

Service...Notifying the Opposing Party that you Have Filed Court Documents

What You Must Do To Ensure that Service is Completed

Service of Court Documents

After you file court papers with the Clerk of Courts, Ohio law requires that the opposing party be notified of this filing. This notice is called "service".

Why is Service So Important

Service gives the other party a chance to respond to whatever it is that you have requested of the Court. It is only fair that both parties to a lawsuit have the chance to present their side of the case to the Court. If the opposing party is not properly notified, the Court does not have the power to make any decisions regarding your case. In fact, your case could be dismissed if service is not completed in a timely fashion.

Who Notifies the Opposing Party and How?

Soon after you file, the Clerk of Courts will send or deliver one copy of all the forms you filed to the opposing party at the address you provided for that person. Some courts will send these documents by certified mail - requiring a signature by the opposing party or another adult living with him/her. Other

courts will deliver these documents to the opposing party in person.

If this first effort is not successful...the Court will notify you and then YOU must take steps to ensure service is completed. The Court will not do anything unless you write to them and tell them what you want them to do. If you don't do anything, your case could be dismissed!

How Will I Know if Service Has Failed?

The Court will send you a Notice in the mail letting you know that service has failed. The notice will tell you why service was not successful. Service usually fails because the opposing party refuses to sign for the documents or no longer lives at the address you gave to the Court.

What to Do After Receiving a Notice from the Court.

1. Try to find another more current address for the opposing party. Call friends and family members. You must make you best effort to locate the opposing party.

→ If you are able to find a more recent address for the opposing party, write a letter to the Clerk of Courts, requesting them to serve the papers by certified mail to this new address.

→ If you are unable to find a more recent address for the opposing party, write a letter to the Clerk of Courts requesting them to serve the papers by ordinary mail.

2. Wait about a week. Then call the Clerk of Courts and ask if this second attempt at service was successful. Unless documents are returned to the Court stamped "undeliverable," service was completed.

3. If documents are returned to the Court and stamped "undeliverable," you must request Personal Service or Service by Posting or Publication.

PERSONAL SERVICE What is It?

Your court papers will be hand-delivered to the opposing party by someone from the court or the Sheriff's Department.

How to Obtain Personal Service

You must write to the Clerk of Courts and request Personal Service. You must tell the clerk where the opposing party will be on the date he or she will be served (work or home address) so the party can be located.

The court will notify you in writing if they were unable to serve the

opposing party in person. If you receive a written notice from the Court stating that Personal Service has failed, you must try Service by Publication or Posting. If you do not get a notice from the Court after about one week, call the Clerk of Courts and ask if service was completed.

SERVICE BY POSTING

What is It?

The Court posts a notice regarding your case in two different locations in your community. This notice will be posted for six weeks. After this six week period expires, the Court has the power to decide your case and will set a hearing date. Even if the opposing party never sees the posting this is adequate service under Ohio law.

SERVICE BY PUBLICATION

What is It?

The Court publishes a notice regarding your case in a local newspaper. This notice will be published for six weeks. After this six-week period expires, the Court has the power to decide your case and will set a hearing date. Even if the opposing party never sees the publication, this is adequate service under Ohio law.

How do I request Service by Publication?

Ask the Court if they have a fill-in-the-blank "Affidavit for Service by Publication". If

they do not, you must create your own or contact Southeastern Ohio Legal Services at 1-800-686-3669 or local (740)594-3558. Title your document "Affidavit for Service by Publication" and give the following information:

1) state that you do not know the residence of the opposing party;

2) explain the steps you have taken trying to locate a proper address and that these steps have failed; and

3) state that you cannot locate the opposing party's residence with reasonable diligence.

The Affidavit must be signed by you, notarized by a notary public, and filed with the Clerk of Courts. You will have to pay a rather large fee (over \$100) to file the affidavit.

Who Can Request Service by Posting?

You can only request Service by Posting if:

1) you are filing for a divorce, annulment, or legal separation; and

2) you filed a Poverty Affidavit (also known as an Affidavit of Indigency) with your request which allowed you to file without paying a filing fee.

If you did not file a Poverty Affidavit or the court made you pay a filing fee you must do Service by Publication.

How to Request Service by Posting

Ask the Court if they have a fill-in-the-blank "Affidavit for Service by Posting". If they do not, you must create your own or contact Southeastern Ohio Legal Services at 1-800-686-3669 or local (740)594-3558. Title the document "Affidavit for Service by Posting" and state the same things you stated in the Affidavit for Service by Publication. You must ALSO write the last known address you have for the opposing party.

The Affidavit must be signed by you, notarized by a notary public, and filed with the Clerk of Courts. You should not be required to pay any fees.

REMEMBER... The Court will only allow you to do service by publication or posting if you have made efforts to locate the opposing party's new address. You must explain in the Affidavit for Service by Publication or Posting exactly what you have done to try to locate the opposing party's address.

INFORMATION ON PRO SE DIVORCE

Case No. _____

1. There is a two hundred seventy-five dollar (\$275.00) filing fee, or you will need an approved Affidavit of Indigency.
2. After filing your Complaint for Divorce, you should check with the Clerk of Courts Office, 740-592-3242, in about two to three weeks to see if the Defendant (your spouse) was served with the Summons and Complaint. If service was successful, you should allow 28 days for the Defendant to file an Answer to the Complaint. *The hearing will not be scheduled for at least 42 days after service.*
3. Call Kathy in the Domestic Relations Division to schedule a hearing date some time after the 28 days: 740-592-3240.
4. You need to know your case number when calling either the Clerk's Office or Domestic Relations, so if at all possible, have your copy of the complaint in hand when calling. You can also write it at the top of this page for reference.
5. On the day of your hearing, you will need to bring a **character witness**. If you own property, you should bring proof of ownership, such as a copy of your deed.
6. *The Clerk of Courts Office is not permitted to give legal advice.*
7. If you have minor children involved in the divorce and have received the blue instructional letter concerning the Domestic Relations Clinic, you **must** attend the clinic *before* the hearing date.

