

OTTAWA COUNTY COMMON PLEAS COURT

Bruce Winters, Judge

315 Madison St. Room 301
Port Clinton, Ohio 43452
419 734-6790 • Fax 419 734-6852

ANSWER TO DIVORCE (with no minor children)

PRO SE FILING INSTRUCTIONS FOR AN ANSWER TO A DIVORCE (WITHOUT CHILDREN)

The forms in this packet will allow you to file an Answer to a Divorce Complaint and obtain a Divorce without representation by an attorney. You must follow these instructions and complete all forms thoroughly. The law requires that a hearing be held after forty-two days from the date of the filing of the complaint with the Clerk of Courts. Once you correctly complete and file your Answer, the Court will schedule a hearing. The date will be sent to the address on your filings. If you change your address, you must notify the Court. If you have questions regarding your hearing date, contact the Magistrate's Office at 419-734-6818.

DRESS CODE: The court does have a dress code (no shorts, halter tops, hats etc.) and parties will be required to pass through security check before being allowed to enter court.

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4. Waiver of Counsel

INSTRUCTIONS FOR FILING AN Answer TO A COMPLAINT FOR DIVORCE, NO CHILDREN

You must print clearly or type the information that you fill out for each case. If the forms are not completely filled out, the Court will not accept the forms. If you do not know an answer, you must state "unknown". Once the clerk has given your case a case number, you will use that case number in all documents that are filed in this case. There are no filing fees for an Answer to a Complaint for Divorce. It is possible that you will still have to pay the court costs, in whole or part, at the conclusion of the hearing. The filing fees, \$500, are paid by Plaintiff and are deposits for court costs. Court costs in your case may be more or less than the deposit. The Court will determine who pays the court costs at the conclusion of the case if there is no agreement.

You will be responsible for sending to the Plaintiff, via Certified U.S. Mail, file stamped copies of the Answer as well as all other supporting documents and affidavits. At the bottom of the Answer, you must certify that you have sent the appropriate documents to the Plaintiff.

Required forms when filing an Answer

If you are filing an Answer, you must supply the following:

1. The Answer.
2. The appropriate affidavits (**choose from a. or b.**)
 - a. Ottawa County DR 2. You must complete the Affidavit of General Information, Income, Monthly Expenses and Financial Disclosure. This Affidavit must be signed in the presence of a Notary Public. Form **DR2**.
 - OR**
 - b. **Ohio Supreme Court Forms Affidavit 1 and Affidavit 2.** These forms must be signed in the presence of a Notary Public. (Forms are available on the Ohio Supreme Court website.)
3. Waiver of the right to counsel.

You must supply the Clerk of Courts with the original and one copy of each of the above documents at the time you file the Answer.

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY
DOMESTIC RELATIONS DIVISION

name

street address

city and state
DOB: _____

Case No. _____

Plaintiff

vs

Judge Bruce Winters

name

street address

city and state
DOB: _____

Magistrate _____

ANSWER

Defendant

This day, the Defendant, states as follows:

1. Defendant admits the allegations contained in paragraph(s) _____
_____. (state each paragraph number)

2. Defendant denies the allegations contained in paragraph(s) _____
_____. (state each paragraph number)

3. The parties **own / do not own** (circle one) household goods and furnishing, motor vehicle and other marital assets. The parties **have / have no** (circle one) marital debts.

4. I am asking that the Court **grant Plaintiff a divorce** from the Defendant; to equitably divide the marital assets and debts; to equitably divide the household goods and furnishings; and to determine who pays the costs of this action. **OR (choose, by circling your choice, either Paragraph 4 or Paragraph 5. You can choose only one).**

5. I am asking the Court **dismiss the complaint for divorce**.

And for such other relief as the Court may determine is just and proper.

Defendant, (signature)

(print name)

I hereby certify that a file stamped copy of this Answer, along with all necessary affidavits, was mailed to the Plaintiff by me, via Certified U.S. Mail, return receipt requested, on this _____ day of _____, 20____

Defendant (signature)

Case Number _____

Waiver of Counsel

_____, acknowledges that I am fully aware of and understand that I have right to have an attorney advise and represent me in these proceedings . After full consideration, I have decided that I do not wish to have an attorney and that is my own decision. I am waiving the right to counsel knowingly, intelligently and of my own free will.

