

**IN THE COURT OF COMMON PLEAS
RICHLAND COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

***** IF YOU ARE PROCEEDING WITHOUT AN ATTORNEY *****

DIVORCE OR DISSOLUTION

I. INTRODUCTION

This document provides a list of basic requirements for a Divorce or Dissolution. If you have legal questions, DO NOT CALL the Court or the Clerk of Courts. Court staff and the Clerk of Courts are prohibited from giving legal advice. As much as we would like to help you, court staff are employees and not attorneys. Court staff are not able to answer your legal questions. Only an attorney can give you legal advice. If you choose to proceed without an attorney, you are acting as your own attorney and the Court will hold you to the same standard as an attorney (by following the Rules of Civil Procedure and Rules of Evidence). This document will help explain the basic procedure, but only an attorney can explain the law to you and ensure the best outcome. YOU ARE HIGHLY ENCOURAGED TO SEEK LEGAL ADVICE.

II. LOCAL RULES

Each court has a set of Local Rules which explain basic procedure. PLEASE REVIEW OUR LOCAL RULES which can be found on our Court's website. The Local Rules more fully explain these documents and the procedure. This document is merely a brief summary of the Local Rules. The Local Rules provide more explanation.

III. COURT COSTS

A list of the deposits for court costs can be found on the Clerk of Courts website. Once you file an action, your deposit will be applied to court costs. Failure to successfully complete an action may or may not result in a partial refund of your deposit. Depending on the length of your case, additional court costs may be due after your deposit has been exhausted.

IV. PLEADINGS

A copy of the pleadings listed below can be found on the Court's website or on the Supreme Court of Ohio's website. Further assistance may be found at Ohiolegalhelp.org.

DIVORCE

STEP 1 – FILE THE CASE. The following must be filed to initiate the case. If you do not file each and every one of the pleadings listed below (with the appropriate number of copies for service), your pleadings will be returned to you.

PLEASE NOTE: The original copy AND one (1) photostatic copy for EACH party must be filed. If you wish to receive a copy for your records, you must bring a copy for you as well. The Clerk of Courts retains the original copy of each pleading in their file, and a copy for each party must be filed for service. It is recommended you retain a copy for your file.

Divorce with Minor Children:

1. Complaint for Divorce (*Uniform Domestic Relations Form 7*)
2. Judgment Entry of Injunctions (*Richland County Form 3.00*)
3. Financial Affidavit (*Richland County Form 5.00*) NOTE: You MUST attach proof of income (such as a paystub or tax records)
4. Parenting Proceeding Affidavit (*Richland County Form 6.00*)
5. Request for Temporary Orders (OPTIONAL) (*Richland County Form 4.00*)
6. Request for Service (*Uniform Domestic Relations Form 31*)
7. Title IV-D Form Application (*MUST be filed - see Court's website for a copy*)
8. Personal Identifiers Form (*Richland County Form 20.00*)

Divorce without Minor Children:

1. Complaint for Divorce (*Uniform Domestic Relations Form 6*)
2. Judgment Entry of Injunctions (*Richland County Form 3.00*)
3. Financial Affidavit (*Richland County Form 5.00*) NOTE: You MUST attach proof of income (such as a paystub or tax records)
4. Request for Temporary Orders (OPTIONAL) (*Richland County Form 4.00*)
5. Request for Service (*Uniform Domestic Relations Form 31*)
6. Personal Identifiers Form (*Richland County Form 20.00*)

STEP 2 – OBTAIN SERVICE UPON DEFENDANT. It is your responsibility to ensure the Clerk of Courts serves the Defendant with a Summons and a copy of all pleadings. Failure to properly serve Defendant within six (6) months of filing will result in the DISMISSAL of your action. The case cannot begin until the Defendant has been served (or has waived service). Please see the Request for Service document found on the Supreme Court of Ohio's website. The Defendant can sign a Waiver of Service or can be served by (1) certified mail, OR (2) Sheriff, OR (3) by a private process server (that you hire), OR (4) legal publication.

STEP 3 – SCHEDULING. After the Defendant has been properly served, the Court will schedule various court dates and send notice to all parties. If there are defects in the paperwork, the Court will send you notice and may schedule a hearing on the defects, known as a Document Defects Hearing. You must attend all scheduled hearings or your case may be dismissed.

STEP 4 – FINAL HEARING. The following documents must be submitted at the final hearing. Failure to submit the properly prepared documents may result in a DISMISSAL of your Complaint for Divorce. You must appear with one corroborating witness (or with the Defendant) at the final hearing. Failure to do so may result in the DISMISSAL of your action. A corroborating witness is someone with actual knowledge of the grounds for divorce (such as incompatibility or living separate and apart in excess of one year).

- A. Judgment Entry – Decree of Divorce: It is the Plaintiff's responsibility to prepare and submit a proposed Judgment Entry – Decree of Divorce and bring that to the final hearing. A sample can be found on the Supreme Court of Ohio's website.
- B. Separation Agreement: If the parties are in full agreement and wish to proceed with the Court adopting their proposed Separation Agreement, the Separation Agreement must be fully completed and signed by both parties. A sample can be found on the Supreme Court of Ohio's website.

