

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 a Complaint for

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 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
DIVORCE, LEGAL SEPARATIONS OR ANNULMENTS:**

1. Complaint for Divorce, Legal Separation or Annulment **Submit original & 4 copies**
NOT PROVIDED
Use the guidelines on page 4 to create this document.
2. Affidavit of Financial Disclosure **Submit original & 2 copies**
ATTACHED
The Court does not accept waivers of these affidavits.
3. 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.*
4. Application for Child Support Services **Submit original & 3 copies**
ATTACHED
Required even if there are no children.
5. Instructions for Service **Submit original & 2 copies**
ATTACHED

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.*)

8. Standard Order of Parenting Time **Submit original & 4 copies**
ATTACHED

9. Obligee's Rights and Remedies **Submit original & 4 copies**
ATTACHED

10. Standard Order of Dependant Health Care **Submit original & 4 copies**
ATTACHED

IF UNCONTESTED, 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.

11. Final Decree of Divorce, Legal Separation or Annulment **Original & 4 copies**
NOT PROVIDED
Use the guidelines on pages 4 & 5 to create this document.

12. 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 items 1-7 are 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 with 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. After the Defendant is served with a copy of the Complaint, all parties will receive a Notice of Hearing in the mail from the Assignment Commissioner setting your hearing date. If the Defendant does not file an Answer, the matter will be set for a non-contested hearing.

At the non-contested hearing you will be questioned by the Judge. **NOTE: YOU MUST BE PRESENT AT THE FINAL HEARING WITH ONE ADULT WITNESS.**

GUIDELINES

USE THE FOLLOWING GUIDELINES IN PREPARING THE COMPLAINT AND FINAL DECREE. DOCUMENTS **MUST** FOLLOW THESE GUIDELINES.

PREPARE THE FOLLOWING DOCUMENTS:

I. Complaint for Divorce, Legal Separation or Annulment:

This document, which must be typed on 8 ½" x 11" paper with a 2 ½" top margin on the first page. The complaint must contain a case caption at the top. The parties are referred to as Plaintiff and Defendant. (Refer to the top of the Affidavit of Financial Disclosure or to Mont. D.R. Rule 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 and the County of Montgomery (must be at least 6 months in the State, and 90 days in the County);
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 (www.mcohio.org/dr) to determine the legal grounds.
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 your name. You are the "Plaintiff". The plaintiff's signature, type written name, address and daytime phone number must be under the signature line.

II. Final Decree of Divorce, Legal Separation and Annulment:

This document must be typed on 8 ½ x 11" paper. There must be a 2 ½" top margin on the first page. The decree must contain a case caption at the top. The body of the document must be written as a Court Order, have separate titled paragraphs (pursuant to Mont. D.R. Rule 4.24) and must contain the following information;

1. Date of the final hearing;
2. Date when the Complaint for Divorce was filed;
3. Date of service on the defendant; and if the Defendant filed an Answer/Counterclaim;
4. Who attended the hearing?
5. Date the parties were notified of the final hearing;

6. Time you have lived within the State of Ohio and the County of Montgomery (must be at least 6 months in the State, and 90 days in the County.);
7. Date of marriage, city and state where you got married;
8. 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.)*
9. Grounds for this legal action.

***If there are minor children of this marriage, then include items 9 thru 15; if no children, skip down to item number 16.**

10. Allocation of Parental Rights and Responsibilities including parenting time;
11. Child Support with required language in Mont. D.R. Rule 4.24(D). *This also must include the Cash Medical Support effective November 2008.* This must be stated on a per month per child basis and rounded to the nearest dollar.
12. Child Dependency Tax Allocation: ***Release/Revocation of Release of Claim to Exemption for Child by Custodial Parent***, IRS Form 8332 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.
13. Health Care Provisions with required language, pursuant to Mont. D.R. Rule 4.24(E).
14. Emancipation per Revised Code 3119.86;
15. Life Insurance;
16. Spousal support *(if applicable see Mont. D.R. Rule 4.24 (2)&(3))*;
17. Real estate;
18. Pension/retirement;
19. Debt allocation;
20. Personal property - Division of personal property (such as household good, clothing, jewelry etc.);
21. Motor Vehicles
22. Income taxes;
23. Financial accounts,
24. Payment of Administrative Clerk fees pursuant to Mont. D.R. Rule 4.24(I);
25. Signature line for Judge;
26. Signature line for the Plaintiff with signature, type written name, address and day time phone number under the line.
27. 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.