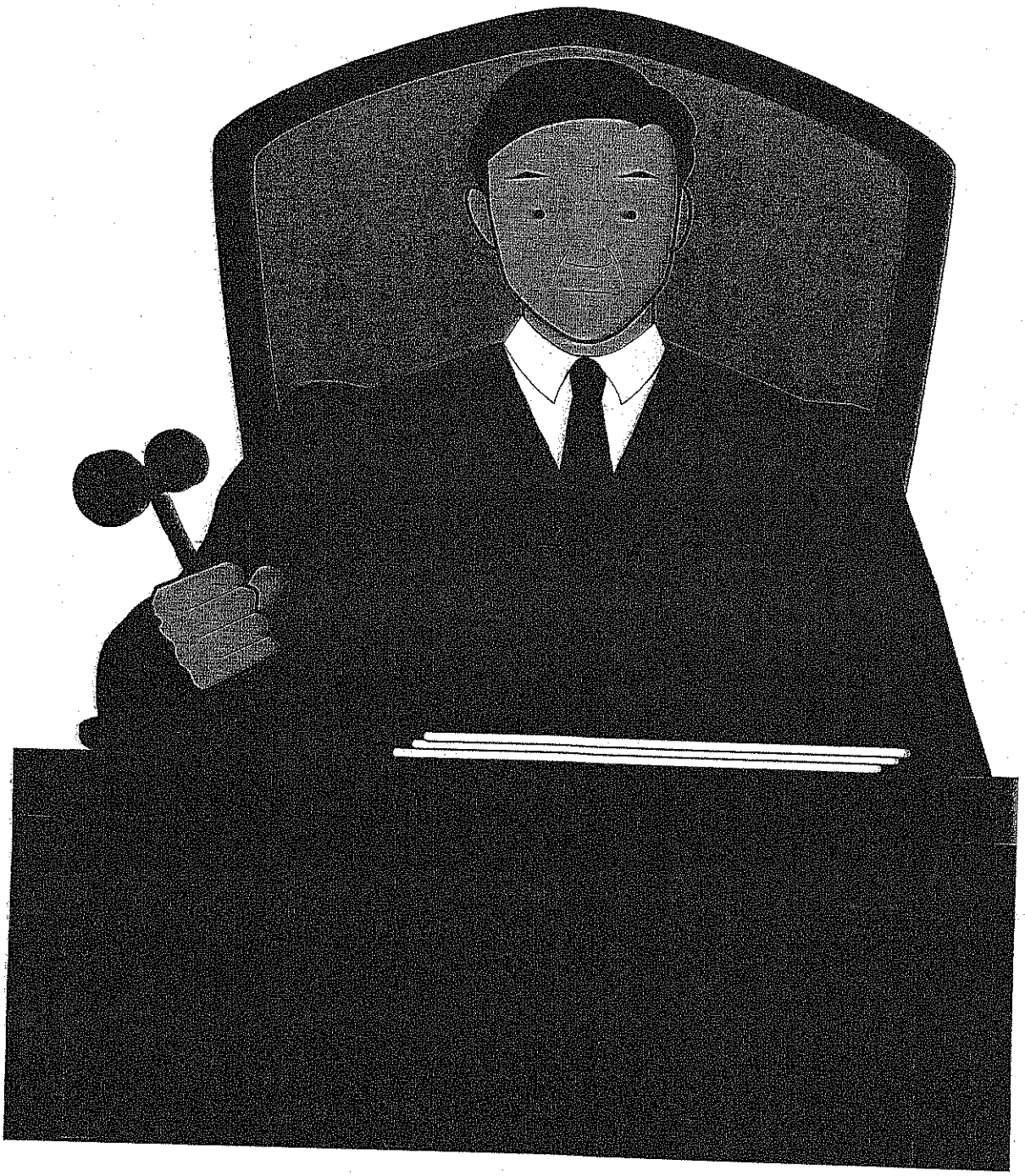
# Logan County Family Court
# Pro se Divorce Packet



# Pro se – Representing Yourself in Court

As with any Court of this type, citizens are not required to have an attorney. Therefore, you may represent yourself if you choose. If you do choose to represent yourself, you will be held to the same standards and must meet the same legal requirements with respect to any of the documentation and evidence as an attorney must meet.

None of the employees of the Court, nor the Clerk of Courts, can provide any legal advice. You may contact Legal Aid (1-888-534-1432 or www.lawolaw.org) if you cannot afford an attorney and do not wish to represent yourself. If a case involves a possible finding of contempt which could result in a jail sentence, the Court may appoint an attorney if you meet the financial qualifications.

Generally, you should have an attorney if:

- You are going to have a contested hearing
- Your spouse has an attorney
- There are substantial assets to be divided
- There is physical or emotional abuse

## How to Terminate a Marriage in the State of Ohio

In Ohio, a marriage may be terminated through any of the following actions.

