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STATE OF OHIO

DIVORCE PACKAGE

NO MINOR CHILDREN

UNCONTESTED

Control Number: OH-008-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** This packet is for the sole purpose of obtaining an *uncontested* divorce. In Ohio, an uncontested (agreed) divorce is known as “dissolution of marriage.” This packet is only of use to you if you and your spouse are willing to agree to all the terms and conditions of your divorce. You must work and communicate with your spouse and keep him or her advised as to each step in the process. If the two of you cannot agree, you will become involved in a contested divorce, and this packet cannot help you.

2. **THE BASICS:** You must agree with your spouse to dissolve the marriage, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division. You will complete and file the forms (see detailed instructions, below) in the Court of Common Pleas for the county in which you choose to file the dissolution (the county of either your or your spouse’s residence). You will go before the judge with your spouse and the judge may question you as to certain matters, and likely approve the dissolution of your marriage if all is in order.

3. **RESIDENCY REQUIREMENTS:** In actions for Dissolution of Marriage (agreed, uncontested divorce), the filing party or his/her spouse must have resided in the State of Ohio for at least six months immediately prior to the filing of the petition for dissolution.

4. **GROUND FOR DISSOLUTION OF MARRIAGE AND DIVORCE:** A marriage may be terminated in the State of Ohio in two different ways. The first way a marriage may be terminated, and *the focus of this package*, is through the Dissolution procedures. To obtain a decree of Dissolution, the parties must agree upon every issue related to their marriage. This means the parties must agree on issues of division of property and debts, custody, child support, and spousal support. The parties must then memorialize the agreement in the form of a Separation Agreement.

The second method of terminating a marriage is through the Divorce procedures. The Court may grant divorces for the following causes:

- (a) Either party had a husband or wife living at the time of the marriage from which the divorce is sought;
- (b) Willful absence of the adverse party for one year;
- (c) Adultery;
- (d) Extreme cruelty;
- (e) Fraudulent contract;
- (f) Any gross neglect of duty;
- (g) Habitual drunkenness;

- (h) Imprisonment of the adverse party in a state or federal correctional institution at the time of filing the complaint;
- (i) Procurement of a divorce outside this state, by a husband or wife, by virtue of which the party who procured it is released from the obligations of the marriage, while those obligations remain binding upon the other party;
- (j) On the application of either party, when husband and wife have, without interruption for one year, lived separate and apart without cohabitation;
- (k) Incompatibility, unless denied by either party. § 3105.01

This package is only for use by parties seeking to terminate their marriage through the *Dissolution of Marriage* procedure. The material presented on *Divorce* is solely for information purposes.

5. **LEGAL SEPARATION:** A legal separation is a Court proceeding used by parties who wish to remain married but live separate lives. The Court may issue a decree of legal separation for the following causes:

- (l) Either party had a husband or wife living at the time of the marriage from which legal separation is sought;
- (m) Willful absence of the adverse party for one year;
- (n) Adultery;
- (o) Extreme cruelty;
- (p) Fraudulent contract;
- (q) Any gross neglect of duty;
- (r) Habitual drunkenness;
- (s) Imprisonment of the adverse party in a state or federal correctional institution at the time of filing the complaint;
- (t) On the application of either party, when husband and wife have, without interruption for one year, lived separate and apart without cohabitation;
- (u) Incompatibility, unless denied by either party.

This package does not contain forms for a legal separation.

6. **WAITING PERIOD:** No action for divorce may be heard and decided until the expiration of forty-two days after the service of process or twenty-eight days after the last publication of notice of the complaint, and no action for divorce shall be heard and decided earlier than twenty-eight days after the service of a counterclaim, which under this rule may be designated a cross-complaint, unless the plaintiff files a written waiver of the twenty-eight day period.
7. **ALIMONY/SUPPORT:** Since this is an agreed upon Dissolution of Marriage proceeding, you and your spouse will decide issues of alimony. The forms assume that

no alimony will be paid and is waived but you may add provisions for alimony if you desire.

