

## HOW TO FILE AN ANSWER TO A DIVORCE COMPLAINT

### WHAT TO GIVE TO APPLICANT/CLIENT (NO CHILDREN INVOLVED)

1. Cover letter
2. How to File Answer
3. Financial Affidavit (if required)
4. Poverty Affidavit (if required)
5. Law Facts
6. Grievance

**SOUTHEASTERN OHIO LEGAL SERVICES**

**332 West High Avenue  
New Philadelphia, OH 44663-2152  
(330) 339-3998  
1-800-686-3670 (clients only)  
Fax: (330) 339-6672**

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Dear Applicant:

We have reviewed your application for legal services for assistance in responding to a complaint in a divorce action filed by your spouse. The only service we will be able to provide to you in this matter is the enclosed information regarding filing an answer on your own. We will not be representing you in Court in this case. We encourage you to seek assistance from a private attorney, if possible. Whether or not you are able to hire an attorney, you may find the enclosed information helpful.

If you represent yourself in this divorce action, remember that most answers in divorce cases must be filed within 28 days from the date you got the complaint. Please check your packet for documents you may need to file. You may only have a short time to file some of these documents. **READ THE PACKET CAREFULLY.**

When you file your answer to the divorce complaint, you may want to consider filing a counterclaim in the answer. You should consult a private attorney if you want to file a counterclaim. If you do not file a counterclaim in your answer, the person who filed the divorce may be able to dismiss it and end the case. This means that you would have to start over again if you wanted to seek a divorce. Filing a counterclaim is not covered by this packet.

If you are going to prepare your own answer, you may find the enclosed packet useful. Read the directions carefully. After filing your answer, you will be notified of a court date. You should go to all court hearings.

Because this is the only service we will be able to provide to you, we have closed your application for services. If you disagree with any decision or other action of our office regarding your application, you may use the enclosed grievance form. We wish you the best of luck.

Very truly yours,

Managing Attorney

P:\71-OSLSA-SEOLS\Misc Forms\NPanswertr.WPD  
Enclosures

## **HOW TO FILE AN ANSWER TO A DIVORCE COMPLAINT WITHOUT AN ATTORNEY**

As you know, from the attached letter, our office will not be able to represent you in Court in the divorce filed against you. **You told us there were no child(ren) born as issue to your marriage.** (If you and spouse do have minor children, call us before you use this packet.) With our limited resources, we are not able to represent everyone who asks for our help. It is best, if you can afford, to hire an attorney to help you. If you cannot afford an attorney, this packet can provide you with information on how to answer the divorce complaint so that you will have an opportunity to tell your side in Court. **IT IS VERY IMPORTANT THAT YOU ANSWER THE COMPLAINT AND THAT YOU ATTEND EVERY HEARING AND THAT YOU KEEP THE COURT AND YOUR SPOUSE'S ATTORNEY AWARE OF YOUR CURRENT ADDRESS.** We will not be your attorney in this matter.

**YOU MUST ANSWER THE COMPLAINT WITHIN 28  
DAYS OF THE DATE YOU WERE SERVED**

The first page is usually the SUMMONS. It demands that you Answer the Complaint within **28 days after you are served with the Summons.** **YOU MUST FILE YOUR ANSWER WITHIN 28 DAYS AFTER YOU RECEIVED THE SUMMONS AND COMPLAINT.**

Immediately after the Summons should be the Divorce Complaint against you. Read the Complaint carefully. If you do not answer the Complaint in writing within 28 days after you receive it, the Court may believe what the Complaint says is true and your spouse could get a divorce from you and get everything they have asked for from the Court. If you do not answer and do not go to the final hearing, then you will not get your day in Court. **Again, it is very important that you keep the Court and your spouse's attorney informed regarding your current address so you will receive notification of all Court hearings.**

Complete the Certificate of Service by filling in the name and address of your spouse's lawyer (or your spouse's name and address if your spouse is doing the divorce him/herself).

**PLEASE NOTE:** Some courts may require other documents to be filed with your Answer. If other documents are required by your court, those documents are included with this packet with a cover sheet listing the additional documents required to be filed with your Answer. You should complete those documents and if they are required to be notarized, you must sign them in front of a notary. You will be copying, serving and filing those documents with your Answer in the same way and at the same time as your Answer.