- Divorce
- Dissolution
- Annulment
- Death of one of the parties, or
- Presumption of death (requires an unexplained continuous absence from the home for a full seven years).

# The Difference Between Divorce, Dissolution, Legal Separation and Annulment

A **divorce** is where one spouse sues the other to end the marriage and the Court decides on the issues of custody, visitation, support, property, etc. A divorce is the legal separation and termination of the marriage by judgment of the Court, which may be granted only upon a finding by the Court that certain "grounds" (legal reasons) for divorce exist.

A **dissolution** is a form of no-fault termination of the marriage relationship where both parties have agreed upon all of the terms of the termination of marriage (such as division of marital property, spousal support, parental rights and responsibilities, child support, etc.) and are requesting that the Court terminate the marriage and approve the agreement between the parties.

The basic advantages of a dissolution are that it is not adversarial in nature (meaning the parties have already agreed upon every aspect of the termination); there is no Plaintiff or Defendant; it is not a "divorce"; and the Court does not have to make any of the decisions it would have to make in a contested divorce. Additionally, it is usually concluded faster than a divorce action.

A **legal separation** is similar to a divorce except that the marriage is not ended, even though property can be divided. The Court can also make orders for custody and support.

An **annulment** is a decree from a Court determining that the marriage is legally invalid because of some defect that existed at the time the marriage was entered into. An annulment decree declares that a marital status never existed, unlike a divorce decree that terminates a marriage. The grounds for an annulment include:

- Underage marriage
- Bigamy (one of the parties has another living spouse)
- Mental incompetence of one of the parties
- Fraud
- Duress
- Marriage has not been consummated.

# "Grounds" or Legal Reasons for Divorce in Ohio

The spouse filing for divorce or dissolution of marriage must have been a resident of Ohio for at least 6 months and a resident of the county for at least 90 days immediately prior to filing. Ohio law permits the granting of a divorce only upon a finding by the Court that there are statutory grounds to terminate the marriage. There must be testimony by the Plaintiff (person filing the divorce) and a witness (or an admission by the other spouse) as to these specific grounds.

The "no-fault" grounds include:

1. Incompatibility; and
2. Living separate and apart without cohabitation for one year.

There are nine "fault" grounds in Ohio. These "fault" grounds include:

1. Another spouse living at the time of marriage (bigamy);
2. Willful absence of a party from the marital home for one year;
3. Adultery;
4. Extreme cruelty (defined as "acts calculated to destroy the peace of mind and happiness of one of the parties to the marriage);
5. Fraudulent contract (i.e. a party was induced to enter the marriage as a result of a fraudulent misrepresentation that materially affects the essential elements of the marriage);
6. Gross neglect of duty (i.e. acts that constitute an omission to perform a legal duty, such as a failure to support the family);
7. Habitual drunkenness;
8. Imprisonment of the adverse party in a state or federal institution at the time of the filing of the complaint; and
9. An out-of-state divorce.

# PROCEDURE FOR FILING A DIVORCE

## Step One: Filing a Complaint

The spouse that files the Complaint is referred to as the Plaintiff. The two primary purposes for filing the complaint are to register the request for divorce with the Court and to notify the other spouse in writing of the intention to divorce. It is typically the job of the Sheriff's Office or a private process server to deliver the necessary paperwork to the interested parties. After receipt of the Complaint, the Defendant will file an Answer to the Complaint indicating either agreement or disagreement with the information contained in the Complaint. Typically, the filing of the Complaint marks the date in which legal separation of the parties begins.

Basic information required to file a Complaint:

- Date and location in which the marriage took place
- The legal residence of both parties
- The names & birth dates of each child of the marriage
- The legal reason for declaring a divorce ("grounds" listed above)
- A list of claims supporting the declared reason
- Social Security Number of Plaintiff
- Phone Number at which the Plaintiff can be contacted

## Step Two: Pre-Trial Orders

After the Complaint is filed, the Plaintiff may file Pretrial Motions. These Motions are formal requests that attempt to resolve any disputes that may arise concerning living arrangements, finances, temporary custody and visitation. At the Scheduling Conference, the Court will set dates for Pre-Trial and Trial.

If no Motions are filed after the Complaint, the Court will allow 30 days for the Defendant to be served. The Defendant has 28 days from the date of service to file an answer. If the Defendant does not answer, an Uncontested Hearing date will be scheduled.

Step Three: Discovery Procedure

This is the process by which you seek to uncover vital information from the other spouse that you do not have. There are a variety of legal tools used to obtain the information. The most common would be the deposition.

A deposition is a statement, taken in writing, to be used to reinforce a position on a disputed issue in the divorce at a later date. It allows each side the chance to gain information from one another, as well as any expert witnesses who may offer opinions about the disputed issues. An authorized Court Reporter is always present to ensure that the questions asked and answers given may be verified at a later date.

