

**INSTRUCTIONS FOR FILING AN “ANSWER” TO A COMPLAINT FOR DIVORCE, NO CHILDREN,  
REPLY TO COUNTERCLAIM OR COUNTERCLAIM FOR DIVORCE**

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 and Reply to Counterclaim are \$0. The filing fees for court costs for a Counterclaim for Divorce are \$225.00.

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.

**Request for Service**

The request for service instructs the clerk of courts how to send the papers that you are filing. The request 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. All costs for service will be added to the court costs.

**Answer, Reply to Counterclaim or Counterclaim for Divorce**

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

1. The Answer, Reply to Counterclaim or Counterclaim for Divorce;
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 Affidavit which must be signed in front of a notary and then notarized by the notary public. **Court form 5**
4. The Motion and Affidavit or Counter Affidavit for Temporary Order, if your proposal differs with Plaintiff, **Court form 9**;
5. The Request for Service.

You must provide the Clerk of Courts the original and three copies of all the above at the time you file the Answer, Reply to Counterclaim or Counterclaim 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 Counterclaim a Complaint for Divorce with or without Children. A [Request for Service](#) must be filed with this form. The [Parenting Proceeding Affidavit](#) must be filed, if you and your spouse have (a) minor child(ren), adult child(ren) attending high school, adult child(ren) with disabilities, and/or the Wife is pregnant.

**COUNTERCLAIM FOR DIVORCE**

I, the Defendant, for this Counterclaim 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 Plaintiff resides in \_\_\_\_\_ County where this Complaint is filed.
3. The Plaintiff and I were married to one another on \_\_\_\_\_ (date of marriage) in \_\_\_\_\_ (city or county, and state).

4. I state regarding children (check all that apply):

- The Wife is not pregnant.
- The Wife is pregnant and the approximate due date is: \_\_\_\_\_
- No children were born from or adopted during this marriage or relationship.
- The following child(ren) were born from or adopted during this marriage or relationship  
(name and date of birth of each child):

Name of Child	Date of Birth
_____	_____
_____	_____
_____	_____

- Husband is not the biological father of the following child(ren) who were born during the marriage (name and date of birth of each child): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. I state the following grounds for divorce exist (check all that apply):

- The Plaintiff and I are incompatible.
- The Plaintiff and I have lived separate and apart without cohabitation and without interruption for one year.
- The Plaintiff or I had a Husband or Wife living at the time of the marriage.
- The Plaintiff has been willfully absent for one year.
- The Plaintiff is guilty of adultery.
- The Plaintiff is guilty of extreme cruelty.
- The Plaintiff is guilty of fraudulent contract.
- The Plaintiff is guilty of gross neglect of duty.
- The Plaintiff is guilty of habitual drunkenness.
- The Plaintiff was imprisoned in a state or federal correctional institution at the time the Complaint was filed.
- The Plaintiff procured a divorce outside this state by virtue of which the Plaintiff has been released from the obligations of the marriage, while those obligations remain binding on me.

6. The Plaintiff and I are owners of real estate and/or personal property.

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

- The Plaintiff be required to pay spousal support.
- The Plaintiff be named the residential parent and legal custodian of the following

child(ren): \_\_\_\_\_

The Defendant be named the residential parent and legal custodian of the following child(ren): \_\_\_\_\_

The non-residential parent be granted specific parenting time.

The Plaintiff and I be granted shared parenting of the following child(ren): \_\_\_\_\_

pursuant to a [Shared Parenting Plan](#), which I will prepare and file with the Court.

The Plaintiff be ordered to pay child support and medical support.

I be restored to my prior name of: \_\_\_\_\_

The Plaintiff be required to pay attorney fees.

The Plaintiff 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