SEE ATTACHED DOCUMENT FROM OHIO LEGAL HELP ON HOW TO PROPERLY COMPLETE A SEPARATION AGREEMENT.

- C. Shared Parenting Plan OR Parenting Plan: If the parties have minor children, a separate Shared Parenting Plan OR Parenting Plan must be submitted. A sample can be found on the Supreme Court of Ohio's website, Uniform Domestic Relations Form 20 or 21. ALSO, a parenting time schedule MUST be attached explaining when each parent has parenting time. Please read this document in FULL.
- D. Attachments: The Decree must include all applicable attachments, such as a child support worksheet or a copy of Local Rule 24 (see *Local Rules*).
- E. Medical Child Support Order: This form must be submitted if the parties have minor children (*Richland County Form 9.00*).
- F. Wage Withholding Order: This must be submitted if a party is requesting support to be withheld from a party's wages (if applicable).
- G. Copies: You must provide copies of each of the final documents to be sent to each party by the Clerk of Courts.
- H. Envelopes: The Clerk of Courts requires that the parties provide envelopes for each party to receive the processed copies.

DISSOLUTION

STEP 1 – FILE THE CASE. The following must be submitted by both parties to file for the dissolution of your marriage. A dissolution is a request from both parties, so both parties must sign all required documents and both parties must appear at the final hearing.

Dissolution with Minor Children:

1. Petition for Dissolution (one copy signed by both parties) (*Uniform Domestic Relations Form 17*)
2. Financial Affidavit – A SEPARATE COPY FOR EACH PARTY (*Richland County Form 5.00*)
NOTE: you MUST attach proof of income (such as a paystub or tax records)
3. Parenting Proceeding Affidavit – A SEPARATE COPY FOR EACH PARTY (*Richland County Form 6.00*)
4. Separation Agreement (one copy signed by both parties) (*Uniform Domestic Relations Form 19*)
5. Shared Parenting Plan OR Parenting Plan (one copy signed by both parties) (*Uniform Domestic Relations Form 20 or 21*) WITH a parenting time schedule attached (Please read this document in FULL)
6. Child Support Computation Worksheet (even if requesting zero child support)
7. Medical Child Support Order (*Richland County Form 9.00*).
8. Title IV-D Form Application (see *Court's website for a copy*) (this must be filed, even if requesting zero child support)
9. Personal Identifiers Form (*Richland County Form 20.00*)

Dissolution without Minor Children:

1. Petition for Dissolution (one copy signed by both parties) (*Uniform Domestic Relations Form 17*)
2. Financial Affidavit – A SEPARATE COPY FOR EACH PARTY (*Richland County Form 5.00*)
NOTE: you MUST attach proof of income (such as a paystub or tax records)
3. Separation Agreement (one copy signed by both parties) (*Uniform Domestic Relations Form 19*)
4. Personal Identifiers Form (*Richland County Form 20.00*)

STEP 2 – SCHEDULING. After the Court has reviewed all of the pleadings, then the Court will schedule a hearing and send out the appropriate notice to all parties. If there are defects in the paperwork, the Court will send you notice and schedule a Document Defects Hearing (a time for the Court to review your pleadings with you in the courtroom). YOU MUST APPEAR AT ALL SCHEDULED HEARINGS OR YOUR CASE MAY BE DISMISSED.

STEP 3 – FINAL HEARING. The following documents must be submitted at the final hearing. Failure to submit the properly prepared documents may result in a DISMISSAL of your case. In a dissolution of marriage, BOTH parties must appear at the final hearing. Failure to do so may result in the DISMISSAL of your action.

- A. Judgment Entry – Decree of Dissolution: It is the parties' responsibility to prepare and submit a proposed Judgment Entry – Decree of Dissolution (signed by both parties) at the final hearing. A sample can be found on the Supreme Court of Ohio's website.
- B. Separation Agreement: The Separation Agreement must be fully completed and signed by both parties. A sample can be found on the Supreme Court of Ohio's website.

SEE ATTACHED DOCUMENT FROM OHIO LEGAL HELP ON HOW TO PROPERLY COMPLETE A SEPARATION AGREEMENT.

- C. Shared Parenting Plan OR Parenting Plan: If the parties have minor children, a separate Shared Parenting Plan OR Parenting Plan must be submitted. A sample can be found on the Supreme Court of Ohio's website, Uniform Domestic Relations Form 20 or 21. ALSO, a parenting time schedule MUST be attached explaining when each parent has parenting time. Please read this document in FULL.
- D. Attachments: The Decree must include all applicable attachments, such as a child support worksheet or a copy of Local Rule 24 (*see Local Rules*).
- E. Medical Child Support Order: This form must be submitted if the parties have minor child(ren) (*Richland County Form 9.00*).
- F. Wage Withholding Order: This must be submitted if a party is requesting support to be withheld from a party's wages (if applicable).
- G. Copies: The parties provide copies of each of the final documents to be sent to each party by the Clerk of Courts.
- H. Envelopes: The Clerk of Courts requires that the parties provide envelopes for each party to receive the processed copies.