IMPORTANT PHONE NUMBERS:

The Clerk of Courts 740-592-3242
Domestic Relations 740-592-3240

YOU MUST TAKE
YOUR ORIGINAL DOCUMENT
AND
THREE COPIES
TO FILE
WITH THE
COURT OF COMMON PLEAS
AT THE ATHENS COUNTY
COURTHOUSE
1 SOUTH COURT STREET
FOURTH FLOOR

PERSONAL INFORMATION SHEET

PETITIONER/PLAINTIFF

Name : Case No. _____

Address :

City, State and Zip Code :

Phone Number (home/cell) :

Phone Number (work) :

Social Security Number :

Date of Birth :

RESPONDENT/DEFENDANT

Name :

Address :

City, State and Zip Code :

Phone Number (home/cell) :

Phone Number (work) :

Social Security Number :

Date of Birth :

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

_____ ,

Plaintiff,

vs.

_____ ,

Defendant.

Case No. _____

Judge _____

DESIGNATION FORM TO INDICATE
THE CATEGORY OF THE CAUSE

Has this case been previously filed and dismissed? Yes
(check one) No

Case categories: (place an X in one category only)

- Professional Tort
- Product Liability
- Other Torts
- Worker's Compensation
- Foreclosure
- Administrative Appeal
- Complex Litigation
- Other Civil
- Criminal
- Divorce
- Dissolution
- Uresa
- Domestic Violence
- Paternity

Submitted by: _____

If you or your spouse own any **real estate**, or have any type of **pension plan**, you should **consult a private attorney** before using these forms.

DIVORCE - NO CHILDREN

Type or Print all Forms - *If you are downloading the forms from the website, the forms are in PDF and can be typed online and then saved on your computer or flash drive for revision and printing. You can also access these fillable forms on the website - www.seols.org - at the Get Help page*

* All forms in **BOLD** must be signed in front of a notary.*

Forms to be completed by you

- ❶** Complaint - Tells the Court why you want a divorce and what you want.
- ❷** **Affidavit of Indigency** – If you are low income, this tells the Court that you cannot afford to prepay the filing fee.
- ❸** Instructions for Service - Tells the Court where to send copies to your spouse.
- A** You must fill out the **Affidavit of Income and Expenses** and **Affidavit of Property** to tell the Court about your financial situation and the property you own.

Additional Forms if You Need Immediate Orders

- ❹** Motion for Temporary Orders (Form 4)- Tells the Court what you are asking for now (if you need something now).
- ❺ Affidavit for Service** - If you do not know where your spouse lives **and** you have completed Form **❷** then complete Form **❺** to obtain service then also give the Clerk Order A Order for Service.
- CALL** the clerk of the court in the county where you will be filing this action to find out if there are any additional local forms that you will need.

After completing the forms

- Make three (3) copies of each completed form.
- Take the originals and three (3) copies to Clerk of Common Pleas Court.
- If you completed Form (2), you will pay nothing at the time of filing.
- If you did not complete Form (2), there will be a filing fee – **CALL** the clerk of courts to find out how much the costs will be.

After forms are filed

- Clerk will send you notice of any court dates. Attend all of these court dates.
- If you move, call the Clerk with your new address.
- Bring Judgment Decree of Divorce to the final hearing. The judge will complete the form.

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

Name
Street Address
City, State and Zip Code
Plaintiff
Case No.
Judge
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 (Uniform Domestic Relations Form 28) 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).

Form 1

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

INSTRUCTIONS FOR POVERTY AFFIDAVIT – COMMON PLEAS

- **PRINT OR TYPE** -

1. Fill in the name of the county where the action is.
2. Fill in the name of the Plaintiff.
3. Fill in the name of the Defendant.
4. Fill in the Case Number of the action.
5. Fill in your name.
6. Sign your name ONLY IN FRONT OF A NOTARY IF THE affidavit is correct.

MAKE 2 COPIES AND TAKE WITH THE MOTION TO THE COURT

PLEASE NOTE: FILING WITH A POVERTY AFFIDAVIT DOES NOT MEAN YOU DO NOT HAVE TO PAY COURT COSTS. IT ONLY MEANS THAT YOU DO NOT HAVE TO PAY IT IN ADVANCE. THE COURT WILL DETERMINE WHO IS TO PAY COURT COSTS AT THE TIME OF THE HEARING.

IN THE COURT OF COMMON PLEAS

- 1 - Name of County, OHIO

- 2 - Name of Plaintiff ,

Plaintiff,
vs.

Case No. - 4 - Case Number

- 3 - Name of Defendant ,

Defendant.

AFFIDAVIT OF INABILITY
TO PREPAY COURT COSTS.

I, - 5 - Fill in your name , being first duly cautioned and sworn, depose and state:

1. That I am a party in interest in the above-captioned action; that I have a meritorious cause of action but am unable to give security or a cash deposit to secure costs.
2. That I am unable to afford the hiring of an attorney to represent me in this matter.
3. That I own no liquid assets or property of any substantial value to prepay court costs.

- 6 - Sign Only In Front of Notary

Sworn to and subscribed in my presence this _____ day of _____,
20_____.

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

_____, **OHIO**

Plaintiff,

Case No. _____

vs.

Defendant.

**AFFIDAVIT OF INABILITY
TO PREPAY COURT COSTS**

I, _____, being first duly cautioned and
sworn, depose and state:

1. That I am a party in interest in the above-captioned action; that I have a meritorious cause of action but am unable to give security or a cash deposit to secure costs.
2. That I am unable to afford the hiring of an attorney to represent me in this matter.
3. That I own no liquid assets or property of any substantial value to prepay court costs.

Sworn to and subscribed in my presence this _____ day of _____,
20_____.

NOTARY PUBLIC

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

IN THE MATTER OF:

A Minor

Name

Case No.

Street Address

Judge

City, State and Zip Code

Plaintiff/Petitioner

Magistrate

vs./and

Name

Street Address

City, State and Zip Code

Defendant/Petitioner

Instructions: This form is used when you want to request documents to be served on the other party. You must indicate the requested method of service by marking the appropriate box.