Step Four: Negotiations

Once the discovery process is over, negotiations may begin to resolve the contested issues. It should not be forgotten that an out-of-Court settlement may be reached at any point in time throughout the entire legal divorce process.

Step Five: The Pre-Trial Hearing

Both sides will be interviewed in front of a Judge or a Magistrate. The issues to be addressed at the trial will be given special attention, in order for the Judge or Magistrate to best provide knowledge and insight that might hopefully encourage both parties to reach an out-of-Court settlement. As further negotiations develop, more than one pre-trial hearing may be held.

Step Six: The Final Hearing

The hearing office (Judge or Magistrate) will question each party present, for the record, and a final decision will be handed down by the Court.

# Required Pleadings – Divorce Proceedings

Divorce without Children

- Praecipe (If none provided, service will be attempted by certified mail)
- Complaint
- Motion for Temporary Orders
- Affidavit in Support of Temporary Orders
- Judgment Entry/Temporary Orders
- Affidavit of Income, Expenses & Financial Disclosure (Form DR-10) and required attachments (2 of the 3 below)
  - Paycheck stubs for a one month period (most recent)
  - W-2 Forms (most recent)
  - Income Tax Return (most recent)

For a Divorce WITH Children,

You must have all the above pleadings plus:

- Child Custody Affidavit (Form UCCJA)
- CSEA Application

IN THE COURT OF COMMON PLEAS

_____ Division

_____ COUNTY, OHIO

| | | |
|---|---|---|
| _____ Name | : | Case No. _____ |
| _____ Street Address | : | |
| _____ City, State and Zip Code | : | Judge _____ |
| Plaintiff | : | |
| | : | Magistrate _____ |
| vs. | : | |
| _____ Name | : | |
| _____ Street Address | : | |
| _____ City, State and Zip Code | : | |
| Defendant | : | |

**Instructions:** This form is used to request a divorce if you and your spouse do not have (a) child(ren), adult child(ren) attending high school, or child(ren) with disabilities. Check to determine if you meet the residency requirement to file in this county. A Request for Service (Uniform Domestic Relations Form 28) must be filed with this form.

## COMPLAINT FOR DIVORCE WITHOUT CHILDREN

I, the Plaintiff, for this Complaint say:

1. I have been a resident of the State of Ohio for at least six months.

2. ☐ I have been a resident of _____ County for at least 90 days immediately before the filing of this Complaint; or
   ☐ The Defendant resides in _____ County where this Complaint is filed.

3. The Defendant and I were married to one another on _____ (date of marriage) in _____ (city or county, and state).

4. I state regarding child(ren) (check all that apply):
   ☐ The Wife is not pregnant.

☐ All children born from or adopted during this marriage or relationship are adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.

5. I state the following grounds for divorce exist (check all that apply):
   ☐ The Defendant and I are incompatible.
   ☐ The Defendant and I have lived separate and apart without cohabitation and without interruption for one year.
   ☐ The Defendant or I had a Husband or Wife living at the time of the marriage.
   ☐ The Defendant has been willfully absent for one year.
   ☐ The Defendant is guilty of adultery.
   ☐ The Defendant is guilty of extreme cruelty.
   ☐ The Defendant is guilty of fraudulent contract.
   ☐ The Defendant is guilty of gross neglect of duty.
   ☐ The Defendant is guilty of habitual drunkenness.
   ☐ The Defendant was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
   ☐ The Defendant procured a divorce outside this state by virtue of which the Defendant has been released from the obligations of the marriage, while those obligations remain binding on me.

6. The Defendant and I are owners of real estate and/or personal property.

I request that a divorce be granted from the Defendant, that the Court determine an equitable division of debts and property and as follows, that (check all that apply):

☐ The Defendant be ordered to pay me spousal support.
☐ I be restored to my prior name of: _____
☐ The Defendant be required to pay attorney fees.
☐ The Defendant be required to pay the court costs of the proceeding.
☐ The Court make the following additional orders: _____

_____

_____

_____

and that the Court grant such other and further relief as the Court may deem proper.

_____
Your Signature

_____
Telephone number at which the Court may reach you or at which messages may be left for you

COURT OF COMMON PLEAS

_____ COUNTY, OHIO

_____
Plaintiff/Petitioner

v./and

_____
Respondent/Petitioner

Case No. _____

Judge _____

Magistrate _____

**Instructions:** Check local court rules to determine when this form must be filed.
List ALL OF YOUR PROPERTY AND DEBTS, the property and debts of your spouse, and any joint property or debts. Do not leave any category blank. For each item, if none, put "NONE." If you do not know exact figures for any item, give your best estimate, and put "EST." **If more space is needed, add additional pages.**

