

INSTRUCTIONS FOR FILING FOR TERMINATION OF MARRIAGE BY DIVORCE WITH NO 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 filing a Divorce Complaint 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 there is no agreement.

If you do not have funds to pay the filing fee, you must complete the "Poverty Affidavit" and Motion to file without payment of court costs, **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.

Praeipice for Service

The Praeipice 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 you must decide 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 on the other party(ies). 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.

Complaint for Divorce

If you are filing a 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 proposal for temporary orders **Court form 7**
5. The Affidavit of Property, which must be signed in front of a notary and then notarized by the notary public. **Court Form 8**
6. The Motion and Affidavit or Counter Affidavit for Temporary Order which must be signed in front of a notary and then notarized by the notary public. **Court Form 9**
7. The Praeipice for Service

You must provide the Clerk of Courts the original and three copies of all the above at the time you file the Complaint for Divorce.

Form: Complaint for Divorce –no children

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 no children have been born to these parties or there are no remaining minor children (cross out one).

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 you wish the court to 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 apply)

award temporary and permanent spousal support;

require Defendant to continue to provide health insurance;

restoration of my name from my present name to _____ .

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

Plaintiff, (signature)

(print name)