REQUEST FOR SERVICE

TO THE CLERK OF COURT:

Please serve the following documents on the following parties as I have indicated below:

Defendant/Petitioner at the address shown above.

Certified Mail, Return Receipt Requested

Issuance to Sheriff of County, Ohio for Personal or Residence service

Other (specify)

Form 28

- Plaintiff/Petitioner at the address shown above.
 - Certified Mail, Return Receipt Requested
 - Issuance to Sheriff of _____ County, Ohio for Personal or Residence service
 - Other (specify) _____

- _____ County Child Support Enforcement Agency (provide address below):

 - Certified Mail, Return Receipt Requested
 - Issuance to Sheriff of _____ County, Ohio for Personal or Residence service
 - Other (specify) _____

- Other (address): _____
 - Certified Mail, Return Receipt Requested
 - Issuance to Sheriff of _____ County, Ohio for Personal or Residence service
 - Other (specify) _____

SPECIAL INSTRUCTIONS TO SHERIFF:

Your Signature

Affidavit 1

COURT OF COMMON PLEAS
COUNTY, OHIO

Plaintiff/Petitioner		Case No.	
v./and		Judge	
Defendant/Petitioner		Magistrate	

Instructions: Check local court rules to determine when this form must be filed. This affidavit is used to make complete disclosure of income, expenses and money owed. It is used to determine child and spousal support amounts. Do not leave any category blank. Write "none" where appropriate. If you do not know exact figures for any item, give your best estimate, and put "EST." **If you need more space, add additional pages.**

AFFIDAVIT OF INCOME AND EXPENSES

Affidavit of _____
(Print Your Name)

Date of marriage _____ Date of separation _____

SECTION I - INCOME

	<u>Husband</u>	<u>Wife</u>
Employed	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Employer		
Payroll address		
Payroll city, state, zip		
Scheduled 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

A. YEARLY INCOME, OVERTIME, COMMISSIONS AND BONUSES FOR PAST THREE YEARS

	<u>Husband</u>	<u>Wife</u>
Base yearly income	\$ _____ 3 years ago 20 _____	\$ _____
	\$ _____ 2 years ago 20 _____	\$ _____
	\$ _____ Last year 20 _____	\$ _____
Yearly overtime, commissions and/or bonuses	\$ _____ 3 years ago 20 _____	\$ _____
	\$ _____ 2 years ago 20 _____	\$ _____
	\$ _____ Last year 20 _____	\$ _____

Affidavit 1

B. COMPUTATION OF CURRENT INCOME

	<u>Husband</u>	<u>Wife</u>
Base yearly income	\$ _____	\$ _____
Average yearly overtime, commissions and/or bonuses over last 3 years (from part A)	\$ _____	\$ _____
Unemployment compensation	\$ _____	\$ _____
Disability benefits		
<input type="checkbox"/> Workers' Compensation		
<input type="checkbox"/> Social Security		
<input type="checkbox"/> Other: _____	\$ _____	\$ _____
Retirement benefits		
<input type="checkbox"/> Social Security		
<input type="checkbox"/> Other: _____	\$ _____	\$ _____
Spousal support received	\$ _____	\$ _____
Interest and dividend income (source)		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
Other income (type and source)		
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
TOTAL YEARLY INCOME	\$ _____	\$ _____
Supplemental Security Income (SSI) or public assistance	\$ _____	\$ _____
Court-ordered child support that you receive for minor and/or dependent child(ren) not of the marriage or relationship	\$ _____	\$ _____

Affidavit 1

SECTION II – CHILDREN AND HOUSEHOLD RESIDENTS

Minor and/or dependent child(ren) who are adopted or born of this marriage or relationship:

Name	Date of birth	Living with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

In addition to the above children there is/are in your household:

_____ adult(s)
 _____ other minor and/or dependent child(ren).

SECTION III – EXPENSES

List monthly expenses below for your present household.

A. MONTHLY HOUSING EXPENSES

Rent or first mortgage (including taxes and insurance)	\$	_____
Real estate taxes (if not included above)	\$	_____
Real estate/homeowner's insurance (if not included above)	\$	_____
Second mortgage/equity line of credit	\$	_____
Utilities		
o Electric	\$	_____
o Gas, fuel oil, propane	\$	_____
o Water and sewer	\$	_____
o Telephone	\$	_____
o Trash collection	\$	_____
o Cable/satellite television	\$	_____
Cleaning, maintenance, repair	\$	_____
Lawn service, snow removal	\$	_____
Other: _____	\$	_____
	\$	_____
TOTAL MONTHLY :		\$ _____

Affidavit 1

B. OTHER MONTHLY LIVING EXPENSES

Food		
○ Groceries (including food, paper, cleaning products, toiletries, other)	\$	_____
○ Restaurant	\$	_____
Transportation		
○ Vehicle loans, leases	\$	_____
○ Vehicle maintenance (oil, repair, license)	\$	_____
○ Gasoline	\$	_____
○ Parking, public transportation	\$	_____
Clothing		
○ Clothes (other than children's)	\$	_____
○ Dry cleaning, laundry	\$	_____
Personal grooming		
○ Hair, nail care	\$	_____
○ Other	\$	_____
Cell phone	\$	_____
Internet (if not included elsewhere)	\$	_____
Other	\$	_____
	TOTAL MONTHLY	\$ _____

C. MONTHLY CHILD-RELATED EXPENSES

(for children of the marriage or relationship)

Work/education-related child care	\$	_____
Other child care	\$	_____
Unusual parenting time travel	\$	_____
Special and unusual needs of child(ren) (not included elsewhere)	\$	_____
Clothing	\$	_____
School supplies	\$	_____
Child(ren)'s allowances	\$	_____
Extracurricular activities, lessons	\$	_____
School lunches	\$	_____
Other	\$	_____
	TOTAL MONTHLY	\$ _____

Affidavit 1

D. INSURANCE PREMIUMS

Life	\$	_____
Auto	\$	_____
Health	\$	_____
Disability	\$	_____
Renters/personal property (if not included in part A above)	\$	_____
Other _____	\$	_____
TOTAL MONTHLY		\$ _____