## AFFIDAVIT OF PROPERTY

**Affidavit of** _____
(Print Your Name)

### I. REAL ESTATE INTERESTS

| Address | Present Fair Market Value | Titled To | Mortgage Balance | Equity (as of date) |
|---|---|---|---|---|
| 1. _____ | $ _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ | $ _____ |
| 2. _____ | $ _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ | $ _____ |

**TOTAL SECTION I: REAL ESTATE INTERESTS** $ _____

## II. OTHER ASSETS

| Category | Description (list who has possession) | Titled To | Value/Date of Value |
|---|---|---|---|
| **A. Vehicles and Other Certificate of Title Property** | (Include model and year of automobiles, trucks, motorcycles, boats, motors, motor homes, etc.) | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 5. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 6. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| **B. Financial Accounts** | (Include checking, savings, CDs, POD accounts, money market accounts, etc.) | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |

| Category | Description (List who has possession) | Titled To | Value/Date of Value |
|---|---|---|---|
| **C. Pensions & Retirement plans** | (Include profit-sharing, IRAs, 401k plans, etc.; Describe each type of plan) | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| **D. Publicly Held Stocks, Bonds, Securities & Mutual Funds** | | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |

| Category | Description (List who has possession) | Titled To | Value/Date of Value |
|---|---|---|---|
| **E. Closely Held Stocks & Other Business Interests and Name of Company** | (Type of ownership and number) | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| _____ | _____ | | _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| _____ | _____ | | _____ |

| F. Life Insurance Type (Term/Whole Life) | (Any cash value or loans) | | (Insured party & value upon death) |
|---|---|---|---|
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |

| Category | Description | Who Has Possession | Value/Date of Value |
|---|---|---|---|
| **G. Furniture & Appliances** | (Estimate value of those in your possession, and value of those in your spouse's possession) | | |
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 3. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 4. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |

| H. Safe Deposit Box | (Give location and describe contents) | Titled To | |
|---|---|---|---|
| 1. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |
| 2. _____ | _____ | ☐ Husband ☐ Wife ☐ Both | $ _____ |

**I. Transfer of Assets**

**Explanation:** List the name and address of any person (other than creditors listed on your Affidavit) who has received money or property from you exceeding $300 in value in the past 12 months and the reason for each transfer.

1. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

2. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

3. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

4. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

| Category | Description (Also list who has possession) | Titled To | Value/Date of Value |
|---|---|---|---|

**J. All Other Assets Not Listed Above**

**Explanation:** List any item you have not listed above that is considered an asset.

1. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

2. _____ _____ ☐ Husband ☐ Wife ☐ Both $ _____

**TOTAL SECTION II: OTHER ASSETS** $ _____

**III. SEPARATE PROPERTY CLAIMS: Pre-marital assets, gifts to one spouse only, inheritances**

If you are making any claims in any of the categories below, explain the nature and amount of your claim. **This includes, but is not limited to, inheritances, property owned before marriage, and any pre-marital agreements.**

| | Category (Pre-marital Gift, Inheritance, etc., acquired after separation) | Description | Why do you claim this as a separate property? | Present Fair Market Value |
|---|---|---|---|---|
| 1. | | | | $ |
| 2. | | | | $ |
| 3. | | | | $ |
| 4. | | | | $ |
| 5. | | | | $ |

**TOTAL SECTION III: SEPARATE PROPERTY CLAIMS** $ _____

## IV. DEBT

List ALL OF YOUR DEBTS, the debts of your spouse, and any joint debts. Do not leave any category blank. For each item, if none, put "NONE." If you don't know exact figures for any item, give your best estimate, and put "EST." **If more space is needed to explain, please attach an additional page with the explanation and identify which question you are answering.**

| Type | Name of Creditor/Purpose of Debt | Account Name | Name(s) on Account | Total Debt Due | Monthly Payment |
|---|---|---|---|---|---|
| **A. Secured Debt (Mortgages, Car, etc.)** | | | | | |
| 1. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 2. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 3. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 4. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 5. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| **B. Unsecured Debt, including credit cards** | | | | | |
| 1. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 2. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 3. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 4. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |
| 5. | | | ☐ Husband ☐ Wife ☐ Joint | $ | $ |

**TOTAL SECTION IV: DEBT** $ _____

## V. BANKRUPTCY

| | Filed by: Wife, Husband, Both | Date of Filing: Case Number | Date of Discharge or Relief from Stay | Type of Case (Ch. 7, 11, 12, 13) | Current Monthly Payments |
|---|---|---|---|---|---|
| 1. | ☐ Husband<br>☐ Wife<br>☐ Both | _____ | | | |
| | | _____ | _____ | _____ | $ _____ |
| 2. | ☐ Husband<br>☐ Wife<br>☐ Both | _____ | | | |
| | | _____ | _____ | _____ | $ _____ |

**TOTAL SECTION V: BANKRUPTCY** $ _____

**OATH**

**[Do Not Sign Until Notary is Present]**

**I, (print name) _____ swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.**

_____
Your signature

Sworn before me and signed in my presence this ____ day of _____ , _____ .