**HOW TO SERVE AND TO FILE YOUR ANSWER and  
ANY OTHER DOCUMENTS**

After you have prepared and signed your Answer and any other documents included, [SEE LIST ATTACHED “WHAT TO FILE”] you need to immediately make two (2) photocopies of all documents. (You cannot handwrite your copies. That same day MAIL one set of these photocopies to the attorney who signed the Divorce Complaint against you. Although you do not have to mail the Answer by certified mail, you may want to ask the post office to provide you with a Certificate of Mailing, which proves you mailed the Answer on the date it was mailed, to the person to whom it was addressed.

**Within 3 days of** mailing one copy of all documents to the attorney who filed the complaint against you, you must take the original of your Answer and your remaining photocopies to the clerk of the common pleas court that served the papers on you. Be sure that you go to the Common Pleas Court where the Complaint was filed. Take the Complaint with you to the clerk's office and show it to the clerk to confirm that you are in the right place. Then give the clerk both your original Answer (and all other documents) and your photocopies. Ask the clerk to file-stamp the original(s) and the copies and to give you a copy back of everything that you filed.

The Court may schedule your case for what is called a pre-trial hearing. This is an informal meeting with the Judge and the people involved in the case to see what issues in the divorce you and your spouse agree on and what issues you disagree on. The Judge will also decide how long the final hearing will take and what issues need to be decided.

Eventually, the Court will schedule your case for a final divorce hearing. At that hearing you will have the opportunity to present witnesses (including yourself) and other evidence (such as copies of unpaid bills from the marriage or documents showing your spouse has a pension) about the statements in the complaint and about what you want from the divorce. After hearing evidence from both sides and deciding what evidence is admissible and what is not, the Judge will render a decision. Sometimes, the Judge gives his or her decision "from the bench" immediately after the hearing, or he or she gives the decision later, after having an opportunity to think about the case.

If, after you have followed all these steps, you learn that a decision has been rendered against you and you were not notified of the hearing and did not attend, please contact us immediately. Or if you believe the Court or your spouse acted improperly, give us a call right away. If the Court or the person who filed against you acted improperly and you were significantly hurt by their actions, we might be able to do something about that.

Good luck!

## HOW TO FILL IN THE BLANKS

You need to fill in the numbered blanks.

1. Blank 1 Put County divorce papers filed in.
2. Blank 2a Put your spouse's name.  
Blank 2b Your spouse's address.
3. Blank 3 Put Case No. (get from Complaint)
4. Blank 4 Put Judge's name. (Get from Complaint.)
5. Blank 5a Put your name.  
Blank 5b Put your correct address.
6. Blank 6 Put why your disagree with divorce or any problems  
you have.
7. Blank 7 Put what you want the Court to do.
8. Blank 8a Sign your name.  
Blank 8b/c Put your address.  
Blank 8d Put your phone number.
9. Blank 9 Put address of your spouse's lawyer.
10. Blank 10 Put date mailed.
11. Blank 11 Sign your name.

**SAMPLE**

IN THE COURT OF COMMON PLEAS, YOUR COUNTY COUNTY, OHIO

JOHN SMITH

Plaintiff's Name

12 E. MAIN ST.

Plaintiff's address

YOUR TOWN OH

CASE NO. 99-DR-OXX

JUDGE YOUR JUDGE

Plaintiff,

vs.

DEFENDANT'S ANSWER

JANE SMITH

Defendant's Name

102 N. 4<sup>th</sup> ST.

Defendant's address

YOUR TOWN OH

Defendant.

**SAMPLE**

I, the Defendant, answers the Complaint as follows:

I was not cruel to my husband.  
We were married in Our Town, Ohio.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SAMPLE**

**SAMPLE**

I ask the Court to:

I want my husband to pay our bills.  
I want my car. I want my  
maiden name "Doe" back. I need  
Support.

I swear that the information contained in the foregoing Answer is true and correct to the best of my information and belief.

