

## **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.

### **Request for Service**

The Request 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 Affidavit of Property, which must be signed in front of a notary and then notarized by the notary public. **Court Form 8**
5. 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**
6. The Request for Service;
7. The Final Judgment for Divorce without Children;
8. The Judgment Entry Converting Interest in Real Estate;
9. Waiver of Service of Summons.

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.

## **Disclaimer**

Please be aware that these forms do not include instructions or legal advice regarding your rights, responsibilities, and legal options.

To be fully informed and get answers to your questions, you should seek the advice of an attorney.

**IN THE COURT OF COMMON PLEAS**  
**Domestic Relations Division**  
**SENECA COUNTY, OHIO**

Name	:	
	:	Case No. _____
Street Address	:	
	:	Judge _____
City, State and Zip Code	:	
Plaintiff	:	Magistrate _____
vs.	:	
	:	
Name	:	
	:	
Street Address	:	
	:	
City, State and Zip Code	:	
Defendant	:	

**Instructions:** This form is used to request a divorce if you and your spouse do not have (a) child(ren), adult child(ren) attending high school, or child(ren) with disabilities. Check to determine if you meet the residency requirement to file in this county. A [Request for Service](#) must be filed with this form.

**COMPLAINT FOR DIVORCE WITHOUT CHILDREN**

I, the Plaintiff, for this Complaint say:

1. I have been a resident of the State of Ohio for at least six months.
2.  I have been a resident of \_\_\_\_\_ County for at least 90 days immediately before the filing of this Complaint; or  
 The Defendant resides in \_\_\_\_\_ County where this Complaint is filed.
3. The Defendant and I were married to one another on \_\_\_\_\_ (date of marriage) in \_\_\_\_\_ (city or county, and state).

4. I state regarding child(ren) (check all that apply):
- The Wife is not pregnant.
  - All children born from or adopted during this marriage or relationship are adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.
5. I state the following grounds for divorce exist (check all that apply):
- The Defendant and I are incompatible.
  - The Defendant and I have lived separate and apart without cohabitation and without interruption for one year.
  - The Defendant or I had a Husband or Wife living at the time of the marriage.
  - The Defendant has been willfully absent for one year.
  - The Defendant is guilty of adultery.
  - The Defendant is guilty of extreme cruelty.
  - The Defendant is guilty of fraudulent contract.
  - The Defendant is guilty of gross neglect of duty.
  - The Defendant is guilty of habitual drunkenness.
  - The Defendant was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
  - The Defendant procured a divorce outside this state by virtue of which the Defendant has been released from the obligations of the marriage, while those obligations remain binding on me.
6. The Defendant and I are owners of real estate and/or personal property.

I request that a divorce be granted from the Defendant, that the Court determine an equitable division of debts and property, and as follows that (check all that apply):

- The Defendant be ordered to pay me spousal support.
- I be restored to my prior name of: \_\_\_\_\_
- The Defendant be required to pay attorney fees.
- The Defendant be required to pay the court costs of the proceeding.
- The Court make the following additional orders: \_\_\_\_\_

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

and that the Court grant such other and further relief as the Court may deem proper.

\_\_\_\_\_  
 Your Signature

\_\_\_\_\_  
 Telephone number at which the Court may reach you  
 or at which messages may be left for you