

NOTICE

These instructions will help you start your case. You need to make sure your papers follow the Ohio Revised Code Title 31, the Ohio Rules of Civil Procedure and the Montgomery County Domestic Relations Court Local Rules.

READ ALL INSTRUCTIONS

USE THIS PACKET TO FILE AN

ANSWER OR ANSWER & COUNTERCLAIM TO

DIVORCE, LEGAL SEPARATION OR ANNULMENT.

Click on the form name to open the form. Click in the top of the form to return to the instruction page. You must have and updated version of Adobe Reader.

ATTENTION: Court employees CANNOT give legal advice. If you need legal advice, please contact a lawyer of your choosing.



COURT OF COMMON PLEAS, MONTGOMERY COUNTY
DOMESTIC RELATIONS DIVISION

DENISE L. CROSS, ADMINISTRATIVE JUDGE

JUDITH A. KING, JUDGE

REQUIRED DOCUMENTS WITH NUMBER OF COPIES NEEDED FOR ALL FILINGS:

1. Answer or Answer & Counterclaim with Certificate of Service
NOT PROVIDED
Use the guidelines on page 3 to create this document. **Submit original & 4 copies**
2. Affidavit of Financial Disclosure
ATTACHED **Submit original & 3 copies**

FILING PROCEDURES

The Defendant has 28 days from the date of service of the Complaint for Divorce, Legal Separation or Annulment to file an Answer. If a party misses the 28-day response time, then a *motion for leave to file* an Answer must also be created and submitted with the Answer or Answer & Counterclaim (pursuant to Ohio Rules of Civil Procedure).

When all paperwork is properly completed, signed and notarized, bring or send your documents to the **Public Legal Specialist located at the Domestic Relations Court, 301 West Third Street, Second Floor, Dayton, Ohio 45422**. The court will review the documents. If there are corrections, you will be notified by letter what corrections are needed. Please include a phone number where you may be reached regarding your paperwork.

When your paperwork is correct, it will be mailed back to you with an approval letter informing you to file the Answer or Answer and Counterclaim with the Domestic Relations Clerk's Office at 41 North Perry Street, Room 104. Once an Answer is filed, your case is placed on the contested docket. The case will be scheduled for a pre-trial conference and final contested trial date. The Court's Assignment Office will notify both parties and counsel by mail of the hearing dates.

GUIDELINES

FORMAT: All documents must be typed and must be set up in the same format as the Complaint for Divorce/Legal Separation/Annulment including case caption and signature block pursuant to Mont. D.R. Rule 4.08. DO NOT REVERSE THE ORDER OF THE PARTIES.

I. ANSWER

1. For each numbered item of the complaint that you were served with, state whether you agree with or deny the allegation.
2. Include a signature line, with your typed written name, address and daytime phone number underneath.

II. COUNTERCLAIM

1. Include the Plaintiff's time of residence within the State of Ohio and the County of Montgomery;
2. Date of marriage, city and state where you got married;
3. Number of children born to parties (include names/dates of birth); *(if a child was born prior to the marriage, you must clearly state if the father has acknowledged paternity of the child and how the father acknowledged paternity.)*
4. Is the Wife currently pregnant?—if so, include due date;
5. Do you and your spouse own any real estate, either jointly or separately?
6. State your legal grounds for this action. You can look at the Montgomery County Citizens Guide available at the Court or on our website to determine the legal grounds for divorce.
7. State what you are requesting from the court, i.e., division of all assets and debts, divorce to be granted, custody, child support, etc.
8. The complaint must contain a signature line for the Defendant. The defendant's signature, type written name, address and daytime phone number under the signature line.

III. CERTIFICATE OF SERVICE

1. Whether you file an Answer or Answer & Counterclaim you must include the Certificate of Service stating that a copy has been mailed to all parties and counsel via regular mail on a listed date.
2. The Certificate of Service must also contain your signature and typed written name.

FORM

AFTER READING ALL INSTRUCTIONS –
FULLY COMPLETE THE ATTACHED FORM.