

Divorces can be complicated and there can be a lot on the line. It is always best to talk to a lawyer. These forms are designed to help people who cannot afford lawyer and have a really simple situation. **They should not be used if you own real estate, have pensions, other valuable assets, or think you have a claim for spousal support (alimony).** If any of these apply, you should make every effort to hire a lawyer. If you have not yet consulted with SEOLS, please call us at 740-773-0012. Otherwise, please call a private attorney.

Forms that must be completed by you

- Complaint - Tells the Court why you want a divorce and what you want.
- Instructions for Service - If you do not know where your spouse is living, please contact legal aid.
- Entries - The Judge and or the Magistrate will use these to issue their final rulings.

Optional Forms - All Affidavits must be signed in front of a Notary.

- Affidavit for Temporary Orders** - Use this if you need the Court to Issue certain orders now, rather than waiting until the final hearing, see the form for more information.
- Affidavit of Indigency** - The Court WILL charge a fee for filing the divorce. If you fill out this form the Court **MAY** decide to charge the fee at the end of the case rather than at the beginning. You also may be able to get the Court to order your spouse to pay these fees.

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.
- Call ahead to the Court to find out what filing fee is required. If you are filing a Affidavit of Indigency, you do not need to take the filing fee with you today.
- If you filled out any of the optional forms, be sure to include the entry forms which are attached to each.

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.

Definitions of Legal Terms in the “Divorce Packets”

- affidavit** - a written statement made under oath before a notary public.
- defendant** - the person a lawsuit is filed against.
- ex parte** - without the other party present. Ex parte orders are issued by the court before the other side has a chance to respond.
- gross neglect of duty** - your spouse has moved out and abandoned your family.
- incompatibility** - you and your spouse don't get along.
- indigency** - household income is low enough that you probably won't have to pay court fees to file your paperwork.
- IV-D application** - application for help from the Child Support Enforcement Agency (CSEA). Should be taken to the CSEA in your county. Don't file this in court.
- O.R.C.P 4.4(A)(2)** - a court rule that allows you to serve your divorce complaint on your spouse by having the clerk of courts post it at the court house. You can *only* serve your spouse this way if you have no idea where s/he lives and do not have any way to find out. You have to file an affidavit to ask the court to serve your spouse this way.
- parental affidavit - (UCCJEA)** - is a form required in every court case involving the custody of children. It explains to the court where the children have lived and who has taken care of them before the case came to court.
- personal property** - personal possessions, for example: furniture, appliances, and tools. Vehicles are also considered personal property, even if more than one person's name is on the title.
- plaintiff** - the person filing the lawsuit.
- real property** - land or a home and the land it sits on. Cars, mobile homes taxed separately from the land, and personal possessions are NOT real property.
- service** - a court process to notify your spouse that you filed for divorce.
- temporary orders** - orders issued by the court that are in effect only while the case is still before the court. If the case is dismissed or the court issues a final order, the temporary orders are no longer good. Common temporary orders in divorce cases include custody, child and spousal support, who gets to stay in the family home or use the family car, and who has to pay certain bills.

Form 1

IN THE COURT OF COMMON PLEAS, _____ 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)**

Gross Neglect of Duty

Spouse is currently in prison

Adultery

Habitual Drunkenness

Incompatibility

Living separately for at least one year

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

Order B

IN THE COURT OF COMMON PLEAS, _____ 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 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, _____ 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)**

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

- 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. § 3105.73 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 for Temporary Relief.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS, _____ 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 and state
(Your Name)

the following:

1. I am the Plaintiff in the above-captioned divorce case.
2. I have lived in Ohio for at least six (6) months and in _____ County for more than ninety (90) days.
3. I am married to the Defendant.
4. 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 _____, 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, _____ 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
DIVISION OF DOMESTIC RELATIONS
ROSS COUNTY, OHIO

DATE: _____

PLAINTIFF _____

ADDRESS: _____ CASE NO. _____

DOB: _____ SS# _____

VS

AFFIDAVIT

DEFENDANT _____

ADDRESS: _____

DOB: _____ SS# _____

Now comes the Plaintiff/Defendant, being first duly sworn, and says that the answers to the following questions are true and accurate to the best of Affiant's belief and knowledge:

Husband's Employer: _____

Address: _____

Phone: _____

Occupation: _____

Wife's Employer: _____

Address: _____

Phone: _____

Occupation: _____

Compute the following at the rate of 4.3 weeks per month:

Husband's income per month; \$ _____ gross \$ _____ net

Wife's income per month: \$ _____ gross \$ _____ net

Amount of bonds, credit union savings, etc.. deducted from the pay of husband \$ _____

wife \$ _____

Other income of husband \$ _____ wife \$ _____

Regular monthly expenses:

