

INSTRUCTIONS FOR FILING FOR TERMINATION OF MARRIAGE BY DIVORCE WITH MINOR 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 a Divorce are \$ 350. 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 you do not have funds to pay the filing fee, you must complete the "Motion to File without Payment of Court 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.

Praeipce for Service - The Praeipce for Service must be completed by you at the time that you file your court documents. Service of process (the way that the person(s) receive a copy of the court papers that you are filing at this time) is one of the most important procedures which takes place at the beginning of the legal action. All necessary parties must be served with the court documents that you are about to file. It is your responsibility to make sure that the documents are served. You may choose to have the documents served by 1. Certified mail or 2. personal service, usually by the county sheriff where the person resides. If the certified mail is returned unclaimed, then you may attempt service by regular mail. 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, unless this form is completed, YOUR CASE WILL NOT BE SET FOR HEARING. This form is required by law to be completed and submitted to the court at the time that the complaint for divorce, the petition for dissolution or the motion for change of custody is filed. 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. Answer all questions. This form must be signed in front of a notary public who will notarize this before it is filed with the court.

IV-D Application – In all cases where there are minor children and child support will be ordered and/or health insurance will be provided, the person receiving the child support or health insurance must sign and complete the IV-D application or write the IV-D number on the Complaint for Divorce if there is already a child support order through CSEA.

Complaint for Divorce At the time you file the Complaint for Divorce, you must have completed the following:

1. The Complaint for Divorce
 2. The Classification form **Court form 2**
 3. 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**
 4. The Health Insurance Information Worksheet **Court form 5**
 5. The Child Custody Affidavit, which must be signed in front of a notary and then notarized by the notary public. **Court form 6**
 6. The proposal for temporary orders **Court form 7**
 7. The Praeipce for Service
 8. Completed IV-D application signed by the party receiving child support or insurance
- You must provide the Clerk of Courts the original and five copies of all the above at the time you file the Complaint for Divorce.

IN THE COMMON PLEAS COURT OF SENECA COUNTY
DOMESTIC RELATIONS DIVISION

Your name

Case No. _____

Your street address

Your city and state

DOB: _____

Plaintiff

vs

Judge _____

Your spouse's name

Your spouse's street address

Your spouse's city and state

DOB: _____

Defendant

COMPLAINT FOR DIVORCE

This day, the undersigned party, states as follows:

1. Plaintiff has been a resident of the State of Ohio for six months and of Seneca County for 90 days immediately before filing this Complaint for Divorce.

2. The parties were married at _____ (city and state) on _____ (date) and the parties are the parents of the following minor child(ren).

DOB: _____ SSN: ***-**-_____

DOB: _____ SSN: ***-**-_____

DOB: _____ SSN: ***-**-_____

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. The Defendant is not an active member of the military of the United States of America.

5. Plaintiff says that the grounds for Divorce are as follows:

Check all boxes that apply:

(A) Defendant had a spouse living at the time of the marriage herein;

(B) Defendant is guilty of willful absence for over one year;

(C) Defendant is guilty of adultery;

(D) Defendant is guilty of extreme cruelty;

(E) Defendant is guilty of fraudulent contract;

(F) Defendant is guilty of gross neglect of duty;

(G) Defendant is guilty of habitual drunkenness;

(H) Defendant is presently imprisoned in a state/federal correctional institution;

(I) Defendant has obtained a divorce outside this state, by virtue of which the Defendant is released from the obligations of the marriage, while such obligations remain binding upon the Plaintiff;

(J) Plaintiff and Defendant have, without interruption for one year, lived separate and apart without cohabitation;

(K) Plaintiff and Defendant are incompatible, which incompatibility is not denied by either party.

I am asking that the Court grant me a divorce from the Defendant; divide equitably the marital property and debts; divide equitably the household goods and furnishing; determine the costs of this action; and (check the boxes that you wish to the court to apply)

award temporary and permanent spousal support;

name Plaintiff as residential parent and legal custodian of our children and order parenting time for Defendant;

name Defendant as residential parent and legal custodian of our children and order parenting time for Plaintiff;

require Plaintiff to continue to provide health insurance for the family;

require Defendant to continue to provide health insurance for the family;

provide for payment of uncovered medical expenses for the children;

provide for Defendant to pay child support for the minor children;

provide for Plaintiff to pay child support for the minor children;

restoration of your present name to prior name of

_____;

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

Plaintiff, (signature)

(print name)