

If you or your spouse own any **real estate**, or have any type of **pension plan**, you should **consult a private attorney** before using these forms.

Divorce Form Directions

* All forms in **BOLD** must be signed in front of a notary.*

Forms to be completed by you

- ❶ Complaint - Tells the Court why you want a divorce and what you want.
- ❷ **Affidavit of Indigency** - Tells the Court you cannot afford to prepay the filing fee.
- ❸ Instructions for Service - Tells the Court where to send copies to your spouse.

Additional Forms if You Need Immediate Orders

- ❹ Ex Parte Motion for Temporary Orders - Tells the Court what you are asking for now.
- ❺ **Affidavit for Temporary Orders** - Tells the Court why you need temporary orders now.

After completing the forms

- Make three (3) copies of each completed form.
- Take the originals and three (3) copies to Clerk of Common Pleas Court.
- If you completed Form (2), you will pay nothing at the time of filing.
- If you did not complete Form (2), the filing fee is \$_____.00.
- If you filed:
Form ❷ then also give the Clerk Order A Order for Filing Fees
Form ❸ then also give the Clerk Order B Temporary Orders

After forms are filed

- Clerk will send you notice of any court dates. Attend all of these court dates.
- If you move, call the Clerk with your new address.

IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

(Your Name)

Case Number _____
(Court will complete)

(Your Address)

DOB: _____

Plaintiff,

vs.

Judge/Magistrate _____
(Court will complete)

(Your Spouse's Name)

(Your Spouse's Address)

**COMPLAINT FOR DIVORCE -
WITHOUT CHILDREN**

DOB: _____

Defendant.

1. Plaintiff has been a resident of the State of Ohio for more than six months immediately prior to the filing of this Complaint, and (Check One)

of _____ County for more than 90 days immediately prior to filing this Complaint and/or

Defendant is a resident of _____ County.

2. Plaintiff and Defendant were married on _____ in
(Insert Date)

_____, _____.
(City) (State)

3. We do not have any children together.

4. Wife is not currently pregnant.

5. Defendant has been guilty of: **(Check all that apply)**

- | | |
|--|--|
| <input type="checkbox"/> Gross Neglect of Duty | <input type="checkbox"/> Spouse is currently in prison |
| <input type="checkbox"/> Adultery | <input type="checkbox"/> Habitual Drunkenness |
| <input type="checkbox"/> Incompatibility | <input type="checkbox"/> Living separately for at least one year |
| <input type="checkbox"/> Extreme Cruelty | |

6. The parties **(Check One)**

- do not own real property
- do own real property located at

(Address, City, State)

7. The parties have personal property which: **(Check One)**

- has been divided
- has not been divided. Major property items not divided include _____

8. The parties: **(Check One)**

- do not have any debts
- have the following debts _____

THE PLAINTIFF ASKS THE COURT FOR THE FOLLOWING RELIEF:

- a. Grant this divorce;
- b. Equitably divide the property and debts.

- c. That the Court: **(Check all that apply)**
- restore wife to her former name of _____
 - order the Defendant not to dispose of property during this action.
 - order the Defendant to pay spousal support.
- d. Order the Defendant to pay the costs of this action; and
- e. Award any other relief the Court feels is fair and equitable.

Respectfully submitted,

Plaintiff Signature (Your Signature)

Print Name

Street Address

City, State, Zip

Telephone

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve the Defendant with the Summons and the following documents:

(Check all that you filed.)

- _____ Complaint for Divorce
- _____ Motion for Temporary Orders
- _____ Affidavit of Plaintiff
- _____ Parental Affidavit
- _____ Affidavit of Indigency

_____ by CERTIFIED MAIL, ADDRESSEE ONLY at the following address: **(Check if you know your spouse's address)**

(Your Spouses Address)

_____ Pursuant to O.R.C.P. 4.4(A)(2) so that notice is posted in the courthouse and two additional public places. Additionally, the complaint and summons will be mailed by ordinary mail, address correction requested to the defendant's last known address. **(Check if you do not know your spouse's address. Also complete Form 4)**

Plaintiff Signature (Your Signature)

Print Name (Your Name)

Street Address (Your Address)

City, State, Zip

Telephone

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

AFFIDAVIT FOR SERVICE
PURSUANT TO O.R.C.P. 4.4(A)(2)

I, _____, being first duly sworn and cautioned, depose
(Your Name)

and state as follows:

1. I have filed for a divorce and am not able to prepay the filing fees;
2. I do not know the current address of the defendant, my spouse;
3. I have made efforts to determine the defendant's current address but have been unable to do so;
4. The defendant's residence cannot be learned with reasonable effort;
5. The defendant's last known mailing address is:

(Your Spouse's Last Known Address)

Affiant (Sign Here in Front of Notary)

STATE OF OHIO, COUNTY OF JACKSON, SS:

Sworn to before me and signed in my presence this _____ day of
_____, 20__.