_____
Notary Public

My Commission Expires:

_____

COURT OF COMMON PLEAS
_____ COUNTY, OHIO

_____ Case No. _____
Plaintiff/Petitioner

Judge _____

v./and

Magistrate _____

_____
Defendant/Petitioner

**Instructions:** Check local court rules to determine when this form must be filed.
This affidavit is used to make complete disclosure of income, expenses and money owed. It is used to determine child and spousal support amounts. Do not leave any category blank. Write "none" where appropriate. If you do not know exact figures for any item, give your best estimate, and put "EST." **If you need more space, add additional pages.**

## AFFIDAVIT OF INCOME AND EXPENSES

**Affidavit of** _____
(Print Your Name)

Date of marriage _____ Date of separation _____

## SECTION I - INCOME

| | Husband | Wife |
|---|---|---|
| Employed | ☐ Yes ☐ No | ☐ Yes ☐ No |
| Employer | _____ | _____ |
| Payroll address | _____ | _____ |
| Payroll city, state, zip | _____ | _____ |
| Scheduled paychecks per year | ☐ 12 ☐ 24 ☐ 26 ☐ 52 | ☐ 12 ☐ 24 ☐ 26 ☐ 52 |

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

| | Husband | | | Wife |
|---|---|---|---|---|
| Base yearly income | $ _____ | 3 years ago | 20 ____ | $ _____ |
| | $ _____ | 2 years ago | 20 ____ | $ _____ |
| | $ _____ | Last year | 20 ____ | $ _____ |
| Yearly overtime, commissions and/or bonuses | $ _____ | 3 years ago | 20 ____ | $ _____ |
| | $ _____ | 2 years ago | 20 ____ | $ _____ |
| | $ _____ | Last year | 20 ____ | $ _____ |

B. COMPUTATION OF CURRENT INCOME

| | Husband | Wife |
|---|---|---|
| Base yearly income | $ _____ | $ _____ |
| Average yearly overtime, commissions and/or bonuses over last 3 years (from part A) | $ _____ | $ _____ |
| Unemployment compensation | $ _____ | $ _____ |
| Disability benefits | | |
| ☐ Workers' Compensation | | |
| ☐ Social Security | | |
| ☐ Other: _____ | $ _____ | $ _____ |
| Retirement benefits | | |
| ☐ Social Security | | |
| ☐ Other: _____ | $ _____ | $ _____ |
| Spousal support received | $ _____ | $ _____ |
| Interest and dividend income (source) | | |
| _____ | | |
| _____ | $ _____ | $ _____ |
| Other income (type and source) | | |
| _____ | | |
| _____ | $ _____ | $ _____ |
| **TOTAL YEARLY INCOME** | $ _____ | $ _____ |
| Supplemental Security Income (SSI) or public assistance | $ _____ | $ _____ |
| Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship | $ _____ | $ _____ |

## SECTION II – CHILDREN AND HOUSEHOLD RESIDENTS

Minor and/or dependent child(ren) who are adopted or born of this marriage or relationship:

| Name | Date of birth | Living with |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

In addition to the above children there is/are in your household:

_____ adult(s)

_____ other minor and/or dependent child(ren).

## SECTION III – EXPENSES

List monthly expenses below for your present household.

A. MONTHLY HOUSING EXPENSES

| | |
|---|---|
| Rent or first mortgage (including taxes and insurance) | $ |
| Real estate taxes (if not included above) | $ |
| Real estate/homeowner's insurance (if not included above) | $ |
| Second mortgage/equity line of credit | $ |
| Utilities | |
| o Electric | $ |
| o Gas, fuel oil, propane | $ |
| o Water and sewer | $ |
| o Telephone | $ |
| o Trash collection | $ |
| o Cable/satellite television | $ |
| Cleaning, maintenance, repair | $ |
| Lawn service, snow removal | $ |
| Other: | $ |
| | $ |
| **TOTAL MONTHLY :** | $ |

B. OTHER MONTHLY LIVING EXPENSES

| | |
|---|---|
| Food | |
| o Groceries (including food, paper, cleaning products, toiletries, other) | $ |
| o Restaurant | $ |
| Transportation | |
| o Vehicle loans, leases | $ |
| o Vehicle maintenance (oil, repair, license) | $ |
| o Gasoline | $ |
| o Parking, public transportation | $ |
| Clothing | |
| o Clothes (other than children's) | $ |
| o Dry cleaning, laundry | $ |
| Personal grooming | |
| o Hair, nail care | $ |
| o Other _____ | $ |
| Cell phone | $ |
| Internet (if not included elsewhere) | $ |
| Other _____ | $ |
| **TOTAL MONTHLY** | $ |