Jane Smith  
Pro se  
102 N. 4th Street  
(Address)  
Your Town Ohio  
(City and State)  
XXX-XXX-XXXX  
(Telephone Number)

CERTIFICATE OF SERVICE

A copy of this document was served upon Plaintiff or upon Plaintiff's attorney at the following address: 269 EAST FIFTH  
STREET, YOUR TOWN OH by ordinary  
U.S. Mail, postage pre-paid, this 3<sup>rd</sup> day of May, 1999.

Jane Smith  
(Your signature)

A:\Divorce How To\No Kids\blankanswer.wpd

**SAMPLE**



IN THE COURT OF COMMON PLEAS, -1- COUNTY, OHIO

-2a-  
*Plaintiff's Name*

CASE NO. -3-

-2b-  
*Plaintiff's address*

JUDGE -4-

\_\_\_\_\_  
Plaintiff,  
vs.

**DEFENDANT'S ANSWER**

-5a-  
*Defendant's Name*

-5b-  
*Defendant's address*

\_\_\_\_\_  
Defendant.

I, the Defendant, answers the Complaint as follows: -6-

\_\_\_\_\_  
\_\_\_\_\_

I ask the Court to: -7-

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I swear that the information contained in the foregoing Answer is true and correct to the best of my information and belief.

-8a-  
(Sign your name)  
Pro se

-8b-  
(Address)

-8c-  
(City and State)

-8d-  
(Telephone Number)

CERTIFICATE OF SERVICE

A copy of this document was served upon Plaintiff or Plaintiff's attorney at the following address:

-9- by ordinary U.S. Mail, postage pre-paid, this -10- day of -10-,

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-11-  
(Your signature)

IN THE COURT OF COMMON PLEAS, \_\_\_\_\_ COUNTY, OHIO

\_\_\_\_\_  
*Plaintiff's Name*

CASE NO. \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff's address*

JUDGE \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,  
vs.

**DEFENDANT'S ANSWER**

\_\_\_\_\_  
*Defendant's Name*

\_\_\_\_\_  
*Defendant's address*

\_\_\_\_\_  
Defendant.

I, the Defendant, answers the Complaint as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I ask the Court to:

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I swear that the information contained in the foregoing Answer is true and correct to the best of my information and belief.

\_\_\_\_\_  
Pro se

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City and State)

\_\_\_\_\_  
(Telephone Number)

CERTIFICATE OF SERVICE

A copy of this document was served upon Plaintiff or upon Plaintiff's attorney at the following address: \_\_\_\_\_

\_\_\_\_\_ by ordinary U.S. Mail, postage pre-paid, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(Your signature)

IN THE COMMON PLEAS COURT OF \_\_\_\_\_ COUNTY, OHIO  
DIVISION OF DOMESTIC RELATIONS

Plaintiff / Petitioner (1)	:	Case No. _____
SS# _____	:	DOB _____
Address _____	:	CSEA No. _____
_____	:	Family File No. _____
V.	:	JUDGE _____
Defendant / Petitioner (2) / Respondent	:	MAGISTRATE _____
SS# _____	:	DOB _____
Address _____	:	_____

## Affidavit of Income, Expenses, and Financial Disclosure

**Notes:** This affidavit must be filed and served with the first-pleading filed by each party in every action for divorce, dissolution, legal separation, and annulment. In those actions the Assets/Debts/Separate Property Statement form must be attached to this Affidavit. This affidavit must also be filed and served with every post-decree motion that concerns a modification of support. You will be required to provide proof of income per local rule and O.R.C. 3113.215 (B) (5). If more space is needed, attach additional page(s).

### I. Information Required for Support Calculation:

<b>A.</b>	Date of Marriage	Date of Separation	Date of Divorce Decree (If Post-Decree Case)

**B. Minor or Dependent Children of this Marriage** (Include adopted children and any child of the parties who is over 18 and handicapped)

Childs Name	Social Security No.	Date of Birth	Residing with

**C. Other Minor Children Living in My Household**

Childs Name	Social Security No.	Date of Birth	Relationship

**D. Other Minor Children of Mine, Not Living in My Household**

Childs Name	Social Security No.	Date of Birth	Residing with

**II. Income (As defined in O.R.C. 3113.215 (A)):**

**A. Gross Yearly Income from Employment**

(If not known, please estimate. Put "EST." after each estimated figure.)