HUSBAND

WIFE

food	_____	_____
milk	_____	_____
electricity	_____	_____
fuel oil or natural gas	_____	_____
water	_____	_____
telephone	_____	_____
garbage	_____	_____
medical	_____	_____
clothing	_____	_____
school lunches	_____	_____
babysitter	_____	_____
gas & oil for vehicle	_____	_____

other transportation _____
 recreation _____
 rent or house payment _____
 life insurance _____
 health insurance _____
 car insurance _____
 other _____
TOTAL _____

Regular Monthly Obligations on account:

<u>Creditor</u>	<u>Purpose</u>	<u>Monthly</u>	<u>Balance</u>
-----------------	----------------	----------------	----------------

Own home _____ Monthly Payment \$ _____ To Whom: _____
 Rent _____ Monthly Payment \$ _____ To Whom: _____

Name, Age, and relationship of persons living with you for whom you are legally responsible for and provide for:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>	<u>Age</u>	<u>Amount of Support</u>

Additional employers during last 12 months:

_____ Address: _____
 _____ Address: _____

If not currently employed is the affiant receiving Worker's Compensation benefits _____ yes
 _____ no
 Worker's Compensation Claim number _____
 Type of Benefits: _____ temporary total _____ permanent total
 _____ permanent partial
 _____ other \$ _____ weekly rate
 _____ termination date.

Does affiant have any funds on deposit (savings or other) in any account in any financial institution (including credit unions) ____ yes ____ no
Institution _____

Address _____ amount _____
Acct number _____

Institution _____

Address _____ amount _____
Acct number _____

Institution _____

Address _____ amount _____
Acct number _____

Institution _____

Address _____ amount _____
Acct number _____

Is affiant receiving other income from unemployment ____ yes ____ no Sub payment _____

Trust Income _____ (including spend thift trusts)
any other income not indicated _____

Dated: _____ Signed: _____

Sworn to before me and subscribed in my presence the _____ day of _____, 20____.

NOTARY PUBLIC

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

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

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

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 _____, SS:

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

Notary Public

Order A

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

(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

This matter came before the Court on _____, 20____, for final hearing on Plaintiff's Complaint for Divorce. Present were _____

The Court FINDS as follows:

A. 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.

B. The parties were married on _____ at _____

and no child(ren) have been born as issue of the marriage and the wife is

is not now pregnant.

- C. The Court has *in personam* and subject matter jurisdiction.
- D. Defendant has been guilty of: **(Check all that apply)**
 - Gross Neglect of Duty
 - Spouse is currently in prison
 - Adultery
 - Habitual Drunkenness
 - Incompatability
 - Living separately for at least one year
 - Extreme Cruelty
- E. The Plaintiff receives \$ _____ income from _____,
(Employment, Social Security, etc.)
per _____.
(Week, Month)
- F. The Defendant receives \$ _____ income from _____
(Employment, Social Security, etc.)
per _____.
(Week, Month)
- G. The parties have acquired personal property during the marriage and the parties do own real estate located at: _____

 do not own any real estate.
- H. The debts of the marriage are:

CREDITOR	AMOUNT
_____	_____
_____	_____
_____	_____
_____	_____

- I. Neither party is a member of the U.S. Armed Forces nor involved in a bankruptcy.

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. Each party shall live separate and apart from the other. Each shall go his or her own way without direction, control or molestation from the other as though unmarried. Each agrees and shall not annoy nor interfere with the other in any manner.
2. The Plaintiff is awarded, free and clear of any claim by the Defendant, the following property: _____

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

3. The debts will be divided as follows:

CREDITOR	HUSBAND/WIFE	DEBT AMOUNT
-----------------	---------------------	--------------------

-
-
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 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 the following (Check one that applies):
- Plaintiff
 - Defendant
 - Split equally between the parties.
 - Other _____

DATE

MAGISTRATE

NOTICE OF RIGHT TO OBJECT: Any party may file objections to this decision. The objections must be filed within fourteen days after the Clerk file-stamps the decision. The objections shall be specific and particular. The Judge shall review the objections on the basis of a transcript of all the relevant evidence submitted to the Magistrate, or on the basis of an Affidavit of that evidence if a transcript is not available.

Order C with Magistrate

**IN THE COURT OF COMMON PLEAS
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 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, the Court ORDERS as follows.

The Court, having made an independent analysis of the issues and the applicable law, hereby approves and adopts the Magistrate's Decision and incorporates the Decision by reference as if fully restated and adopts the Recommendations to Final Orders effective with the journalization of this Judgment Entry.

IT IS SO ORDERED.

DATE: _____

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).

Order C

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

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

JUDGMENT 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 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.

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 OF ENTRY OF APPEARANCE. WITHIN THREE (3) DAYS AFTER JOURNALIZATION OF THIS ENTRY, THE CLERK IS REQUIRED TO SERVE NOTICE OF THE JUDGMENT PURSUANT TO CIVIL RULE 5(B).