E. MONTHLY EDUCATION EXPENSES

Tuition		_____
o Self	\$	_____
o Child(ren)	\$	_____
Books, fees, other	\$	_____
College loan repayment	\$	_____
Other _____	\$	_____
	\$	_____
TOTAL MONTHLY:		\$ _____

F. MONTHLY HEALTH CARE EXPENSES (not covered by insurance)

Physicians	\$	_____
Dentists	\$	_____
Optometrists/opticians	\$	_____
Prescriptions	\$	_____
Other _____	\$	_____
	\$	_____
TOTAL MONTHLY:		\$ _____

G. MISCELLANEOUS MONTHLY EXPENSES

Extraordinary obligations for other minor/handicapped child(ren) (not stepchildren)	\$	_____
Child support for children who were not born of this marriage or relationship and were not adopted of this marriage	\$	_____
Spousal support paid to former spouse(s)	\$	_____
Subscriptions, books	\$	_____
Entertainment	\$	_____

Affidavit 1

Charitable contributions	\$	
Memberships (associations, clubs)	\$	
Travel, vacations	\$	
Pets	\$	
Gifts	\$	
Bankruptcy payments	\$	
Attorney fees	\$	
Required deductions from wages (excluding taxes, Social Security and Medicare) (type) _____	\$	
Additional taxes paid (not deducted from wages) (type) _____	\$	
Other _____	\$	
	\$	
TOTAL MONTHLY:	\$	

H. MONTHLY INSTALLMENT PAYMENTS

(Do not repeat expenses already listed.)

Examples: car, credit card, rent-to-own, cash advance payments

To whom paid	Purpose	Balance due	Monthly payment
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		TOTAL MONTHLY:	\$

GRAND TOTAL MONTHLY EXPENSES (Sum of A through H): \$ _____

Affidavit 1

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

Notary Public

My Commission Expires:

COURT OF COMMON PLEAS

_____ **COUNTY, OHIO**

Plaintiff/Petitioner

Case No. _____

v./and

Judge _____

Magistrate _____

Respondent/Petitioner

Instructions: Check local court rules to determine when this form must be filed.
List ALL OF YOUR PROPERTY AND DEBTS, the property and debts of your spouse, and any joint property or debts. Do not leave any category blank. For each item, if none, put "NONE." If you do not know exact figures for any item, give your best estimate, and put "EST." **If more space is needed, add additional pages.**

AFFIDAVIT OF PROPERTY

Affidavit of _____
(Print Your Name)

I. REAL ESTATE INTERESTS

<u>Address</u>	<u>Present Fair Market Value</u>	<u>Titled To</u>	<u>Mortgage Balance</u>	<u>Equity (as of date)</u>
1. _____ _____	\$ _____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____	\$ _____ _____
2. _____ _____	\$ _____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____	\$ _____ _____
TOTAL SECTION I: REAL ESTATE INTERESTS				\$ _____

II. OTHER ASSETS

<u>Category</u>	<u>Description</u> (List who has possession)	<u>Titled To</u>	<u>Value/Date of Value</u>
A. Vehicles and Other Certificate of Title Property			
	(Include model and year of automobiles, trucks, motorcycles, boats, motors, motor homes, etc.)		
1.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
2.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
3.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
4.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
5.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
6.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
B. Financial Accounts			
	(Include checking, savings, CDs, POD accounts, money market accounts, etc.)		
1.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
2.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
3.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
4.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____

<u>Category</u>	<u>Description</u> (List who has possession)	<u>Titled To</u>	<u>Value/Date of Value</u>
C. Pensions & Retirement plans			
1.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
2.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
3.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
4.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____

D. Publicly Held Stocks, Bonds, Securities & Mutual Funds			
1.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
2.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
3.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
4.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____

<u>Category</u>	<u>Description</u> (List who has possession)	<u>Titled To</u>	<u>Value/Date of Value</u>
E. Closely Held Stocks & Other Business Interests and Name of Company			
1.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____
2.	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ _____

**F. Life Insurance Type
(Term/Whole Life)**

(Any cash value or loans)

(Insured party
& value upon death)

1.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
2.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
3.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
4.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>

Category

Description

Who Has Possession

Value/Date of Value

G. Furniture & Appliances

(Estimate value of those in your possession, and value of those in your spouse's possession)

1.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
2.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
3.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
4.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>

H. Safe Deposit Box

(Give location and describe contents)

Titled To

1.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>
2.	<hr/>	<hr/>	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$ <hr/>
	<hr/>	<hr/>		<hr/>

I. Transfer of Assets

Explanation: List the name and address of any person (other than creditors listed on your Affidavit) who has received money or property from you exceeding \$300 in value in the past 12 months and the reason for each transfer.

1.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	
2.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	
3.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	
4.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	

Category

Description

(Also list who has possession)

Titled To

Value/Date of Value

J. All Other Assets Not Listed Above

Explanation: List any item you have not listed above that is considered an asset.

1.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	
2.			<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	\$	

TOTAL SECTION II: OTHER ASSETS \$ _____

III. SEPARATE PROPERTY CLAIMS: Pre-marital assets, gifts to one spouse only, inheritances

If you are making any claims in any of the categories below, explain the nature and amount of your claim. **This includes, but is not limited to, inheritances, property owned before marriage, and any pre-marital agreements.**

<u>Category</u> (Pre-marital Gift, Inheritance, etc., acquired after separation)	<u>Description</u>	<u>Why do you claim this as a separate property?</u>	<u>Present Fair Market Value</u>
1. _____	_____	_____	\$ _____
2. _____	_____	_____	\$ _____
3. _____	_____	_____	\$ _____
4. _____	_____	_____	\$ _____
5. _____	_____	_____	\$ _____

TOTAL SECTION III: SEPARATE PROPERTY CLAIMS \$ _____

IV. DEBT

List ALL OF YOUR DEBTS, the debts of your spouse, and any joint debts. 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." **If more space is needed to explain, please attach an additional page with the explanation and identify which question you are answering.**