	Husband / Father	Wife / Mother
Gross Yearly Employment Income	\$	\$
Employer		
Payroll Address		
City, State, Zip		
Check the number of paychecks per year	<input type="checkbox"/> 12 <input type="checkbox"/> 24 <input type="checkbox"/> 26 <input type="checkbox"/> 52	<input type="checkbox"/> 12 <input type="checkbox"/> 24 <input type="checkbox"/> 26 <input type="checkbox"/> 52
Year-to-Date Gross Income	\$ Through Date of	\$ Through Date of
Prior Year's Tax Refund	\$	\$

**B. Gross Self-Employment Income**

(If not known, please estimate. Put "EST." after each estimated figure.)

Use Gross Annual Figures for Most Recent Full Year. See O.R.C. 3113.215 (A)

	Husband / Father	Wife / Mother
Business Receipts	\$	\$
Ordinary & Necessary Business Expenses	\$	\$
Net Business Income	\$	\$

**C. Other Income**

All other income, *actual or expected*, including pension, social security, workers compensation, commissions, royalties, disability benefits, trust income, annuities, reoccurring capitals gains, unemployment benefits, rents, expense-sharing, dividends, interest, AFDC, SSI, food stamps, spousal support received from a prior spouse, etc.

(If not known, please estimate. Put "EST." after each estimated figure.)

Husband / Father		Wife / Mother	
Per Year	Describe	Per Year	Describe
\$		\$	
\$		\$	
\$		\$	

**D. Annual Overtime, Commissions, Bonuses**

(If not known, please estimate. Put "EST." after each estimated figure.)

Husband / Father		
Year 3 is Most Recent Year	Base Income	Overtime, Commission, Bonuses
19 ____ year 1	\$	\$
19 ____ year 2	\$	\$
19 ____ year 3	\$	\$
Y-T-D This Year Through: ____	\$	\$

Wife / Mother		
Year 3 is Most Recent Year	Base Income	Overtime, Commission, Bonuses
19 ____ year 1	\$	\$
19 ____ year 2	\$	\$
19 ____ year 3	\$	\$
Y-T-D This Year Through: ____	\$	\$

**III. Child Support Guideline Adjustment:**

Court Ordered Child Support You Pay for Other Child(ren) in Another Case

\$

\$

Court Ordered Spousal Support You Pay to a Former Spouse

\$

\$

Number of Your Other Dependent Child(ren) Living With You From a Previous Marriage

Court Ordered Child Support You Receive for the Dependent Child(ren) You Indicated on Line Above

\$

\$

Child Care Expenses You Pay for Child(ren) of this Marriage (Employment or Educational - Related)

\$

\$

Local Income Taxes Paid or Rate of Tax where you Live or Work

\$ or: %

\$ or: %

Self-Employment Tax (5.6% of A.G.I.)

\$

\$

Health Insurance Premium for Children (Family Plan Cost Less Individual Plan Cost)

\$

\$

**For Post Decree Modifications Only:**

**Current Spouse's Gross Income**

\$

\$

Number of Your Other Dependent Child(ren) Living With You From Your Present Marriage [excluding unadopted step child(ren)]

#### IV. Affiant's Monthly Living Expenses:

List your **ACTUAL** expenses for your **present household** in the first column. Give estimated expenses if you don't have exact figures. If you expect changes soon, list your **ANTICIPATED** expenses in your household after the divorce case in the second column. Explain why you expect your expenses to change. Also, if you are living with your parents or someone helping you with your living expenses, please explain.