In Divorce proceedings, in determining whether spousal support is appropriate and reasonable, and in determining the nature, amount, and terms of payment, and duration of spousal support, which is payable either in gross or in installments, the court shall consider all of the following factors:

- (a) The income of the parties, from all sources, including, but not limited to, income derived from property divided, disbursed, or distributed by the Court in the present proceeding;
- (b) The relative earning abilities of the parties;
- (c) The ages and the physical, mental, and emotional conditions of the parties;
- (d) The retirement benefits of the parties;
- (e) The duration of the marriage;
- (f) The extent to which it would be inappropriate for a party, because that party will be custodian of a minor child of the marriage, to seek employment outside the home;
- (g) The standard of living of the parties established during the marriage;
- (h) The relative extent of education of the parties;
- (i) The relative assets and liabilities of the parties, including but not limited to any court-ordered payments by the parties;
- (j) The contribution of each party to the education, training, or earning ability of the other party, including, but not limited to, any party's contribution to the acquisition of a professional degree of the other party;
- (k) The time and expense necessary for the spouse who is seeking spousal support to acquire education, training, or job experience so that the spouse will be qualified to obtain appropriate employment, provided the education, training, or job experience, and employment is, in fact, sought;
- (l) The tax consequences, for each party, of an award of spousal support;
- (m) The lost income production capacity of either party that resulted from that party's marital responsibilities;
- (n) Any other factor that the court expressly finds to be relevant and equitable.

8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon Dissolution of Marriage proceeding, the parties will agreed to all property distributions.

In Divorce proceedings, the court shall determine what constitutes marital property and what constitutes separate property. Upon making such a determination, the court shall divide the marital and separate property equitably between the spouses. In making a division of marital property and in determining whether to make and the amount of any distributive award, the court shall consider all of the following factors:

- (a) The duration of the marriage;
- (b) The assets and liabilities of the spouses;

- (c) The desirability of awarding the family home, or the right to reside in the family home for reasonable periods of time, to the spouse with custody of the children of the marriage;
- (d) The liquidity of the property to be distributed;
- (e) The economic desirability of retaining intact an asset or an interest in an asset;
- (f) The tax consequences of the property division upon the respective awards to be made to each spouse;
- (g) The costs of sale, if it is necessary that an asset be sold to effectuate an equitable distribution of property;
- (h) Any division or disbursement of property made in a separation agreement that was voluntarily entered into by the spouses;
- (i) Any other factor that the court expressly finds to be relevant and equitable.

9. **CONCILIATION / FAMILY COUNSELING:** The Court may order the parties to undergo conciliation for the period of time not exceeding ninety days as the court specifies, and, if children are involved in the proceeding, the court may order the parties to take part in family counseling during the course of the proceeding or for any reasonable period of time as directed by the court. No action for divorce in which conciliation or family counseling has been ordered shall be heard or decided until the conciliation or family counseling has concluded and been reported to the court.
10. **NAME CHANGE:** When a divorce is granted, the Court shall, if the person so desires, restore any name that the person had before the marriage.

This package is only for use by parties seeking to terminate their marriage through the *Dissolution of Marriage* procedure. The material presented on *Divorce* is solely for information purposes.

For more information, see the Ohio Divorce Law Summary.

FORMS

The following forms are included in this package.

1. Petition for Dissolution (**OH-802D**)
2. Separation Agreement (**OH-804D**)
3. Affidavit of Income, Expenses and Financial Disclosure (**OH-805D**)
4. Waiver of Financial Disclosure Affidavit (**OH-806D**)
5. Waiver of Legal Representation (**OH-807D**)
6. Waiver of Service of Summons (**OH-808D**)
7. Witnesses Statement (**OH-809D**)
8. Health Insurance Disclosure Affidavit (**OH-820D**)
9. Judgment Entry of Dissolution of Marriage (**OH-811D**)

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Petition for Dissolution (OH-802D):** The document through which you request that the court dissolve your marriage. This must be filed with the clerk of court in your initial filing of documents.
2. **Separation Agreement (OH-804D):** The document in which you set out the specifics of your marriage dissolution, including division of property and debts, all of which must be agreed to and signed by each spouse. This must be filed with the clerk of court in your initial filing of documents. This form is presented as a guide and should be modified to include all issues that need to be resolved between you and your Spouse.
3. **Affidavit of Income, Expenses and Financial Disclosure (OH-805D):** In this document, you and your spouse disclose and estimate the value of all of your assets, debts and other financial information. This must be filed with the clerk of court in your initial filing of documents.
4. **Waiver of Financial Disclosure Affidavit (OH-806D):** Complete this form in lieu of the financial affidavit where there are no children of the marriage and the court agrees to accept this filing.
5. **Waiver of Legal Representation (OH-807D):** This document indicates that you and your spouse understand that each of you could seek the advice of an attorney in this matter, but you have chosen not to. This must be filed with the clerk of court in your initial filing of documents.
6. **Waiver of Service of Summons (OH-808D):** This document indicates that both you and your spouse have agreed to dissolve the marriage and are aware of the court proceedings, thereby making formal service of process unnecessary. This must be filed with the clerk of court in your initial filing of documents.
7. **Witnesses Statement (OH-809D):** This form lists the witnesses expected to be called for both parties.
8. **Health Insurance Disclosure Affidavit (OH-820D):** This form is used to provide the Court with all relevant health insurance information of the parties.
9. **Judgment Entry of Dissolution of Marriage (OH-811D):** Provide to the clerk with your initial filing. Bring copies of this document to your final dissolution hearing. Once signed by the judge and filed with the court, it represents the completion of the dissolution of your marriage. The Decree incorporates all the terms of the *Separation Agreement (OH-804D)* previously signed and filed with the court by you and your spouse. You must attach a copy of the signed Separation Agreement to the Decree.