C. MONTHLY CHILD-RELATED EXPENSES
(for children of the marriage or relationship)

| | |
|---|---|
| Work/education-related child care | $ |
| Other child care | $ |
| Unusual parenting time travel | $ |
| Special and unusual needs of child(ren) (not included elsewhere) | $ |
| Clothing | $ |
| School supplies | $ |
| Child(ren)'s allowances | $ |
| Extracurricular activities, lessons | $ |
| School lunches | $ |
| Other _____ | $ |
| **TOTAL MONTHLY** | $ |

D. INSURANCE PREMIUMS

| | |
|---|---|
| Life | $ _____ |
| Auto | $ _____ |
| Health | $ _____ |
| Disability | $ _____ |
| Renters/personal property (if not included in part A above) | $ _____ |
| Other _____ | $ _____ |
| **TOTAL MONTHLY** | $ _____ |

E. MONTHLY EDUCATION EXPENSES

| | |
|---|---|
| Tuition | |
| o Self | $ _____ |
| o Child(ren) | $ _____ |
| Books, fees, other | $ _____ |
| College loan repayment | $ _____ |
| Other _____ | $ _____ |
| _____ | $ _____ |
| **TOTAL MONTHLY:** | $ _____ |

F. MONTHLY HEALTH CARE EXPENSES
(not covered by insurance)

| | |
|---|---|
| Physicians | $ _____ |
| Dentists | $ _____ |
| Optometrists/opticians | $ _____ |
| Prescriptions | $ _____ |
| Other _____ | $ _____ |
| _____ | $ _____ |
| **TOTAL MONTHLY:** | $ _____ |

G. MISCELLANEOUS MONTHLY EXPENSES

| | |
|---|---|
| Extraordinary obligations for other minor/handicapped child(ren) (not stepchildren) | $ _____ |
| Child support for children who were not born of this marriage or relationship and were not adopted of this marriage | $ _____ |
| Spousal support paid to former spouse(s) | $ _____ |
| Subscriptions, books | $ _____ |
| Entertainment | $ _____ |

| | | |
|---|---|---|
| Charitable contributions | $ | |
| Memberships (associations, clubs) | $ | |
| Travel, vacations | $ | |
| Pets | $ | |
| Gifts | $ | |
| Bankruptcy payments | $ | |
| Attorney fees | $ | |
| Required deductions from wages (excluding taxes, Social Security and Medicare) (type) ______ | $ | |
| Additional taxes paid (not deducted from wages) (type) ______ | $ | |
| Other ______ | $ | |
| ______ | $ | |
| **TOTAL MONTHLY:** | $ | |

H. MONTHLY INSTALLMENT PAYMENTS
(Do not repeat expenses already listed.)
Examples: car, credit card, rent-to-own, cash advance payments

| To whom paid | Purpose | Balance due | Monthly payment |
|---|---|---|---|
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | $ | $ |
| | | **TOTAL MONTHLY:** | $ |

GRAND TOTAL MONTHLY EXPENSES (Sum of A through H): $ _____

**OATH**

**[Do not sign until notary is present.]**

**I, (print name) _____ , swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.**

_____
Your signature

Sworn before me and signed in my presence this ____ day of _____ , _____ .

_____
Notary Public
My commission expires:
_____

IN THE COURT OF COMMON PLEAS

_____ Division

_____ COUNTY, OHIO

IN THE MATTER OF:

_____
A Minor

_____
Name

_____
Street Address

_____
City, State and Zip Code

Plaintiff/Petitioner

vs./and

_____
Name

_____
Street Address

_____
City, State and Zip Code

Defendant/Petitioner

Case No. _____

Judge _____

Magistrate _____

**Instructions:** This form is used when you want to request documents to be served on the other party. You must indicate the requested method of service by marking the appropriate box.

## REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Please serve the following documents on the following parties as I have indicated below:

☐ Defendant/Petitioner at the address shown above.

- ☐ Certified Mail, Return Receipt Requested
- ☐ Issuance to Sheriff of _____ County, Ohio for ☐Personal or ☐Residence service
- ☐ Other (specify) _____

☐ Plaintiff/Petitioner at the address shown above.

☐ Certified Mail, Return Receipt Requested
☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
☐ Other (specify) _____

☐ _____ County Child Support Enforcement Agency (provide address below):
_____
☐ Certified Mail, Return Receipt Requested
☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
☐ Other (specify) _____

☐ Other (address): _____
☐ Certified Mail, Return Receipt Requested
☐ Issuance to Sheriff of _____ County, Ohio for ☐ Personal or ☐ Residence service
☐ Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

_____
_____
_____

_____
Your Signature

IN THE COURT OF COMMON PLEAS

_____ Division

_____ COUNTY, OHIO

| | | |
|---|---|---|
| _____ Plaintiff | : | Case No. _____ |
| _____ Street Address | : | |
| _____ City, State, and Zip Code | : | |
| vs. | : | Judge _____ |
| _____ Defendant | : | Magistrate _____ |
| _____ Street Address | : | |
| _____ City, State, and Zip Code | : | |

## FINAL JUDGMENT FOR DIVORCE WITHOUT CHILDREN

This matter came on for final hearing on _____ before ☐ Judge ☐ Magistrate _____ upon the Plaintiff's Complaint for Divorce without Children filed on _____ and/or Defendant's Counterclaim filed on _____ and upon the following: _____.