My Average Monthly Expenses	Actual Monthly Expenses in My Present Household	Anticipated Future Monthly Expenses in My Household
There are now ____ adults and ____ children living in my present household.	I am assisted with my living expenses by:	The reason I expect my household living expenses to change soon is:
<b>A. Housing</b>	<b>Actual</b>	<b>Anticipated</b>
Rent or First Mortgage \$		
Real Estate Taxes (if not included above) \$		
Real Estate Insurance (if not included above) \$		
Second Mortgage, if any \$		
UTILITIES:		
• Electric (level billing or avg / month) \$		
• Gas (if billed separately) \$		
• Fuel Oil / Propane \$		
• Water & Sewer \$		
• Telephone (basic monthly charge) \$		
• Water Softener \$		
• Trash Collection \$		
Telephone (average long distance) \$		
Cable Television \$		
Home Cleaning, Maintenance, Repair \$		
Lawn Service, Snow Removal \$		
Other: _____ \$		
<b>Housing Total \$</b>	<b>(A)</b>	<b>(A)</b>



<b>B. Other Necessary Living Expenses</b>	<b>Actual</b>	<b>Anticipated</b>
<b>FOOD, ETC.:</b>		
• Grocery (include food, paper, & cleaning products, toiletries, etc.) \$		
• Restaurant \$		
<b>TRANSPORTATION, ETC.:</b>		
• Car Loan or Lease \$		
• Gasoline \$		
• Car Maintenance & Repair \$		
• Parking, Public Transit \$		
<b>CLOTHING, ETC.:</b>		
• Clothes \$		
• Dry Cleaning / Laundry \$		
• Personal Grooming \$		
Other: _____ \$		
Other: _____ \$		
<b>Other Necessities Total \$</b>	<b>(B)</b>	<b>(B)</b>

<b>C. Child-Related Expenses</b>	<b>Actual</b>	<b>Anticipated</b>
Child Care, Work - or Educational-Related \$		
Clothing \$		
School Lunches \$		
Children's Allowances \$		
Extra - Curricular Activities \$		
Other: _____ \$		
<b>Child-Related Expenses Total \$</b>	<b>(C)</b>	<b>(C)</b>

D. Educational Expenses for:	Actual		Anticipated	
	You	Child(ren)	You	Child(ren)
Tuition \$				
Books \$				
Fees \$				
Tutor \$				
Activities \$				
College Loan Repayment \$				
Other: _____ \$				
<b>Education Total \$</b>		(D)		(D)

E. Medical Expenses (out-of-pocket) for:	Actual		Anticipated	
	You	Child(ren)	You	Child(ren)
Doctor \$				
Dentist \$				
Optical \$				
Orthodontist \$				
Prescriptions \$				
Other: _____ \$				
<b>Medical Total \$</b>		(E)		(E)

F. Insurance	Actual		Anticipated	
	You	Child(ren)	You	Child(ren)
Life \$				
Auto \$				
Health \$				
Disability \$				
COBRA Insurance Coverage \$				
Personal Property \$				
Other: _____ \$				
<b>Insurance Total \$</b>		(F)		(F)

G. Enrichment (Your expenses. Put child(ren)'s expenses under C or D, above.)	Actual	Anticipated
Entertainment \$		
Lessons \$		
Books, Newspapers, Magazines \$		
Sports \$		
Clubs \$		
Hobbies \$		
Donations \$		
Gifts \$		
Vacation \$		
Other: _____ \$		
<b>Enrichment Total \$</b>	(G)	(G)

H. Miscellaneous Expenses	Actual	Anticipated
1. \$		
2. \$		
3. \$		
<b>Miscellaneous Expenses Total \$</b>	(H)	(H)

	Actual	Anticipated
<b>Grand Total of Monthly Expenses</b> (Sum of A - H in each column) \$		

**OATH OF AFFIANT**

I hereby swear or affirm that the information set forth in this Affidavit of Income, Expenses, and Financial Disclosure above is true, complete and accurate. I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury (O.R.C. 2921.11).

\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public

**Reminder:** The Assets / Debts / Separate Property Statement form MUST be attached to this Affidavit in every new divorce, dissolution, legal separation, or annulment case. If more space is needed, attach additional page(s).

# Assets / Debts / Separate Property Statement

You MUST attach this form to your Affidavit of Financial Disclosure in ALL NEW divorce or dissolution cases. List ALL PROPERTY of you, your spouse, or both of you jointly. Do not leave any category blank. For each item, if none, put "NONE." If you don't know exact figures for any item, give your best estimate, and put "EST." You are under a continuing duty to file an updated version of this form if you learn of any additional information. If more space is needed, attach extra pages.