INSTRUCTIONS AND STEPS

STEP 1: Agree with your spouse on filling out all items of the *Petition for Dissolution (OH-802D)*, *Separation Agreement (OH-804D)*, *Waiver of Legal Representation (OH-807D)*, *Affidavit of Income, Expenses and Financial Disclosure (OH-805D)*, and *Waiver of Service of Summons (OH-808D)*. Sign the forms that require witness by a Notary Public in front of a Notary Public.

STEP 2: Make 3 copies of these completed documents (the original to be filed with the court, two copies for yourself and one for your spouse). Bring these documents to the court clerk for filing. Ask the clerk to stamp your copies in addition to the originals which the clerk will keep. Give your spouse's copies to him or her. You will either receive the hearing date when you file the *Petition for Dissolution (OH-802D)* or you will receive one soon thereafter. You must complete all sections of the Decree of Dissolution that you can complete and provide it to the Clerk at the time the Petition is provided.

Check with the Clerk and see if the *Waiver of Financial Disclosure Affidavit (OH-806D)* is acceptable. If not, you will need to file the completed financial affidavit. Check with your court clerk to determine if there is an updated form of the *Affidavit of Income, Expenses and Financial Disclosure (OH-805D)*, that you need to pick up and fill out (these are regularly updated), or if the one in this packet is sufficient. Do not be afraid to ask questions of the clerk- he or she is a valuable resource to consult if you are unclear on any procedures. Be sure to ask the clerk for the exact amount of the filing fee necessary to file the dissolution papers.

STEP 3: When your court date arrives, you and your spouse must appear in court before the judge. Bring your copies of your previously filed documents, and bring copies of the *Judgment Entry of Dissolution of Marriage (OH-811D)*. This is the document the judge will sign to finalize the dissolution of your marriage.

STEP 4: At the hearing, when your case is called, you should take the lead, telling the judge your name and where you reside, that you voluntarily signed the *Separation Agreement (OH-804D)* that you believe it is fair, and that you request that your marriage be dissolved on that basis. Your spouse should repeat the same information. The judge will look over your filings and may have a few questions. He or she will sign the *Judgment Entry of Dissolution (OH-811D)*, and you must file this with the clerk of court, keeping a stamped "filed" copy for your records (your spouse also should obtain a stamped "filed copy from the clerk). Your marriage is now dissolved.

Additional Notes:

The petition must include both parties' names, addresses, social security numbers, dates of birth and telephone numbers - if pro se.

The petition must include the date of marriage.

The petition must contain both attorneys' signatures, addresses, phone numbers, and Supreme Court

The petition must include Registration Numbers or both parties' signatures - if pro se.

The separation agreement must include a statement regarding division and exchange of personal property.

The petition must be accompanied by a decree if self represented.

CHECKLIST

- Check with clerk for amount of filing fee and any updated *Affidavit of Income, Expenses and Financial Disclosure (OH-805D)*, if the affidavit is not waived.
- All documents filled out and agreed to by you and your spouse.
- All documents signed and notarized where needed.
- Documents filed and filing fee paid.
- Hearing date obtained for final dissolution hearing.
- Copies of all previously filed documents and copies of *Judgment Entry of Dissolution of Marriage (OH-811D)* brought to final hearing.
- Judgment Entry of Dissolution of Marriage (OH-811D)* signed by the Judge.
- Signed *Judgment Entry of Dissolution of Marriage (OH-811D)* filed with the clerk of court, with copies to you and your spouse. Your marriage is now dissolved.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

To complete the forms click on the gray shaded areas and type. You may also change other words in the document if the document is not locked. The separation agreement is a good example of a document that is not locked and allows you to make modifications outside the gray shaded areas.

Some forms may be locked which means that the content of the forms cannot be changed while the form is locked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes re-lock the document, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/OH-008-D.htm>

DISCLAIMER

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