<u>Type</u>	<u>Name of Creditor/Purpose of Debt</u>	<u>Account Name</u>	<u>Name(s) on Account</u>	<u>Total Debt Due</u>	<u>Monthly Payment</u>
A. Secured Debt (Mortgages, Car, etc.)					
1.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
2.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
3.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
4.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
5.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
B. Unsecured Debt, including credit cards					
1.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
2.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
3.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
4.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
5.	_____	_____	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Joint	\$ _____	\$ _____
TOTAL SECTION IV: DEBT				\$ _____	_____

V. BANKRUPTCY

	<u>Filed by: Wife, Husband, Both</u>	<u>Date of Filing: Case Number</u>	<u>Date of Discharge or Relief from Stay</u>	<u>Type of Case (Ch. 7, 11, 12, 13)</u>	<u>Current Monthly Payments</u>
1.	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	_____	_____	_____	\$ _____
2.	<input type="checkbox"/> Husband <input type="checkbox"/> Wife <input type="checkbox"/> Both	_____	_____	_____	\$ _____
TOTAL SECTION V: BANKRUPTCY					\$ _____

OATH

(Do Not Sign Until Notary is Present)

I, (print name) _____ swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this ____ day of _____, _____.

Notary Public
My Commission Expires:

COURT OF COMMON PLEAS
COUNTY, OHIO

Plaintiff Case No.
Judge
Magistrate
V.
Defendant

Instructions: Check local court rules to determine when this form must be filed.
This form is used to request temporary orders in your divorce or legal separation case. After a party serves a Motion and Affidavit, the other party has 14 days to file a Counter Affidavit and serve it on the party who filed the motion. If more space is needed, add additional pages.

MOTION AND AFFIDAVIT OR COUNTER AFFIDAVIT
FOR TEMPORARY ORDERS
WITHOUT ORAL HEARING

Check one box below to show whether you are filing a (1) Motion and Affidavit or (2) Counter Affidavit.

(1) Motion and Affidavit

(Print Your Name) files this Motion and Affidavit under Rule 75(N) of the Ohio Rules of Civil Procedure to request the temporary orders checked here.

- Check only those that apply. Residential parenting rights (custody)
Parenting time (visitation)
Child support
Spousal support (alimony)
Payment of debts and/or expenses

THE OTHER PARTY HAS 14 DAYS FROM THE DATE ON WHICH THIS MOTION IS SERVED TO FILE A COUNTER AFFIDAVIT AND SERVE IT UPON THE PARTY WHO FILED THE MOTION. (See below.)

(2) Counter Affidavit

(Print Your Name) files this Counter Affidavit in response to a Motion and Affidavit.

Form 4

Complete the following information, whether filing Motion and Affidavit or Counter Affidavit. Check all that apply.

1. My spouse and I are living separately.
 Date of separation is _____ .
- My spouse and I are living together.
- We have no minor children. (Skip to number 5.)
- There are minor child(ren) who are adopted or born of this marriage.
 (List children here.)

Name	Date of birth	Living with
_____	_____	_____
_____	_____	_____
_____	_____	_____

- In addition to the above children there is/are in my household:
 _____ adult(s)
 _____ other minor and/or dependent child(ren).

2. My child(ren) attend(s) school in:

- Father's school district
- Mother's school district
- Open enrollment
- Other (Explain.) _____ .
- All children do not attend school in the same district. (Explain.) _____

3. I request to be named the temporary residential parent and legal custodian of the child(ren).
 (Specify child(ren) if request is not for all children.) _____
- I do not object to my spouse being named the temporary residential parent of the child(ren).
- I request the following parenting time order:
- The Court's standard parenting order (See county's local rules of court.)
 - A specific parenting time order as follows:

I have reached an agreement regarding parenting time with my spouse as follows:

I request that my spouse's parenting time (visitation) be supervised. (Explain--supervised parenting time order will NOT be granted if the reasons are not explained.)

Name of an appropriate supervisor _____

4. A court or agency has made a child support order concerning the child(ren).

Name of Court/Agency _____

Date of Order _____

SETS No. _____

5. I request the Court to order my spouse to pay:

\$ _____ child support per month

\$ _____ spousal support per month

\$ _____ attorney fees, expert fees, court costs

The following debts and/or expenses:

Other

6. I am willing to attend mediation.

I am not willing to attend mediation.

I request the following court services. (See local rules of court for available services.)

State specific reasons why court services are required.

OATH

(Do not sign until notary is present.)

I, (print name) _____, swear or affirm that I have read this document and, to the best of my knowledge and belief, the facts and information stated in this document are true, accurate and complete. I understand that if I do not tell the truth, I may be subject to penalties for perjury.

Your Signature

Sworn before me and signed in my presence this _____ day of _____, _____.

Notary Public
My Commission Expires:

NOTICE OF HEARING

(Check with local court for scheduling procedure.)

You are hereby given notice that this motion for temporary orders will be heard upon affidavits only, and without oral testimony, before Judge/Magistrate _____, Hearing Room _____, at _____ a.m./p.m. on _____, 20____, at _____ floor.

CERTIFICATE OF SERVICE

Check the boxes that apply.

I delivered a copy of my: Motion and Affidavit or Counter Affidavit

On: (Date) _____, 20____

To: (Print name of other party's attorney or, if there is no attorney, print name of the party.)

At: (Print address or fax number.) _____

- By: U.S. Mail
- Fax
- Messenger
- Clerk of courts (if address is unknown)

Your Signature

IN THE COURT OF COMMON PLEAS OF _____ COUNTY, OHIO

Plaintiff,

Case No. _____

vs.

Defendant.