## FINDINGS

Upon a review of the record, testimony, and evidence presented, the Court makes the following findings:

A. Select one:

☐ The Defendant was properly served with summons, copy of the Complaint, and notice of the hearing.

☐ The Defendant's waiver of service of summons and Complaint have been filed in this case.

☐ The Defendant filed an Answer.

☐ The Defendant failed to file an Answer or plead, despite being properly served with summons, copy of the Complaint, and notice of the hearing.

☐ The Plaintiff replied to the Defendant's Counterclaim.

☐ The Plaintiff failed to reply to the Defendant's Counterclaim.

B. Present at the hearing were the: ☐ Plaintiff, ☐ Defendant,
☐ _____ appearing as counsel for the Plaintiff.
☐ _____ appearing as counsel for the Defendant.

C. The ☐ Plaintiff and/or ☐ Defendant was/were a resident(s) of the State of Ohio for at least six months immediately before the Complaint and/or Counterclaim was filed.

D. At the time the Complaint and/or Counterclaim was/were filed:
☐ The Plaintiff was a resident of this county for at least 90 days.
☐ The Defendant was a resident of this county.
☐ Other grounds for venue were: _____

E. The Plaintiff and Defendant were married to one another on _____ (date of marriage) in _____ (city or county and state). The termination of marriage is the date of ☐ final hearing or ☐ as specified: _____

F. Check all that apply regarding children:
☐ The Wife is not now pregnant.
☐ No child(ren) were born from or adopted during the marriage or relationship.
☐ All child(ren) born from or adopted during the marriage or relationship are emancipated adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.
Other findings: _____
_____
_____
_____

G. Select one:
☐ Neither the Plaintiff nor the Defendant is in the military service of the United States.
☐ The ☐ Plaintiff and/or the ☐ Defendant is in the military service of the United States and his/her service did not impact his/her ability to defend this action.

H. The ☐ Plaintiff and/or the ☐ Defendant through testimony have indicated full and complete disclosure to the other of all marital property, separate property, and any other assets, debts, income, or expenses.
☐ The Defendant has not filed a response or made an appearance.
☐ The Plaintiff has not filed a response or made an appearance.

I. The parties that appeared have no additional knowledge of any other property and debts of any kind in which either party has an interest.

J. The parties that appeared have had the opportunity to value and verify all marital property, separate property, and other debts.

K. This Court has jurisdiction and proper venue to determine all of the issues raised by the pleadings and motions.

L. Select one:

☐ A Magistrate's Decision was filed on: _____

☐ No objections were filed. The Court approves the terms contained in the Decision and finds the terms are fair and equitable.

☐ All objections were ruled upon by a separate entry.

☐ The parties have presented the Court with a written Separation Agreement or have read into the record a settlement of all issues, which the Court finds to be a fair and equitable division of property and debts and an appropriate resolution of all issues, knowingly and voluntarily entered into by the parties.

☐ The Court has made a fair and equitable division of property and debts and an appropriate resolution of all issues of the parties after review and consideration of all evidence presented.

☐ Other: _____

_____

_____

M. The divorce is granted on the following ground(s) (check all that apply):

☐ The Plaintiff and Defendant are incompatible.

☐ The Plaintiff and Defendant have lived separate and apart without cohabitation and without interruption for one year.

☐ The Defendant or ☐ Plaintiff had a Husband or Wife living at the time of the marriage.

☐ The Defendant or ☐ Plaintiff has been willfully absent for one year.

☐ The Defendant or ☐ Plaintiff is guilty of adultery.

☐ The Defendant or ☐ Plaintiff is guilty of extreme cruelty.

☐ The Defendant or ☐ Plaintiff is guilty of fraudulent contract.

☐ The Defendant or ☐ Plaintiff is guilty of gross neglect of duty.

☐ The Defendant or ☐ Plaintiff is guilty of habitual drunkenness.

☐ The Defendant or ☐ Plaintiff was imprisoned in a state or federal correctional institution at the time the Complaint was filed.

☐ The Defendant or ☐ Plaintiff procured a divorce outside this state by virtue of which she or he has been released from the obligations of the marriage, while those obligations remain binding on the ☐ Plaintiff or ☐ Defendant.

