

INSTRUCTIONS FOR FILING AN “ANSWER” TO A COMPLAINT FOR DIVORCE, WITH CHILDREN

You must print clearly or type the information that you fill out for each case. If the forms are not completely filled out, the Court will not accept the forms for filing. If you do not know an answer, you must state “unknown”. Once the clerk has given your case a case number, you will use that case number in all documents that are filed in this case.

The filing fees for court costs for an Answer to a Complaint for Divorce are \$ 0.

If you do not have funds to pay the filing fee, you must complete the “Motion to File Without Payment of Costs” papers, **Court Form 1**, which must be signed in front of a notary and then notarized by the notary public, and the Court will then determine whether you qualify to have the filing fee waived. It is possible that you will still have to pay the court costs, in whole or part, at the end of the hearing. The above filing fees are deposits for court costs. Court costs in your case may be more or less than the deposit. The Court will decide who pays the court costs at the end of the case if there is no agreement.

Praeipce for Service

The praecipe for service instructs the clerk of courts how to send the papers that you are filing. The praecipe for service must be completed by you at the time that you file your court documents. A copy of each paper that you are about to file must be served with required court documents on the other party(s). It is your responsibility to provide the clerk with a copy of each document for service and to instruct the Clerk how to serve the documents on the other party. If you are filing only an Answer, the Answer and other documents may be served by regular U.S. Mail, postage prepaid to Plaintiff’s attorney or if there is no attorney, to Plaintiff. All costs for service will be added to the court costs and or the filing fees.

Child Custody Affidavit Form - Court Form 6

In all cases where there are minor children, this form must be completed. All questions must be answered. When you list where the child has lived for the last five years, please start with the most recent address and work backwards. This form must be signed in front of a notary public and must be notarized before it is filed with the court.

Answer

If you are filing an Answer, you must have completed the following:

1. The Answer.
2. The Affidavit of Income and Expenses, which must be signed in front of a notary and then notarized by the notary public. **Court form 4**
3. The Health Insurance Information Worksheet **Court form 5**
4. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public. **Court form 6**
5. The proposal for temporary orders, if your proposal differs with Plaintiff, **Court form 7**
6. The praecipe for Service

You must provide the Clerk of Courts the original and five copies of all the above at the time you file the Answer.

Form: Answer with children

IN THE COMMON PLEAS COURT OF SENECA COUNTY
DOMESTIC RELATIONS DIVISION

name

Case No. _____

street address

city and state

DOB: _____

Plaintiff

vs

Judge _____

name

street address

city and state

DOB: _____

Defendant

ANSWER

This day, the Defendant, states as follows:

1. Defendant admits the allegations contained in paragraph _____
_____. (state each paragraph number)

2. Defendant denies the allegations contained in paragraph _____
_____. (state each paragraph number)

3. The parties **own / do not own** (cross out one) household goods and furnishing, motor vehicle and other marital assets. The parties **have / have no** (cross out one) marital debts.

4. I am asking the Court **grant Plaintiff a divorce** from me, Defendant; name a residential parent for our child(ren) and establish parenting time and child support orders; provide for our children's medical needs and determine the tax exemption; divide equitably the marital property and debts and the household goods and furnishing.

4. I am asking the Court to **dismiss the complaint for divorce**. (cross out one paragraph 4)

And for such other relief as the Court may determine is just and proper.

Defendant, (signature)

(print name)

To the Clerk: I have mailed a copy of this Answer to the Plaintiff at the address listed above on _____.

Defendant