## 1. Real Estate Interests:

Address	Titled to Husband, Wife, or Both	Present Fair Market Value	Mortgages: Balances Due	Monthly Mortgage Payments
1.				
2.				

## 2. Other Assets (Fair Market Value Over &100 Each):

Category	Description (Also list who has possession)	Titled to Husband, Wife, or Both	Present Fair Market Value (Also list balance due on any liens)
<b>Vehicles, Other Licensed Property</b>	(Include automobiles, trucks, motorcycles, boats, motors, motor homes, etc.)		
1.			
2.			
3.			
<b>Cash and Deposit Accounts</b>	(Include checking, savings, CD's, POD accounts, money market accounts, etc.)		
1.			
2.			
3.			
<b>Safe Deposit Box</b>	(Give location and describe contents)		
1.			
<b>Pensions &amp; Retirement Plans</b>	(Include profit-sharing, IRA's, 401K plans, etc. Describe each type of plan.)		
1.			
2.			

Category	Description (Also list who has possession)	Titled to Husband, Wife, or Both	Present Fair Market Value (Also list balance due on any liens)
<b>Publicly Held Stocks, Bonds, Securities</b>			
1.			
2.			
3.			
<b>Closely Held Stocks &amp; Other Business Interests</b>	(Describe type of business, type of ownership. Consider debts in setting value.)		
1.			
2.			
<b>Life Insurance</b>	(Include insurance provided by employer, term, whole life, any cash value or loans.)		
1.			
2.			
<b>Furniture &amp; Appliances</b>	(Estimate value of those in your possession, and value of those in your spouse's possession.)		
1. In Your Possession			
2. In Spouse's Possession			
<b>Transfers of Assets</b>	<b>Explanation:</b> List the name & address of any person [other than creditors listed on your Affidavit] who has received money or property from you exceeding \$100 in value in the past 12 months and the reason for each transfer.		
1.			
2.			
<b>Lost Assets</b>	<b>Explanation:</b> List any item you claim is lost or missing as of this date, and its value. <i>Failure to list the property and value will prevent you from claiming the loss in this action.</i>		
1.			
2.			
<b>All Other Assets</b>	(Include collections, rare books, stamps, guns, antiques, art objects, computers, machinery, personal injury/workers compensation claims, promissory notes, loans to others, tax refunds due, interests in estates or thrusts, franchises, copyrights, etc.)		
1.			
2.			
3.			

### 3. Debts:

List ALL DEBTS of you, your spouse, or both of you jointly. Do not leave any category blank. For each item, if none, put "NONE." If you don't know exact figures for any item, give your best estimate, and put "EST." You are under a continuing duty to file an updated version of this form if you learn of any additional information. If more space is needed, attach extra pages.

Type	Name of Creditor / Purpose of Debt	Total Debt Due	Monthly Payment
<b>Secured Loans (Mortgage, car, etc.)</b>			
1.			
2.			
3.			
4.			
<b>Unsecured Loans</b>			
1.			
2.			
3.			
4.			
<b>Credit Cards</b>			
1.			
2.			
3.			
4.			
5.			
6.			
<b>All Other Debts</b>			
1.			
2.			
3.			

#### 4. Bankruptcy:

Filed by: Wife, Husband, Both	Date of Filing: Case Number	Date of Discharge	Type of Case (Ch. 7, 11, 12, 13)	Current Monthly Payments
1.				
2.				

#### 5. Separate Property Claims: [Defined in O.R.C. 3105.171 (6) (A)]

If you are making any claims in any of the categories below, check "Yes" for that category and explain the nature and amount of your claim.