Notary Public

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

**AFFIDAVIT OF INDIGENCY AND
APPLICATION FOR WAIVER OF
FILING FEE**

Defendant.

I, _____, being first duly sworn and cautioned, depose and state as follows:
(Your Name)

1. I am the Plaintiff in the above-captioned case.
2. I do not have the funds or assets to pay the costs of the deposit or to pay for an attorney to represent me. If sufficient funds do become available to me in the future, I am willing to pay the costs at that time.
3. I therefore request that I be allowed to proceed in this matter without prepayment of costs.
4. I understand that the Court may assess the costs of this action at the conclusion of the case and that the costs may be assessed against me.

Affiant (Sign here in front of notary)

STATE OF OHIO, COUNTY OF JACKSON, SS:

Sworn to before me and signed in my presence this ___ day of _____, 20___.

Notary Public

IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**MOTION FOR TEMPORARY
ORDERS**

The Plaintiff asks the Court for the following temporary orders: **(Check each that you are asking for)**

- 1. Order Defendant to pay temporary spousal support;
- 2. Order the Defendant not to sell, trade, give away, destroy, or otherwise dispose of our marital property;
- 3. Order the Defendant to continue to pay the following marital debts: **(Check each that you are asking for)**
 - rent
 - housing payment
 - car
 - utilities
 - credit card
 - other
 - health insurance
 - property taxes
 - auto insurance

- 4. Give the Plaintiff exclusive possession of the following family vehicle:

Year	Model	License No.	VIN Number

5. Give the Plaintiff exclusive possession of the family home located at:
_____ (Address of Family Home)
6. Order Defendant not to incur any more debt in the Plaintiff's name or from using the marital property as collateral for any debt.
7. An order requiring Defendant to pay Plaintiff money for attorney's fees pursuant to R.C. § 3105.18(H) so that Plaintiff can hire an attorney.
8. An order requiring Defendant not to remove Plaintiff from the health insurance.
9. An order requiring that Defendant not close or spend money from the checking and savings account.

I will also complete and file Affidavit of Plaintiff Temporary Relief.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**AFFIDAVIT OF PLAINTIFF
FOR TEMPORARY RELIEF**

I, _____, being first duly sworn, depose
(Your Name)

and state the following:

- 2. I am the Plaintiff in the above-captioned divorce case.
- 3. I have lived in Ohio for at least six (6) months and in _____ County for more than ninety (90) days.
- 4. I am married to the Defendant.
- 5. The reasons I need: **(Check all that apply)**

to stop the Defendant from disposing of marital property are: **(Give details of any joint accounts, credit cards or property your spouse may be using.)**

the Defendant to continue to pay the following debts: **(Check all that apply)**

- | | | |
|---|--|--------------------------------|
| <input type="checkbox"/> rent | <input type="checkbox"/> utilities | <input type="checkbox"/> Other |
| <input type="checkbox"/> car | <input type="checkbox"/> credit card | |
| <input type="checkbox"/> auto insurance | <input type="checkbox"/> property taxes | |
| <input type="checkbox"/> health insurance | <input type="checkbox"/> housing payment | |

because: _____

- exclusive possession of the family vehicle **(Give reasons you need this vehicle)** _____

Year Model License No. VIN Number

- exclusive possession of the family home located at _____

because **(Give reasons you need the home)** _____

the Defendant may have alternative living arrangements at:

- spousal support because: **(give reasons why spouse should be paying you support)**

- to stop the Defendant from incurring any further debt in my name or by using marital property as collateral because: _____

- I cannot afford to hire an attorney. Defendant can afford to pay an attorney. I need Defendant to pay me money to hire an attorney. I cannot protect my rights and interests if I am not awarded reasonable attorney fees.

Affiant says that the allegations are true and statements contained in the Affidavit are true to the best of the Affiant's knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant (**Sign in front of notary**)

STATE OF OHIO
COUNTY OF JACKSON, SS:

SWORN TO and subscribed in my presence before me, a Notary Public, in and for said County and State, this _____ day of _____, 20____.

