearing will be set before the Judge assigned to case. Civil Rule 75(K) instructs the hearing is set after 42 days from the date of filing. If there is a Shared Parenting Plan, both parties must be in attendance. In the case of sole custody, only the Plaintiff is required to attend but they must bring a corroborating witness.

# The Day of Court

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## ARRIVE 30 MINUTES EARLY

- When appearing for court date, proper attire is required (no shorts or sleeveless shirts).
1. Your first step is to appear at the Decree Office in room 2-29 to present your completed decree documentation for review and pre-approval.
    - If your paperwork **is** approved by the Decree Office, go to Step 2.
    - If your paperwork is **not** approved by the Decree Office, proceed to the assigned courtroom to have your hearing continued to another date.
  2. If you filed your case using a **poverty affidavit**, report directly to the assigned courtroom. If you paid a **filing fee**, proceed to the Clerk of Court's "Cost Desk" on the 3rd floor in room 3-47 to "cost out" your case. Costing out refers to the process of paying the costs on the account that was created when you paid the initial filing fee. Additional funds *may* be required if costs exceed the initial deposit. Certified copies of the Decree of Divorce may be ordered at this time and are often requested for legal or business purposes once your case is concluded.
  3. Proceed to the assigned courtroom and check in with the courtroom staff. They will have additional documents for you to complete and return to them. When ready, the court will call your case into the hearing.
  4. After the hearing, return all decree paperwork to the Decree office in room 2-29. They will complete a final review of the paperwork, retain the Decree and requisite copies, obtain the Judge's signature, and file the documents with the Clerk of Courts.

**Please note that your marriage is not terminated until the Decree is filed with the Clerk of Courts.** The Clerk of Court's office will notify attorneys and self-represented litigants via mailed postcard when the Decree is journalized. The date the Decree is journalized on the Clerk of Court's docket is the date your marriage is officially terminated. Certified copies may be picked up in the Clerk of Courts office, room 3-47, after you receive the postcard.

**If you requested a certified copy of your decree, it may be picked up from the Clerk of Courts office (Room 3-47) once the decree has been signed by the judge - usually two or three days after the hearing. If you would like it mailed to you, please provide a self-addressed, stamped envelope at the time you "cost out" with the Clerk of Courts.**

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## Additional Questions?

Please contact the Docket Office at 513-946-9043