Category: [Check Yes or No]	Description	Particulars leading to your claim of separate ownership	Present Fair Market Value	Present Debt
<b>Inheritances</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				
<b>Property Owned Before Marriage</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				
<b>Passive Income and Appreciation From Separate Property</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				
<b>Property Acquired After a Decree</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				

Category: [Check Yes or No]	Description	Particulars leading to your claim of separate ownership	Present Fair Market Value	Present Debt
<b>Prenuptial Agreement</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				
<b>Personal Injury Compensation (Except Loss of Marital Earnings)</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				
<b>Gifts Made Solely To One Spouse</b>				
<input type="checkbox"/> Yes				
<input type="checkbox"/> No				

Case Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

**OATH OF AFFIANT**

I hereby swear or affirm that the information set forth in this Assets / Debts / Separate Property Attachment above is true, complete and accurate. *I understand that falsification of this document may result in a contempt of court finding against me which could result in a jail sentence and fine, and that falsification of this document may also subject me to criminal penalties for perjury (O.R.C. 2921.11).*

\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me on this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

\_\_\_\_\_  
Notary Public



IN THE COURT OF COMMON PLEAS

\_\_\_\_\_ COUNTY, OHIO  
(#1 - Your county name here)

\_\_\_\_\_  
Plaintiff  
  
vs.  
  
\_\_\_\_\_  
Defendant

Case No. \_\_\_\_\_

AFFIDAVIT OF INABILITY TO  
PREPAY OR GIVE SECURITY  
FOR COSTS  
(Sec. 2323.31 Revised Code)

STATE OF OHIO

\_\_\_\_\_ COUNTY, SS:

I, the undersigned, a party in the above captioned case, being first duly sworn, represent to the Court that I am unable either to prepay or give security for costs in this action and request the Clerk to accept the attached pleading herein without prepaying or giving security for costs as provided by Sec. 2323.31 of the Revised Code.

In support of this request, I submit answers to the following questions:

1. What is your age? \_\_\_\_\_ years old.
2. Do you have any children? \_\_\_\_\_, If so, give names and ages:  
\_\_\_\_\_  
\_\_\_\_\_
3. What is your occupation or business? \_\_\_\_\_
4. Are you employed? \_\_\_\_\_. If so, give name and address of your employer:  
\_\_\_\_\_  
\_\_\_\_\_
5. What did you earn during the past year? \$ \_\_\_\_\_
6. What are your parents' names and ages? \_\_\_\_\_  
\_\_\_\_\_
7. Do you own any real estate? \_\_\_\_\_. If so, give its value \$ \_\_\_\_\_

- Is it mortgaged? \_\_\_\_\_. If so, give the amount of mortgage \$ \_\_\_\_\_
8. Do you own an automobile? \_\_\_\_\_. If so, what is the value \$ \_\_\_\_\_
9. What other items of personal property do you own? \_\_\_\_\_  
\_\_\_\_\_
- What debts are against it? \_\_\_\_\_
10. Have you made an advance payment to your attorney for his services in this case? \_\_\_\_\_.  
If so, how much \$ \_\_\_\_\_ Who paid it? \_\_\_\_\_
11. Do you have any securities or bank accounts? \_\_\_\_\_. If so, give its value: \$ \_\_\_\_\_
12. Are you receiving public assistance? \_\_\_\_\_. If so, what kind? \_\_\_\_\_  
How much \$ \_\_\_\_\_

\_\_\_\_\_  
(Your signature - SIGN IN FRONT OF NOTARY)

STATE OF OHIO

\_\_\_\_\_ COUNTY, SS:

Before me, a notary public, in and for said county and state, personally appeared \_\_\_\_\_  
\_\_\_\_\_ who being first duly cautioned and sworn, says that the facts in the foregoing affidavit  
are true.

\_\_\_\_\_  
NOTARY PUBLIC

# OHIO STATE BAR ASSOCIATION

## **Divorce, Dissolution & Separation**

*document last updated 11/13/03*

Ohio law provides three ways for a husband and wife to end or alter their marital relationship: legal separation, divorce and dissolution of marriage. To obtain a dissolution or divorce, you must live in Ohio for at least six months before filing. There is no residency requirement for persons seeking a legal separation. The terms visitation and companionship, once used to describe parental rights, now describe the rights of non-parents. Parent time allocation and parenting time now refer to the time parents spend with their children.

What is a legal separation?

This is a civil lawsuit that does not legally end a marriage, but allows the court to issue orders concerning property division, spousal support, allocation of parental rights and responsibilities, child support and parent time allocation for any minor children. The parties remain married, but live separately. When a court grants a legal separation, each party must follow the court's specific orders.

What is a dissolution of marriage?