AFFIDAVIT FOR SERVICE
PURSUANT TO O.R.C.P.
4.4(A)(2)

I, _____, being first duly sworn and cautioned, depose and state as follows:

- 1. I have filed for a divorce and am not able to prepay the filing fees;
- 2. I do not know the current address of the defendant, my spouse;
- 3. I have made efforts to determine the defendant's current address but have been unable to do so;
- 4. The defendant's residence cannot be learned with reasonable effort;
- 5. The defendant's last known mailing address is:

Affiant

STATE OF OHIO, COUNTY OF _____, SS:

Sworn to before me and signed in my presence this _____ day of _____, 20____.

Notary Public

Order A

IN THE COURT OF COMMON PLEAS
_____ COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge _____
(Court will complete)

JOURNAL ENTRY

The Plaintiff having filed an Affidavit pursuant to Civil Rule 4.4(A)(2) which satisfies the Court that the residence of the Defendant is unknown, and the Court being satisfied that due diligence has been exercised by Plaintiff, now ORDERS the Clerk of Courts to post service of notice pursuant to O.R.C. Rule 4.4(A)(2) and any applicable local rules.

JUDGE

cc: Plaintiff

IN THE COURT OF COMMON PLEAS

Division
COUNTY, OHIO

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

FINAL JUDGMENT FOR DIVORCE WITHOUT CHILDREN

This matter came on for final hearing on _____ before Judge Magistrate
_____ upon the Plaintiff's Complaint for Divorce without Children filed on
_____ and/or Defendant's Counterclaim filed on _____
and upon the following: _____ .

FINDINGS

Upon a review of the record, testimony, and evidence presented, the Court makes the following findings:

- A. Check all that apply:
 - The Defendant was properly served with summons, copy of the Complaint, and notice of the hearing.
 - The Defendant's waiver of service of summons and Complaint have been filed in this case.
 - The Defendant filed an Answer.
 - The Defendant failed to file an Answer or plead, despite being properly served with summons, copy of the Complaint, and notice of the hearing.
 - The Plaintiff replied to the Defendant's Counterclaim.
 - The Plaintiff failed to reply to the Defendant's Counterclaim.

- B. Present at the hearing were the: Plaintiff, Defendant,
 _____ appearing as counsel for the Plaintiff.
 _____ appearing as counsel for the Defendant.
- C. The Plaintiff and/or Defendant was/were a resident(s) of the State of Ohio for at least six months immediately before the Complaint and/or Counterclaim was/were filed.
- D. At the time the Complaint and/or Counterclaim was/were filed:
 The Plaintiff was a resident of this county for at least 90 days.
 The Defendant was a resident of this county.
 Other grounds for venue were: _____
- E. The Plaintiff and Defendant were married to one another on _____ (date of marriage) in _____ (city or county, and state). The termination of marriage is the date of final hearing or as specified: _____
- F. Check all that apply regarding children:
 The Wife is not now pregnant.
 No child(ren) were born from or adopted during the marriage or relationship.
 All child(ren) born from or adopted during the marriage or relationship are emancipated adults and not mentally or physically disabled child(ren) incapable of supporting or maintaining themselves.
 Other findings: _____

- G. Select one:
 Neither the Plaintiff nor the Defendant is in the military service of the United States.
 The Plaintiff and/or the Defendant is in the military service of the United States and his/her service did not impact his/her ability to defend this action.
- H. The Plaintiff and/or the Defendant through testimony have indicated full and complete disclosure to the other of all marital property, separate property, and any other assets, debts, income, or expenses.
 The Defendant has not filed a response or made an appearance.
 The Plaintiff has not filed a response or made an appearance.
- I. The parties that appeared have no additional knowledge of any other property and debts of any kind in which either party has an interest.

J. The parties that appeared have had the opportunity to value and verify all marital property, separate property, and other debts.

K. This Court has jurisdiction and proper venue to determine all of the issues raised by the pleadings and motions.

L. Select one:

A Magistrate's Decision was filed on: _____

No objections were filed. The Court approves the terms contained in the Decision and finds the terms are fair and equitable.

All objections were ruled upon by a separate entry.

The parties have presented the Court with a written Separation Agreement or have read into the record a settlement of all issues, which the Court finds to be a fair and equitable division of property and debts and an appropriate resolution of all issues, knowingly and voluntarily entered into by the parties.

The Court has made a fair and equitable division of property and debts and an appropriate resolution of all issues of the parties after review and consideration of all evidence presented.

Other: _____

M. The divorce is granted on the following ground(s) (check all that apply):

The Plaintiff and Defendant are incompatible.

The Plaintiff and Defendant have lived separate and apart without cohabitation and without interruption for one year.

The Defendant or Plaintiff had a Husband or Wife living at the time of the marriage.

The Defendant or Plaintiff has been willfully absent for one year.

The Defendant or Plaintiff is guilty of adultery.

The Defendant or Plaintiff is guilty of extreme cruelty.

The Defendant or Plaintiff is guilty of fraudulent contract.

The Defendant or Plaintiff is guilty of gross neglect of duty.

The Defendant or Plaintiff is guilty of habitual drunkenness.

The Defendant or Plaintiff was imprisoned in a state or federal correctional institution at the time the Complaint was filed.

The Defendant or Plaintiff procured a divorce outside this state by virtue of which she or he has been released from the obligations of the marriage, while those obligations remain binding on the Plaintiff or Defendant.

JUDGMENT

Based upon the findings set out above, it is, therefore, **ORDERED, ADJUDGED and DECREED** that:

FIRST: DIVORCE GRANTED

A divorce is granted, and both parties shall be released from the obligations of their marriage except for those obligations listed below or as set out in the attached Separation Agreement Magistrate's Decision and/or Other: _____ which is incorporated in this entry.

SECOND: PROPERTY

The parties' property shall be divided as follows:

A. The Plaintiff shall have the following items of real estate and personal property, free and clear from all claims of the Defendant, subject to any indebtedness which the Plaintiff shall pay and from which the Plaintiff shall hold the Defendant harmless: _____

B. The Defendant shall have the following items of real estate and personal property, free and clear from all claims of the Plaintiff, subject to any indebtedness which the Defendant shall pay and from which the Defendant shall hold the Plaintiff harmless: _____

C. The Plaintiff is awarded the following separate property: _____

D. The Defendant is awarded the following separate property: _____

E. Other orders regarding property (specify): _____

F. Within 30 days the parties will take all necessary steps to transfer legal title and possession of property and take appropriate actions to implement and effectuate the division of pensions and retirements.