Signature

Date

IN THE COURT OF COMMON PLEAS OF OTTAWA COUNTY, OHIO

CASE NO.

Plaintiff/Petitioner,

vs

Defendant/Petitioner.

**AFFIDAVIT OF GENERAL INFORMATION, INCOME,
MONTHLY EXPENSES AND FINANCIAL DISCLOSURE**

(Attach last year's 1040 and recent payment stub --
Redact all personal identifiers)

INSTRUCTIONS: This form is required in all divorce, dissolution and legal separation proceedings. Please attach last year's federal tax return and your most recent pay stub. All personal identifiers must be redacted.

GROSS INCOME: All earned and unearned income from all sources during a calendar year, including income from salaries, wages, overtime pay, commissions, royalties, trips, rents, dividends, severance pay, pension, interest, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, spousal support (from one other than a part to this case), etc. Does not include AFDC, SSI, food stamps, general relief, veterans' disability benefits and support for children not of this marriage.

SELF-GENERATED INCOME (self-employed): Gross receipts minus ordinary and necessary expenses. Includes in-kind payments, i.e. company cars, free housing, reimbursed meals, etc. "Ordinary and necessary expenses" does not include depreciation expenses and other non-cash items.

POTENTIAL INCOME (voluntarily unemployed or underemployed): Employment potential and probable earnings level based on the parent's recent work history, occupational qualifications and prevailing job opportunities and salary levels in the community. NOTE: It is within the Court's discretion whether to impute income.

STATE OF OHIO :
 : SS
COUNTY OF OTTAWA :

_____, being first duly sworn, states in answer to the following questions as hereinafter set forth:

NOTE: If you need more space to answer any question, please use a separate piece of paper and attach it to this form at the back.

1. WIFE

First Name (Maiden Name)	Last Name	Birth Date	
Street	City	State	Zip Code

HUSBAND

First Name (Initial)	Last Name	Birth Date	
Street	City	State	Zip Code

2. Date of Present Marriage: _____

Place of Marriage: _____

City	County	State
------	--------	-------

3. Date of Separation: _____ Who moved away? _____

Still living under same roof: _____

4. Have you ever before filed for divorce, separation, annulment or dissolution against your present spouse in Court? _____ If so, when and where? _____

5. Have you ever before filed a Petition for Civil Protection Order, Civil Stalking Protection Order or Temporary Protection Order against your present spouse before? _____ If so, when and where? _____

6. Were you ever married before? _____ No. of previous marriages? _____
Was your spouse ever married before? _____ No. of previous marriages? _____

7. Where does Wife work? _____
Address: _____
Type of Work? _____

Amount of net pay	\$ _____	Pay Frequency:	_____
Amount of gross pay	\$ _____	Pay Frequency:	_____

8. Where does Husband work? _____
Address: _____
Type of Work? _____
Amount of net pay \$ _____ Pay Frequency: _____
Amount of gross pay \$ _____ Pay Frequency: _____

9. If person from whom support is sought is self-employed, list name under which he or she does Business, business address, type of work or service performed, and net income from said Business in prior calendar year:

GROSS ANNUAL INCOME

- 1.) Wife's gross annual income: _____
- 2.) Husband's gross annual income: _____

NOTE: You must attach a copy of your most recent income tax return, including all supporting schedules and a copy of your most recent paystub.

CURRENT MONTHLY INCOME

WIFE

HUSBAND

Employment

Self-Employment

Interest / Dividends

Unemployment Comp.

Worker's Comp.