A dissolution of marriage is an action where the parties mutually agree to terminate their marriage. Neither party has to prove grounds to end a marriage by dissolution. This action is only started after the husband and wife have reached a separation agreement regarding all property, spousal support and any child issues. After jointly filing a Petition for Dissolution, the parties must wait at least 30 days before the court will hear their case. The case must be heard within 90 days of filing. At the hearing, the court will review the separation agreement, ask about the assets and liabilities and any parenting issues, and determine whether the parties understand and are satisfied with the settlement. If the court is satisfied that the agreement is fair, the parties agree and desire to end their marriage, the court will grant a dissolution and order the separation agreement into effect.

What is a divorce?

Divorce is a civil lawsuit to end a marriage. It arises when the husband and wife cannot resolve their problems, and are asking the court to make the final decision and issue orders concerning property, support and children.

A divorce is started by one spouse, the plaintiff, who files a complaint with the clerk of court. In this initial complaint, the plaintiff must select, and eventually prove, the appropriate statutory grounds. Discuss with your attorney why you believe your spouse's behavior justifies the filing of the lawsuit.

earning ability and health of the parties, the length of the marriage, and the standard of living during the marriage. The court also may consider any other relevant factors.

How are parental rights and responsibilities allocated?

Formerly, Ohio courts usually granted custody of the children to one party or the other. Now, the court allocates the parental rights and responsibilities between the parties based on the best interests of the children who are not yet age 18 or have not graduated from high school. Shared parenting is often preferred for allocating these rights and responsibilities. If a plan for the children's care is submitted by one or both parties, the court may adopt the plan and grant shared parenting. However, if the court finds the proposed plan is not in the best interest of the children, it can request amendment of the plan or deny shared parenting altogether. If no plan is submitted, the court cannot award shared parenting and will allocate the parental responsibilities to one of the parents, naming that parent as the child's residential parent and legal custodian.

At either or both of the parties' request, the court must talk with a child about his or her wishes concerning parenting arrangements. The court is not bound by the child's wishes and concerns in these matters; it is only one factor to be considered. Other factors taken into account include the child's mental, emotional and psychological development; the interaction of the child with other significant persons; and the adjustment to the school, community and home. The court also may consider factors concerning the ability of a party to be a custodial parent, such as whether support has been paid, parenting time has been allowed or any abuse has occurred. If one of the parents intends to leave the state permanently, the court also may consider this as a factor.

How are parenting time rights determined?

In every case involving children, the court orders a specific schedule for parenting time allocation to the parents. The primary consideration is the best interest of the children. Ohio statutes provide many factors to be considered in making the determination. Each Ohio county must have a standard parenting time order. These standard parenting time orders can be changed to meet individual children's needs. In appropriate cases, the court also may award companionship rights to persons other than the parents, but only if a parent is not suitable to have custody.

A more thorough discussion of parenting time rights can be found in an Ohio State Bar Association brochure entitled, "What You Should Know About . . . Sharing Parental Responsibilities After Separation."

What are temporary orders?

The court may issue temporary orders to be in effect while the case is pending and before the final decision. The person seeking temporary orders files a motion with the court for such things as the use of the marital residence, allocation of parental rights, support of minor children, spousal support and assignment of responsibility to pay marital debts (such as the house or rental payments, car payments, insurance, utilities, finance companies and charge accounts). These temporary orders are not necessarily what the court will award as a final order when the case is resolved.

What are my responsibilities as a party?

You have asked the court for certain help or relief, so you have responsibilities to the court as a party to a legal action. The court addresses and resolves your problems by issuing court orders. Even if you do not agree with the court's orders, you must comply or the court may penalize you. You will also put your case at a disadvantage and the final resolution may be delayed. If you believe certain orders are unfair, you can discuss with your attorney possible ways to have the court make modifications, but until orders are formally changed, you must follow the orders.

The checklist

Also discuss these topics with your attorney: tax implications; shared parenting; premarital agreements; mediation of disputes; short-term and long-term debts; guardian ad litem; pension and retirement plans; depositions; expert witnesses and costs; and attorney fees.

*The information contained in this pamphlet is general and should not be applied to specific legal problems without first consulting your own attorney.*



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