FROM OHIO LEGAL HELP

www.ohiolegalhelp.org

In order to get a divorce or dissolution, you will need to list what you have, what you owe and how those things should be divided between you and your spouse. Learn how to think through dividing your assets, property and debts.

One of the challenges in ending your marriage is how to divide up the things that you have acquired together. This includes not only physical belongings, but financial assets, property and debts.

Property and debt in dissolution

When you submit your dissolution paperwork to the court, you will include a separation agreement that includes your agreed plan for how you will split up all of your property and debts.

You both have to completely agree with the plan that you submit and agree that you think that it is "fair and equitable." "Fair and equitable" does not necessarily mean that you split everything 50/50. It simply means that looking at the whole picture of how your property, debts and assets will be divided, it seems fair based on your situation.

Think through these questions when deciding if the agreement is "fair and equitable."

- What did you and your spouse have or bring with you into the marriage (debts and assets)?
- How long were you married?
- What debt or assets are you each taking with you at the end of your marriage?

Property and debt in divorce

When you file for dissolution, you will need to do 2 things:

- List all your property and debts. This information will be entered into the financial paperwork that you need to fill out as part of the divorce papers.
- Decide what you have to divide right away. It can take 4 to 12 months or more to finalize your divorce. What will each of you need to get you through that time frame? You can request what you need in the short term through "temporary orders."

The permanent, long-term division of property will be handled by the divorce settlement itself. You can decide how to divide these up while the divorce is in progress.

Thinking through your property

List what you and your spouse own or rent. Think through:

- Your house or apartment
- Bank accounts
- Furniture
- Cars and other vehicles

- Life insurance
- Business interests, stocks or bonds
- Pension or retirement accounts
- Anything else you own

For any of these things that you own, you will need to determine what's called the "Fair Market Value." This is how much you could sell it for now, at a yard sale or online. For house or land values, you are required to give the "legal description" along with your fair market value. You can contact your realtor or county recorder and county auditor's offices for these pieces of information.

Thinking through your debts and monthly payments

Debt is money that you need to pay for something you already bought. For instance, this might be payments on your credit card, car payments or loans for things like a TV.

What debts do you and your spouse have? One kind of debt is a "secured loan." A secured loan is backed up by something of value, or "collateral," that you own. Usually, it's a piece of property or a car. If you stop making payments, the creditor can use it to help pay off the loan. Consider:

- Short-term loans secured by your car
- A second mortgage or home equity line
- Rent-to-own furniture
- A loan where you used your first car as collateral for buying a second vehicle

What about unsecured loans? A loan is "unsecured" because if you stop making payments, the creditor can't easily take any of your property. They would have to take you to court first. These can include:

- Credit card debt
- Cash advances
- Medical bills
- School loans

Also consider the things you're committed to paying, such as your cell phone plan or your rent.

What is yours and what is "marital?"

The things that you and your spouse own together, or that either of you bought during the marriage, are assumed to be "marital property" — or shared property of the marriage itself. This is true even if you had separate accounts or if one of you made more money than the other. This is also true of debts — if whatever brought on a debt happened while you were married, then most likely you're both responsible for it. It doesn't matter whose name is on the bill or credit card.

But you might own things that are "separate property." These are things you owned before you were married. You don't need to split separate property with your spouse when you get divorced. The same is sometimes true of an inheritance, even if you received it during the marriage.

One piece of property might be partly “marital” and partly "separate." For example, if your spouse put a down payment of \$500 on a car right before you got married, and then has been making car payments of \$100 per month since, \$500 worth of the car is "separate" property. If you renovated a house together, but you owned the house prior to the marriage, that house would also be part "marital property" and part "separate property." In both cases, you would need to subtract out the value of the "separate" part before you divide everything else.

Short-term plans and temporary orders in divorce

Your divorce can take 4 to 12 months, or longer, to work its way through the court process. You can choose to file a request for temporary orders to determine how things will be divided before the divorce is finalized.

When considering filing for temporary orders, think through questions like:

- Do you need to live in the home where you both lived together?
- Do you need to have the car?
- Do you need access to the credit card?
- Who will pay the bills for debts and living expenses?

Even if your name isn't on a bill, or if you don't have possession of the property or item, don't assume you won't be held responsible. For example, you may be held accountable for your spouse's medical expenses. Or you could be sued if your spouse doesn't make the payments on a car they bought while you were married — even if your spouse has the car now and you have never driven it.

It can be useful to sit down with your spouse and try to agree on who will get what and pay what in the short term. Then you can file a single set of requests for temporary orders. If you can't agree, you can file separate requests for temporary orders. Then the court will review your requests and make a decision.

Learn more about filing for dissolution, filing for a divorce without children or filing for a divorce with children.