Disability / Sick Pay

Social Security

Spousal Support

Child Support

ADC / GR / Food Stamps

TOTAL ALL COLUMNS

ADJUSTMENTS
(Annual Amounts)

Court-Ordered Support Paid For Other
Children

Court-Ordered Spousal Support Paid to
Former Spouse

Health Insurance Premium Paid if Children
Covered (Child's portion only)

Other dependent child in home
(Other resident child)

Local Income Tax Percentage Rate

Annual Daycare Costs

Annual Mandatory Unreimbursed
Employment Expenses (e.g. union dues)

Additional Real Estate:

Location: _____ Present Value _____ \$

Name & Address of Creditor: _____
Mortgage Balance: _____ \$ Monthly Payment: _____ \$

Name & Address of Additional Creditor (2nd Mortg. / LOC): _____
Mortgage Balance: _____ \$ Monthly Payment: _____ \$

III. AUTOMOBILES, MOTORCYCLES, CAMPERs, BOATS, MOBILE HOMES

Name on Title: _____ Primary User: _____ Make, Model & Year _____
Creditor: _____
Present Value: _____ \$ Loan Balance: _____ \$ Monthly Payment: _____ \$

Name on Title: _____ Primary User: _____ Make, Model & Year _____
Creditor: _____
Present Value: _____ \$ Loan Balance: _____ \$ Monthly Payment: _____ \$

Name on Title: _____ Primary User: _____ Make, Model & Year _____
Creditor: _____
Present Value: _____ \$ Loan Balance: _____ \$ Monthly Payment: _____ \$

Name on Title: _____ Primary User: _____ Make, Model & Year _____
Creditor: _____
Present Value: _____ \$ Loan Balance: _____ \$ Monthly Payment: _____ \$

Name on Title: _____ Primary User: _____ Make, Model & Year _____
Creditor: _____
Present Value: _____ \$ Loan Balance: _____ \$ Monthly Payment: _____ \$

V. CASH AND DEPOSIT ACCOUNTS (includes checking, savings, certificates of deposit, stocks, bonds, IRA's, mutual funds, credit unions, etc.)

Name & Address of Institution: _____
Type of Account: _____
Name on Account: _____ Present Balance: _____ \$

Name & Address of Institution: _____
Type of Account: _____
Name on Account: _____ Present Balance: _____ \$

Name & Address of Institution: _____
Type of Account: _____
Name on Account: _____ Present Balance: _____ \$

Name & Address of Institution: _____
Type of Account: _____
Name on Account: _____ Present Balance: _____ \$

V. LIFE INSURANCE

Company: _____ Insured (H or W) _____
 Policy No.: _____ Face Value: \$ _____ Cash Surrender Value: \$ _____

Company: _____ Insured (H or W) _____
 Policy No.: _____ Face Value: \$ _____ Cash Surrender Value: \$ _____

VI. PENSION PLANS (includes profit-sharing, 401(K) plans, IRAs, etc.)

Company: _____ Insured (H or W): _____ Years in Plan _____
 Date Benefits Payable: _____ Present Value: \$ _____

Company: _____ Insured (H or W): _____ Years in Plan _____
 Date Benefits Payable: _____ Present Value: \$ _____

Company: _____ Insured (H or W): _____ Years in Plan _____
 Date Benefits Payable: _____ Present Value: \$ _____

Company: _____ Insured (H or W): _____ Years in Plan _____
 Date Benefits Payable: _____ Present Value: \$ _____

VII. BUSINESS AND PROFESSIONAL INTERESTS

Business Name: _____ Owner (H or W): _____
 Date Valued: _____ Net Value: \$ _____

Business Name: _____ Owner (H or W): _____
 Date Valued: _____ Net Value: \$ _____

VIII. HOUSEHOLD GOODS AND FURNISHINGS

Value of those items in your possession: \$ _____

Value of those items in spouse's possession: \$ _____

IX. MISCELLANEOUS ASSETS

Description: _____ Owner (H or W) _____
 Location: _____ Present Value: \$ _____

Description: _____ Owner (H or W) _____
 Location: _____ Present Value: \$ _____

Description: _____ Owner (H or W) _____
 Location: _____ Present Value: \$ _____

I hereby certify that the information contained herein is a true, accurate and complete statement to the best of my information, knowledge and belief.

Additionally, I hereby certify and affirm that I have received and am familiar with this Court's Standard Restraining Order applicable in any divorce, dissolution or legal separation proceeding.

(both parties sign if dissolution)

Sworn to before me and subscribed to in my presence this day of

Notary Public