

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 FOR A **DISSOLUTION.***

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 an 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 DISSOLUTIONS:

1. Petition for Dissolution **Submit original & 5 copies**
NOT PROVIDED
Use the guidelines on page 4 to create this document.
2. Separation Agreement **Submit original & 5 copies**
NOT PROVIDED
Use the guidelines on page 4 to create this document.
3. Affidavit of Financial Disclosure **Submit original & 2 copies**
ATTACHED
There are 2 Affidavits of Financial Disclosure attached. Each party must submit their own. The Court does not accept waivers of these affidavits.
4. Questionnaire **Submit the original only**
ATTACHED
*This document must be typed, or **legibly printed on the original court form.** Do not tear this form apart.*
5. Application for Child Support Services **Submit original & 3 copies**
ATTACHED
Required even if there are no children.

The following must also be submitted if there are ***minor children*** of the marriage:

6. Information for Parenting Proceeding Affidavit **Submit original & 2 copies**
ATTACHED

7. Child Support Computation Worksheet **Submit original & 5 copies ATTACHED** (Use the computer program that the Court provides located on the 2nd floor in Domestic Relations Court, or complete the attached forms.)

The following paperwork must be submitted at least 14 business days prior to the final hearing. YOUR HEARING WILL NOT GO FORWARD IF WE HAVE NOT APPROVED THESE DOCUMENTS.

8. Final Decree of Dissolution **Original & 4 copies NOT PROVIDED**
Use the guidelines on page 5 to create this document.
9. Montgomery County Support Enforcement Agency Work Sheet **Original Only**
if spousal support and/or child support is requested
ATTACHED
Attach this form to back of the final decree.

FILING PROCEDURES

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 in regards to your paperwork.

When your paperwork is correct, it will be mailed back to you with an approval letter informing you to file the case with the Domestic Relations Clerk's Office at 41 North Perry Street, Room 104. Your filing fee will be due at that time. Call the Clerk of Court's Office at 937-225-4562 to obtain fee amounts. All parties will receive a Notice of Hearing in the mail from the Assignment Commissioner setting your hearing date. Cases shall be heard between 31 and 90 days after the date you file your petition.

At the hearing you will be questioned by the Judge. **NOTE: BOTH PARTIES MUST BE PRESENT AT THE DISSOLUTION HEARING.**

GUIDELINES

USE THE FOLLOWING GUIDELINES IN PREPARING THE PETITION FOR DISSOLUTION, SEPARATION AGREEMENT AND FINAL DECREE OF DISSOLUTION. DOCUMENTS **MUST** FOLLOW THESE GUIDELINES.

PREPARE THE FOLLOWING DOCUMENTS:

I. Petition for Dissolution:

This document must be typed on 8 ½" x 11" paper with a 2 ½" top margin on the first page. The petition must contain a case caption at the top. In a Dissolution the parties are referred to as 1st Petitioner and 2nd Petitioner. (Refer to the top of the Affidavit of Financial Disclosure or to Mont. D.R. 4.08 for proper caption format.) The body of your document must be in complete sentences and must contain the following information:

1. The time you lived within the State of Ohio for one of petitioners (must be at least 6 months);
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. Petitioners' request for approval of separation agreement;
6. Waiver of service of summons;
7. The petition must contain a signature line for each party, type written name, address and daytime phone number must be under each signature line.

II. Separation Agreement:

This document must be typed on 8 ½" x 11" paper. No caption is needed. The body of the document must be written in complete sentences and must at minimum contain the following information pursuant to Mont. DR Rule 4.24:

1. Time you have lived within the State of Ohio for one of petitioners (must be at least 6 months);

2. Names and dates of birth of children born to the parties; *(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.)*

***If there are minor children of this marriage, then include items 3 thru 8; if no minor children, skip down to item number 9.**

3. Allocation of Parental Rights and Responsibilities including parenting time;
4. Child Support with required language found in Mont. D.R. Rule 4.24(D).
 - a. Child Support must be stated per month per child and rounded to the nearest dollar.
 - b. *This must include the Cash Medical Support language effective November 2008.*
5. Child Dependency Tax Allocation- When IRS Form 8332, ***Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent***, is required if the non-residential parent is allocated the child tax dependency exemption, the residential parent shall execute and provide the form to the non-residential parent.
6. Health Care Provisions with required language pursuant to Mont. D.R. Rule 4.24(E).
7. Emancipation per Revised Code 3119.86;
8. Life Insurance;
9. Spousal Support (if applicable see Mont. D.R. Rule 4.24(2) & (3).)
10. Real Estate—explain the disposition of real estate/mortgage;
11. Division of personal property (such as household good, clothing, jewelry etc.);
12. Division of debts;
13. Stocks/Bonds;
14. Financial Accounts;
15. Pensions/Retirement (including 401K's, IRA's,)
16. Motor Vehicles
17. Income Taxes;
18. The Separation Agreement must be signed by both parties and their signatures notarized.

III. Final Decree of Dissolution

This document must be typed on 8 ½" x 11" paper with at 2 ½" top margin on the first page with a case caption (similar to the Petition). The body of the document must be in written as a Court Order in complete sentences and must at minimum contain the following information:

1. Date of final hearing, date petition was filed, and who attended the hearing.
2. Time you have lived within the State of Ohio for one of petitioners (must be at least 6 months);
3. Date of marriage, city and state where you got married;
4. Names and Dates of Birth of children born to the parties; *(if the 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.)

5. Any amendment to the separation agreement;
6. Payment of Administrative Clerk Fees pursuant to Mont. D.R. Rule. 4.24(I);
7. Signature line for Judge;
8. The decree must contain a signature line for each party, type written name, address and daytime phone number must be under each signature line.
9. Notice of Final Appealable Order pursuant to Mont. D.R. Rule 4.24(J).

FORMS

AFTER READING ALL INSTRUCTIONS –
FULLY COMPLETE THE FORMS
NECESSARY FOR YOUR CASE.