

OTTAWA COUNTY COMMON PLEAS COURT

Bruce Winters, Judge

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

DIVORCE (with minor children)

PRO SE FILING INSTRUCTIONS FOR DIVORCE (with minor children)

The forms in this packet will allow you to file and obtain a Divorce without representation by an attorney. You must follow these instructions and complete all forms thoroughly before you will be scheduled for hearing. The law requires that a hearing be held after forty-two from the date you file the complaint with the Clerk of Courts. Once you correctly complete and file your papers, 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. Both parties must appear at the hearing. The party filing the complaint must provide the Court with a telephone number.

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.

CONTENTS

1. Instructions
2. The Case Designation Sheet
3. Complaint for Divorce
4. DR 2 (you may submit completed Supreme Court forms as indicated in the instructions)
5. The health insurance forms DR 5 and DR 6
6. Child custody affidavit, DR 1.
7. Ottawa County CSEA IV-D application
8. Waiver of the right to counsel
9. The Praeceptum for Service

You must provide the Clerk of Courts the original and one copy of all the above at the time you file the Complaint for Divorce.

INSTRUCTIONS FOR FILING FOR TERMINATION OF MARRIAGE BY DIVORCE WITH MINOR 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 for filing. 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 on all documents that are filed in this case.

The filing fees for court costs for filing a Divorce Complaint are \$500. The above filing fee is a deposit for court costs. Court costs in your case may be more or less than the deposit. The Court will decide who pays the court costs at the end of the case if there is no agreement. If you do not have funds to pay the filing fee, you may complete an Affidavit of Indigency and file without payment of court costs. The Affidavit of Indigency must be signed in the presence of a Notary Public. The Court will determine whether you qualify to have the filing fee waived. It is possible that you will still have to pay the court costs, in whole or part, at the conclusion of the case.

Praecepte for Service

The Praecepte for Service is a very important part of the process. This document informs the Court how to contact and notify the other parties to the divorce of the filing of the case. It is your responsibility to see that all parties are properly served with the documents. Providing the Court with full and proper addresses is essential.

You may choose to have the documents served by certified mail or by personal service, usually by the county Sheriff where the person resides. If you choose personal service, an additional \$100.00 deposit will be required for increased court costs.

Child Custody Affidavit Form - Form DR1 In all cases where there are minor children, YOUR CASE WILL NOT BE SET FOR HEARING unless this form is completed. By law this form must be completed and submitted at filing. All questions must be answered. When you list where the child has lived for the last five years, please start with the most recent address and work backwards. This form must be signed in the presence of a Notary Public before it is filed with the court.

IV-D Application – In all cases where there are minor children and child support may be ordered and/or health insurance will be provided, the person receiving the child support and/or health insurance must sign and complete the IV-D application. If child support has already been ordered, provide the SETS number on the complaint.

Required forms when filing a Complaint for Divorce

If you are filing a Complaint for Divorce, you must supply the following:

1. The Complaint for Divorce
2. The Case Designation form
3. 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 DR 2. OR**
 - b. **Ohio Supreme Court Forms Affidavit 1-A or 1-B and Affidavit 2.** These Affidavits must be signed in the presence of a Notary Public. (Forms are available on the Ohio Supreme Court website www.supremecourt.ohio.gov).
4. The health insurance information DR 5 and DR 6 forms.
5. Child custody affidavit, DR 1, which must be signed in the presence of a Notary Public.
6. Completed IV-D application signed by the party receiving child support and/or insurance
7. Waiver of the right to counsel
8. The Praecepte for Service

You must provide the Clerk of Courts the original and one copy of all the above at the time you file the Complaint.

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY
DOMESTIC RELATIONS DIVISION

Your name

Your street address

Your city and state

DOB: _____

Plaintiff

vs

Case No. _____

Sets No. _____

Judge Bruce Winters

Your spouse's name

Your spouse's street address

Your spouse's city and state

DOB: _____

Defendant

Magistrate _____

COMPLAINT FOR DIVORCE

This day, the undersigned party, states as follows:

1. Plaintiff and/or Defendant has/have been a resident(s) of the State of Ohio for six months and of Ottawa County for 90 days immediately before filing this Complaint for Divorce.

2. The parties were married at _____ (city and state) on _____ (date) and no children have been born to these parties or there are no remaining minor children (cross out one).

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

4. The Defendant is not an active member of the military of the United States of America.

5. Plaintiff says that the grounds for Divorce are as follows:

Check all boxes that you wish the court to apply:

(A) Defendant had a spouse living at the time of the marriage herein;

(B) Defendant is guilty of willful absence for over one year;

(C) Defendant is guilty of adultery;

(D) Defendant is guilty of extreme cruelty;

(E) Defendant is guilty of fraudulent contract;

- (F) Defendant is guilty of gross neglect of duty;
- (G) Defendant is guilty of habitual drunkenness;
- (H) Defendant is presently imprisoned in a state/federal correctional institution;
- (I) Defendant has obtained a divorce outside this state, by virtue of which the Defendant is released from the obligations of the marriage, while such obligations remain binding upon the Plaintiff;
- (J) Plaintiff and Defendant have, without interruption for one year, lived separate and apart without cohabitation;
- (K) Plaintiff and Defendant are incompatible, which incompatibility is not denied by either party.

I am asking that the Court grant me a divorce from the Defendant; divide equitably the marital property and debts; divide equitably the household goods and furnishing; determine the costs of this action; and (check the boxes that you wish to the court to apply)

- award temporary and permanent spousal support;
- name Plaintiff as residential parent and legal custodian of our children and order parenting time for Defendant;
- name Defendant as residential parent and legal custodian of our children and order parenting time for Plaintiff;
- require Plaintiff to continue to provide health insurance for the family;
- require Defendant to continue to provide health insurance for the family;
- provide for payment of uncovered medical expenses for the children;
- provide for Defendant to pay child support for the minor children;
- provide for Plaintiff to pay child support for the minor children;
- restoration of your present name to prior name of _____;

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

Plaintiff, (signature)

(print name)

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

Praecipe

IN THE COURT OF COMMON PLEAS OF OTTAWA COUNTY, OHIO

Name _____ Case No _____
Street Address _____
City, State and Zip _____
***_**_ _____
Social Security Number _____
Date of Birth Plaintiff _____

Judge Bruce Winters

vs.

Name _____
Street Address _____
City, State and Zip _____
***_**_ _____
Social Security Number _____
Date of Birth Defendant _____

PRAECIPE FOR SERVICE

WARNING: YOU WILL NOT BE GIVEN A HEARING DATE UNLESS ALL FORMS ARE FILLED OUT COMPLETELY AND ALL ADDRESSES ARE FURNISHED.

To the Clerk of Courts: Please serve a copy of the _____ upon
[example: complaint for divorce/answer]

the following persons: [check the correct line]

_____ Plaintiff at the address listed above.

_____ Defendant at the address listed above.

_____ Legal custodian other than Plaintiff or Defendant.

Name of custodian _____

Address _____

by: [check the correct line] Note: these costs may be added to the court costs.

_____ certified mail

_____ personal service (\$100 deposit required at the time of filing. Unused portion will be

credited to case.)

_____ other, please specify _____

Your signature