Notary Public

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

JOURNAL ENTRY
FILING FEES

Plaintiff's motion for waiver of filing fee is/is not granted.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

**IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**JUDGMENT ENTRY -
TEMPORARY ORDERS**

Upon Motion for Temporary Orders and affidavits of Plaintiff and for good cause shown, this Court ORDERS the following:

1. Defendant shall pay temporary spousal support in the amount of _____ a month:

2. Defendant shall pay Plaintiff _____ For attorney's fees no later than _____. Plaintiff would be prevented from fully litigating his/her rights and adequately protecting his/her interests if this Court did not award Plaintiff reasonable attorney's fees.

3. Plaintiff is awarded temporary possession of the house and land located at _____.

4. Plaintiff is awarded temporary possession of the following motor vehicle:

5. Defendant shall pay the following bills and/or debts:_____

6. Defendant shall not injure, threaten, harass, or physically abuse Plaintiff;

7. Defendant shall not damage, destroy, sell or attempt to sell, dispose of, remove marital property and/or Plaintiff's of the child(ren)'s personal property from Plaintiff's residence, or incur debts in Plaintiff's or Defendant's name for which Plaintiff may be held liable.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO
DOMESTIC RELATIONS DIVISION

Plaintiff,

vs.

Defendant.

CASE NO:

Judge_____

**JUDGMENT ENTRY ADOPTING
MAGISTRATE'S DECISION/
DECREE OF DIVORCE**

On _____, 20____, a Magistrate's Decision/Decree of Divorce was filed. There having been no objections filed to the magistrate's recommendations, pursuant to Civil Rule 53, the Court ADOPTS the Magistrate's Decision and enters judgment as follows.

The Court approves the Decision of the Magistrate, no objections having been filed here, and enters the same as a matter of record and includes the same as the Court's Judgment herein. The Court further finds there is no error of law or fact in the Magistrate's Order. The Court incorporates by reference the Magistrate's Order, and makes the same the judgment of the Court.

IT IS SO ORDERED.

DATED: _____

JUDGE

THIS IS A JUDGMENT OR FINAL ORDER, WHICH MAY BE APPEALED. THE CLERK, PURSUANT TO CIVIL RULE 58(B), SHALL SERVE NOTICE OF SAME ON ALL PARTIES WHO ARE NOT IN DEFAULT FOR FAILURE TO APPEAR. WITHIN THREE DAYS AFTER JOURNALIZATION OF THIS ENTRY, THE CLERK IS REQUIRED TO SERVE NOTICE OF THE JUDGMENT PURSUANT TO CIVIL RULE 5(B).

IN THE COURT OF COMMON PLEAS, JACKSON COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**MAGISTRATE'S DECISION/DECREE
OF DIVORCE**

On the _____ day of _____, 20____, this cause
came on for hearing on the Plaintiff's Complaint. Present were _____
_____.

The Court FINDS as follows:

1. The Plaintiff has been a resident of the State of Ohio for at least six months and of _____ County for at least ninety days immediately preceding the commencement of this action.
2. The parties were married on _____ at _____.
3. No children have been born of the marriage.
4. The wife is not now currently pregnant.
5. The Court has *in personam* and subject matter jurisdiction.
6. The Defendant has been guilty of _____

and that the Plaintiff has grounds for divorce.

7. The Plaintiff receives _____ income from _____

.

8. The Defendant receives _____ income from _____.

9. The parties have acquired personal property during the marriage and the parties do do not own any real estate.

10. The debts of the marriage are: _____

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff is hereby granted a divorce from the Defendant.

IT IS FURTHER ORDERED as follows:

1. The Plaintiff is awarded, free and clear of any claim by the Defendant, the following property: _____

2. The Defendant is awarded, free and clear of any claim by the Defendant, the following property: _____

—

3. The debts will be divided as follows: _____

4. Both parties shall refrain from using the other party's credit.

5. All payments between the parties are not intended to be spousal support and they are not to be included in the income of the payee, pursuant to § 71 of the Tax Reform Act of 1984, and such payments are not to be deducted from the income of the payor, pursuant to § 215 of the Tax Reform Act of 1984.

6. The _____'s maiden name of _____ is hereby restored.

7. Costs to be paid by:

Plaintiff

Defendant

Split equally between the parties.

DATE

MAGISTRATE

Pursuant to Civil Rule 53(D), any party to this matter may serve and file written objections to the Decision of the Magistrate within fourteen (14) days of the filing thereof. The objections must be specific and state with particularity the grounds thereof. The Court may then, upon due consideration, adopt, reject or modify the Decision of the Magistrate, hear any additional evidence, return the Decision to the Magistrate with instructions, or hear the matter itself.