

You are required to file these added forms if you are filing an action in the **ATHENS** County Court of Common Pleas for the following:

- **Complaint Divorce with Children**
- **Answer Divorce with Children**

Service Information Sheet	
Pro Se Divorce Information Sheet	“Pro Se” means you are representing yourself/filing without an attorney
Personal Information Sheet	Gives the Court contact information for yourself and your spouse
Application to Delay Payment of the Required Deposit	If you are filing a poverty affidavit, you must also sign and submit this form to have the court costs waived until the end of your case

INSTRUCTIONS:

- **All forms must either be typed or printed in ink. You must fill out the forms before taking them to the court. The Court staff will not help you complete the forms.**
- **Once you have completed the main packet and these added forms, you will take all the forms (and copies) to the Clerk’s office for filing.**

Service...Notifying the Opposing Party that you Have Filed Court Documents

What You Must Do To Ensure that Service is Completed

Service of Court Documents

After you file court papers with the Clerk of Courts, Ohio law requires that the opposing party be notified of this filing. This notice is called "service".

Why is Service So Important

Service gives the other party a chance to respond to whatever it is that you have requested of the Court. It is only fair that both parties to a lawsuit have the chance to present their side of the case to the Court. If the opposing party is not properly notified, the Court does not have the power to make any decisions regarding your case. In fact, your case could be dismissed if service is not completed in a timely fashion.

Who Notifies the Opposing Party and How?

Soon after you file, the Clerk of Courts will send or deliver one copy of all the forms you filed to the opposing party at the address you provided for that person. Some courts will send these documents by certified mail - requiring a signature by the opposing party or another adult living with him/her. Other

courts will deliver these documents to the opposing party in person.

If this first effort is not successful...the Court will notify you and then YOU must take steps to ensure service is completed. The Court will not do anything unless you write to them and tell them what you want them to do. If you don't do anything, your case could be dismissed!

How Will I Know if Service Has Failed?

The Court will send you a Notice in the mail letting you know that service has failed. The notice will tell you why service was not successful. Service usually fails because the opposing party refuses to sign for the documents or no longer lives at the address you gave to the Court.

What to Do After Receiving a Notice from the Court.

1. Try to find another more current address for the opposing party. Call friends and family members. You must make your best effort to locate the opposing party.

→ If you are able to find a more recent address for the opposing party, write a letter to the Clerk of Courts, requesting them to serve the papers by certified mail to this new address.

→ If you are unable to find a more recent address for the opposing party, write a letter to the Clerk of Courts requesting them to serve the papers by ordinary mail.

2. Wait about a week. Then call the Clerk of Courts and ask if this second attempt at service was successful. Unless documents are returned to the Court stamped "undeliverable," service was completed.

3. If documents are returned to the Court and stamped "undeliverable," you must request Personal Service or Service by Posting or Publication.

PERSONAL SERVICE What is It?

Your court papers will be hand-delivered to the opposing party by someone from the court or the Sheriff's Department.

How to Obtain Personal Service

You must write to the Clerk of Courts and request Personal Service. You must tell the clerk where the opposing party will be on the date he or she will be served (work or home address) so the party can be located.

The court will notify you in writing if they were unable to serve the

opposing party in person. If you receive a written notice from the Court stating that Personal Service has failed, you must try Service by Publication or Posting. If you do not get a notice from the Court after about one week, call the Clerk of Courts and ask if service was completed.

SERVICE BY POSTING

What is It?

The Court posts a notice regarding your case in two different locations in your community. This notice will be posted for six weeks. After this six week period expires, the Court has the power to decide your case and will set a hearing date. Even if the opposing party never sees the posting this is adequate service under Ohio law.

SERVICE BY PUBLICATION

What is It?

The Court publishes a notice regarding your case in a local newspaper. This notice will be published for six weeks. After this six-week period expires, the Court has the power to decide your case and will set a hearing date. Even if the opposing party never sees the publication, this is adequate service under Ohio law.

How do I request Service by Publication?

Ask the Court if they have a fill-in-the-blank "Affidavit for Service by Publication". If

they do not, you must create your own or contact Southeastern Ohio Legal Services at 1-800-686-3669 or local (740)594-3558. Title your document "Affidavit for Service by Publication" and give the following information:

1) state that you do not know the residence of the opposing party;

2) explain the steps you have taken trying to locate a proper address and that these steps have failed; and

3) state that you cannot locate the opposing party's residence with reasonable diligence.

The Affidavit must be signed by you, notarized by a notary public, and filed with the Clerk of Courts. You will have to pay a rather large fee (over \$100) to file the affidavit.

Who Can Request Service by Posting?

You can only request Service by Posting if:

1) you are filing for a divorce, annulment, or legal separation; and

2) you filed a Poverty Affidavit (also known as an Affidavit of Indigency) with your request which allowed you to file without paying a filing fee.

If you did not file a Poverty Affidavit or the court made you pay a filing fee you must do Service by Publication.

How to Request Service by Posting

Ask the Court if they have a fill-in-the-blank "Affidavit for Service by Posting". If they do not, you must create your own or contact Southeastern Ohio Legal Services at 1-800-686-3669 or local (740)594-3558. Title the document "Affidavit for Service by Posting" and state the same things you stated in the Affidavit for Service by Publication. You must ALSO write the last known address you have for the opposing party.