G. Other orders regarding transfers: _____

THIRD: DEBT

The Plaintiff and Defendant's debts shall be divided as follows.

A. The Plaintiff shall pay the following debts and shall hold the Defendant harmless from all claims:

B. The Defendant shall pay the following debts and shall hold the Plaintiff harmless from all claims:

C. Bankruptcy (select one):

The Court will retain jurisdiction to enforce payment of debt obligations, in the event a party files bankruptcy. This includes, but is not limited to, the ability to determine the debt assigned is in the nature of maintenance, necessity or support and is therefore nondischargeable in bankruptcy, and/or to make a future spousal support order, regardless of the spousal support order set forth below

under **FOURTH: SPOUSAL SUPPORT**.

Nothing in this order shall prevent the Plaintiff and/or Defendant from being fully discharged from the debts allocated in this order in a bankruptcy proceeding except for any orders expressly for spousal support and the following debts: _____

Neither party shall incur liabilities against the other party in the future.

FOURTH: SPOUSAL SUPPORT

A. Spousal Support Not Awarded

Neither the Plaintiff nor Defendant shall pay spousal support to the other. The Court shall not retain jurisdiction, except as set forth above under **THIRD: DEBTS**.

B. Spousal Support Awarded

The Plaintiff Defendant shall pay spousal support to the Plaintiff Defendant in the amount of \$ _____ per month plus 2% processing charge, commencing on _____ and due on the _____ day of the month. This spousal support shall continue indefinitely for a period of _____ .

The Court shall not retain jurisdiction to modify spousal support.

The Court shall retain jurisdiction to modify the amount duration of the spousal support Order.

C. Termination of Spousal Support

This spousal support shall terminate sooner than the above stated date upon the Plaintiff's or the Defendant's death or in the event of the following (check all that apply):

- The cohabitation of the person receiving support in a relationship comparable to marriage
 - The remarriage of the person receiving support.
 - Other (specify): _____
- _____

D. Method of Payment of Spousal Support (select one):

- The spousal support payment shall be made directly to the Plaintiff Defendant.
- The spousal support payment, plus 2% processing charge, shall be made to the Ohio Child Support Payment Central, P. O. Box 182372, Columbus, Ohio 43218-2372, as administered through the _____ County Child Support Enforcement Agency by income withholding at his/her place of employment.

- E. Deductibility of Spousal Support for All Tax Purposes (select one):
- The spousal support paid shall be deducted from income to the person paying the support and included by the person receiving the support.
 - The spousal support paid shall be included in income of the person paying the support.

F. Other orders regarding spousal support (specify): _____

- G. Arrearage
- Any temporary spousal support arrearage will survive this judgment entry.
 - Any temporary spousal support arrearage will not survive this judgment entry.
 - Other: _____

FIFTH: NAME

_____ is restored to
 the prior name of: _____

SIXTH: OTHER ORDERS

SEVENTH: COURT COSTS

Court costs shall be (select one):

- Taxed to the deposit. Court costs due above the deposit shall be paid as follows:

- Other (specify): _____

EIGHTH: CLERK OF COURTS

The Clerk of Courts shall provide:

- a certified copy to: _____
- a file stamped copy to: _____

NOTICE. Pursuant to Civil Rule 58(B), the Clerk is directed to serve upon the parties a notice of the filing of this Judgment Entry and of the date of entry upon the Journal.

 Date JUDGE

Preparing Your Case

If you do decide to represent yourself, you need to manage all aspects of your case.

- ✓ **Familiarize yourself with the local court rules.** Rules and procedures vary slightly from court to court, and you need to know the rules that apply in the court that will hear your case. **Obtain a copy of the local rules from your court.**
- ✓ **Make sure your filings and documents conform to local standards.** Generic forms and sample filings are available in books and on the internet. However, these generic documents may not conform to the standards of the court that will hear your case. To make sure that your documents will be accepted, ask your court for forms and sample filings.
- ✓ **Respond to all inquiries on time.** During trial preparations, you may receive inquiries from the court or the opposing party. For example, the opposing party may be entitled to “discovery”—to learn about evidence or testimony you plan to introduce (you may be entitled to the same). If you fail to respond to such inquiries, you may limit your ability to present your case.
- ✓ **Rules about admissible evidence are complicated.** There are many possible reasons that evidence or testimony you think is relevant and important may not be admissible in court. Since questions about what evidence is admissible are legal questions that are often contested, neither court staff nor the judge may answer them ahead of time. This can be frustrating for non-attorneys: if your case will involve contested evidence, consider again whether you need an attorney.
- ✓ **Make sure evidence you plan to use will be acceptable and available in court.** If your case will involve evidence—documents, pictures, cost estimates, receipts, or other items—you must prepare it for court use. In particular, you must
 - ♦ bring at least three copies of all documents (for the court, for the opposing party, and for yourself); and

- ♦ be able to verify that documents are what you say they are or contain accurate information.

- ✓ **Make sure any witnesses are prepared and available in court.** If your case will involve testimony from witnesses, you need to work with them before you and they appear in court. Make sure your witnesses know what you will ask, and instruct them to answer truthfully. And remember that your witnesses must be
 - ♦ present at your trial (they may not, for example, prepare written statements or appear by telephone); and
 - ♦ prepared to answer questions from the opposing party or his or her attorney.

When you decide to represent yourself, you take on full responsibility for your case. You need to handle legal questions as well as deadlines, documents, evidence, witnesses, and any other issues that may come up. Even a seemingly simple case can demand a lot of your time and attention.