## JUDGMENT

Based upon the findings set out above, it is, therefore, **ORDERED, ADJUDGED and DECREED** that:

**FIRST: DIVORCE GRANTED.**

A divorce is granted, and both parties shall be released from the obligations of their marriage except for those obligations listed below or as set out in the attached ☐ Separation Agreement ☐ Magistrate's Decision and/or ☐ Other: _____
which is incorporated in this entry.

**SECOND: PROPERTY.**

The parties' property shall be divided as follows:

A. The Plaintiff shall have the following items of real estate and personal property, free and clear from all claims of the Defendant, subject to any indebtedness which the Plaintiff shall pay and from which the Plaintiff shall hold the Defendant harmless: _____

B. The Defendant shall have the following items of real estate and personal property, free and clear from all claims of the Plaintiff, subject to any indebtedness which the Defendant shall pay and from which the Defendant shall hold the Plaintiff harmless: _____

C. The Plaintiff is awarded the following separate property: _____

D. The Defendant is awarded the following separate property: _____

E. Other orders regarding property (specify): _____

F. Within 30 days the parties will take all necessary steps to transfer legal title and possession of property and take appropriate actions to implement and effectuate the division of pensions and retirements.

G. Other orders regarding transfers: _____

_____

_____

_____

**THIRD: DEBT.**

The Plaintiff and Defendant's debts shall be divided as follows.

A. The Plaintiff shall pay the following debts and shall hold the Defendant harmless from all claims:

_____

_____

_____

_____

B. The Defendant shall pay the following debts and shall hold the Plaintiff harmless from all claims:

_____

_____

_____

_____

C. Bankruptcy (select one):

☐ The Court will retain jurisdiction to enforce payment of debt obligations, in the event a party files Bankruptcy. This includes, but is not limited to, the ability to determine the debt assigned is in the nature of maintenance, necessity or support and is therefore nondischargeable in bankruptcy, and/or to make a future spousal support order, regardless of the spousal support order set forth below under **FOURTH: SPOUSAL SUPPORT**.

☐ Nothing in this order shall prevent the ☐ Plaintiff and/or ☐ Defendant from being fully discharged from the debts allocated in this order in a bankruptcy proceeding except for any orders expressly for spousal support and the following debts: _____

_____

_____

_____

Neither party shall incur liabilities against the other party in the future.

**FOURTH: SPOUSAL SUPPORT**

A. Spousal Support Not Awarded

☐ Neither the Plaintiff nor Defendant shall pay spousal support to the other. The Court shall not retain jurisdiction, except as set forth above under **THIRD: DEBT**.

B. Spousal Support Awarded

The ☐ Plaintiff ☐ Defendant shall pay spousal support to the ☐ Plaintiff ☐ Defendant in the amount of $ _____ per month, commencing on _____ and due on the _____ day of the month. This spousal support shall continue ☐indefinitely ☐ for a period of _____ .

☐ The Court shall not retain jurisdiction to modify spousal support.

☐ The Court shall retain jurisdiction to modify the ☐ amount ☐ duration of the spousal support Order.

C. Termination of Spousal Support

This spousal support shall terminate sooner than the above stated date upon the Plaintiff's or the Defendant's death or in the event of the following (check all that apply):

☐ The cohabitation of the person receiving support in a relationship comparable to marriage

☐ The remarriage of the person receiving support

☐ Other (specify): _____

_____

D. Method of Payment of Spousal Support (select one):

☐ The spousal support payment shall be made directly to the ☐ Plaintiff ☐ Defendant.

☐ The spousal support payment, plus 2% processing charge, shall be made to the Ohio Child Support Payment Central, P. O. Box 182372, Columbus, Ohio 43218-2372, as administered through the _____ County Child Support Enforcement Agency by income withholding at his/her place of employment.

E. Deductibility of Spousal Support for All Tax Purposes (select one):

☐ The spousal support paid shall be deductible in income to the person paying the support and included by the person receiving the support.

☐ The spousal support paid shall be included in income of the person paying the support.

F. Other orders regarding spousal support (specify): _____

_____

G. Arrearage

☐ Any temporary spousal support arrearage will survive this judgment entry.

☐ Any temporary spousal support arrearage will not survive this judgment entry.

☐ Other:

**FIFTH: NAME**

☐ _____ is restored to the prior name of: _____

**SIXTH: OTHER ORDERS**

_____

_____

**SEVENTH: COURT COSTS**

Court costs shall be (select one):

☐ Taxed to the deposit. Court costs due above the deposit shall be paid as follows:

_____

☐ Other (specify): _____

_____

**EIGHTH: CLERK OF COURTS**

The Clerk of Courts shall provide:

☐ a certified copy to: _____

☐ a file stamped copy to: _____

NOTICE. Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon the parties a notice of the filing of this Judgment Entry and of the date of entry upon the Journal.

_____ _____

Date JUDGE