The Affidavit must be signed by you, notarized by a notary public, and filed with the Clerk of Courts. You should not be required to pay any fees.

REMEMBER... The Court will only allow you to do service by publication or posting if you have made efforts to locate the opposing party's new address. You must explain in the Affidavit for Service by Publication or Posting exactly what you have done to try to locate the opposing party's address.

INFORMATION ON PRO SE DIVORCE

Case No. _____

1. There is a Three Hundred Fifty Dollar (\$350.00) filing fee for divorce with children, a Three Hundred Dollar (\$300.00) filing fee for divorce without children, or you will need both the Application to Delay Payment and the Affidavit of Indigency (both included with this packet).
2. After filing your Complaint for Divorce, you should check with the Clerk of Courts Office, 740-592-3242, in about two to three weeks to see if the Defendant (your spouse) was served with the Summons and Complaint. If service was successful, you should allow 28 days for the Defendant to file an Answer to the Complaint. ***The hearing will not be scheduled for at least 42 days after service.***
3. Call Cindy in the Domestic Relations Division to schedule a hearing date some time after the 28 days: 740-592-3240.
4. You need to know your case number when calling either the Clerk's Office or Domestic Relations, so if at all possible, have your copy of the complaint in hand when calling. You can also write it at the top of this page for reference.
5. On the day of your hearing, you will need to bring a **character witness**. If you own property, you should bring proof of ownership, such as a copy of your deed.
6. ***The Clerk of Courts Office is not permitted to give legal advice.***
7. If you have minor children involved in the divorce and have received the blue instructional letter concerning the Domestic Relations Clinic, you **must** attend the clinic *before* the hearing date.

IMPORTANT PHONE NUMBERS:

The Clerk of Courts 740-592-3242
Domestic Relations 740-592-3240

PERSONAL INFORMATION SHEET

PETITIONER/PLAINTIFF

Name

Case No. _____

Address

City, State and Zip Code

Phone Number (home/cell)

Phone Number (work)

Social Security Number

Date of Birth

RESPONDENT/DEFENDANT

Name

Address

City, State and Zip Code

Phone Number (home/cell)

Phone Number (work)

Social Security Number

Date of Birth

IN THE COURT OF COMMON PLEAS OF ATHENS COUNTY, OHIO

DOMESTIC RELATIONS DIVISION

Name

Address

City, State and Zip Code

Phone Number

Date of Birth

Case No. _____

Judge: _____

Magistrate: Melinda K. Bradford

APPLICATION TO DELAY
PAYMENT OF THE REQUIRED
DEPOSIT

1. I am financially unable to *prepay* the deposit on court costs for this action.
2. I understand that postponing the payment of the deposit **DOES NOT** exempt me or excuse me from paying the required deposit or any other costs incurred in this action.
3. I understand that I may be ordered to make monthly payments in the amount of \$25.00 until the required deposit is paid in full, unless excused by the Court.
4. I understand that there may be further costs assessed to me at the conclusion of this action, above the required deposit.
5. I understand that I am required to inform the Court if my financial situation should change before the conclusion of my case.
6. I have read the answers to the questions asked in this form and do hereby state that the answers are true and correct.

Applicant's signature

Date of signing

Magistrate/Judge

APPROVED _____
DENIED _____

SOURCE OF INCOME TO HOUSEHOLD:

WEEKLY – BI-WEEKLY – MONTHLY – YEARLY (circle one)

<u>Source</u>	<u>Self</u>	<u>Spouse/Other</u>
Employment	\$ _____	\$ _____
Unemployment	\$ _____	\$ _____
Worker's Comp.	\$ _____	\$ _____
Pension	\$ _____	\$ _____
Social Security	\$ _____	\$ _____
Public Assistance	\$ _____	\$ _____
Spousal Support	\$ _____	\$ _____
Other Income	\$ _____	\$ _____

1. If employed, give name and address of employer:

2. Give name and address of previous employer:

3. If unemployed, for how long? _____

4. If your spouse or live in companion is employed, give name and address of employer:

FINANCIAL ASSETS, PROPERTY AN DEBTS:

1. Do you own or are you purchasing your personal residence, including mobile home?

No _____

Yes _____ Value \$ _____

2. Do you own other real estate?

No _____

Yes _____ Value \$ _____

3. Amount of monthly mortgage payment \$ _____

4. Amount of monthly rent payment \$ _____

5. How long have you lived at your present address? _____

6. Do you have access to any of the following: checking account, bonds, cash, savings?

No _____

Yes _____	<u>Account type</u>	<u>Amount</u>
	_____	_____
	_____	_____
	_____	_____

7. Do you own or are you in the process of purchasing any of the following:

	<u>Yes</u>	<u>No</u>	<u>Description/Value/Payment</u>
Car/Truck	_____	_____	_____
Motorcycle	_____	_____	_____
Camper/RV	_____	_____	_____
Television	_____	_____	_____
DVD Player	_____	_____	_____
Computer	_____	_____	_____
Video Game Console	_____	_____	_____
Stereo	_____	_____	_____
Boat	_____	_____	_____
Tools	_____	_____	_____
Equipment	_____	_____	_____

List all debts you presently owe:

<u>To Whom</u>	<u>Amount</u>	<u>Payment</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____