In the Courtroom

At the trial or hearing itself, you need to present your case in its strongest way. Here are some simple tips:

- ✓ **Make a good impression.** Dress appropriately. Arrive on time with all your materials.
- ✓ **Respect the court.** Stand when the judge enters or leaves the courtroom and when you speak to the judge. Address the judge as “Your Honor.”
- ✓ **Respect the opposing party.** Never argue with the opposing party in front of the judge. Use respectful terms of address.
- ✓ **Speak clearly and succinctly.** Be prepared to state your case in a few sentences. Listen carefully and answer questions directly.
- ✓ **Be prepared.** Courts are very busy. You want to present your case in the strongest way, but you also want to help the proceedings move efficiently. The better prepared you are, the better the case will go.

The Role of the Judge

Your case will be heard and decided by a judge (or a magistrate). Keep in mind that the role of the judge is to be an impartial referee in the dispute between you and the opposing party. Among other things, this means that

- ✓ **The judge may not help you present your case.** Helping you—by pointing out possible mistakes or by letting you know what you need to do next—would be unfair to the opposing party. When you represent yourself, you take on the full responsibility of presenting your case.
- ✓ **The judge may not speak with you about your case when the opposing party is not present.** This is true even if the issue you want to speak with the judge about seems like a simple procedural question. Again, such communications would be unfair to the opposing party.
- ✓ **The judge will decide the case on the basis of the facts presented in court and the applicable law.** The judge may only consider the facts as they are presented in court, through evidence and testimony. You need to make sure that all facts supporting your case are properly presented. The judge also needs to follow the laws that apply. Sometimes the law dictates which facts the judge may and may not consider. You need to make sure that you present the facts that the law requires or permits.

Legal Advice

It is always a good idea to consult with an attorney and be represented by an attorney in court.

- ✓ The law is complex. Attorneys are trained professionals who understand the law and how it relates to your case.
- ✓ Even matters that initially look simple may raise complicated issues.
- ✓ Your interests will be best protected by a legal professional.

Attorneys can be expensive, but consider this:

- ✓ What might you lose if your case goes badly? Paying for an attorney may be a good investment.
- ✓ Meet with several attorneys to discuss your case and their fees—don't let one consultation make up your mind.
- ✓ You may qualify for legal aid or help from legal clinics or other programs—be sure to investigate the resources in your community.

Ohio courts and judges will provide a fair hearing for your case whether or not you are represented by an attorney, and it is your right to represent yourself if you so choose.

When you bring a case to court without the help of an attorney, you are taking on a complex task that is normally done by highly trained professionals. You may do yourself a disservice.

For help with finding an attorney, you might turn to your local bar association. Your local bar association is:

Asking Court Staff

Court staff may not give legal advice. You may have questions that court staff are not permitted to answer.

- ✗ **Court staff may not**
 - ✗ provide you with legal research;
 - ✗ tell you what sorts of claims to file or what to put on forms;
 - ✗ tell you what to say in court;
 - ✗ give an opinion about how a judge is likely to decide your case;
 - ✗ give you information that they would not give to the opposing party;
 - ✗ tell you about a judge's decision before it is issued by the judge.
- ✓ **Court staff may**
 - ✓ answer questions about how the court works;
 - ✓ explain terms used in the court process;
 - ✓ give you information from your case file;
 - ✓ provide you with court forms and sample filings and documents.

Court staff are there to help those who use the court. They can usually tell you *how* to do things, but **may not** advise you about *what* you ought to do. Please be courteous to staff and respect the limits on what they may do for you.



REPRESENTING YOURSELF IN COURT

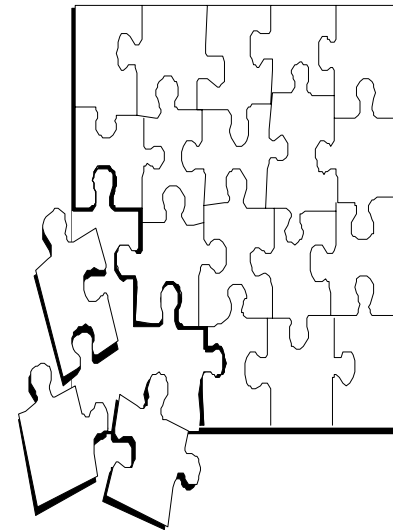
A CITIZENS GUIDE



Created By:
NAPIL Equal Justice Fellow
Ohio State Legal Services Association®
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Collected\Pamphlets\Divorce Process.wpd

THE DIVORCE PROCESS



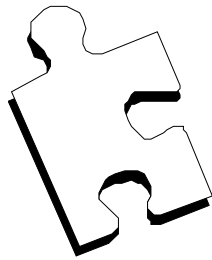
1. PREPARE AND FILE DOCUMENTS

Complete Court documents (Complaint, Poverty Affidavit, Information Sheet, Judgment Entry and other required documents).

Make four copies of all documents, except the Judgment Entry. Keep the original copy of the Judgment Entry—you will have to get the Judge to sign it at your hearing.

Take all copies of the completed documents to the Clerk's office to be filed.

The Clerk will timestamp the documents, assign a case number and a judge. The Clerk will give you one set of the documents for your records. Keep this copy in a safe place.



2. SERVICE

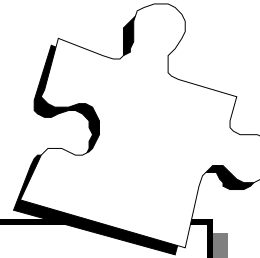
The Court will send one set of documents to your spouse. This is called "Service."

If the Court is unable to "serve" your spouse, you will get a notice in the mail.

If your spouse could not be served, you must complete the document called "Affidavit for Service by Posting."

Make four copies of this "Affidavit."

Take all documents (four copies and the original) to the Clerk's office to be filed. Once again, they will be stamped and you will be given a copy for your records.

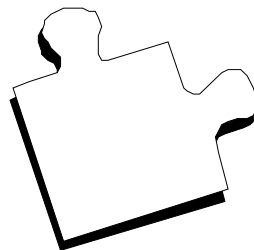


3. ANSWER

Your spouse has 28 days after "Service" to "Answer" your complaint.

An "Answer" is your spouse's written response.

If your spouse files an Answer, you will get a copy in the mail. If you get an Answer, your divorce is no longer uncontested and you may want to get an attorney.



4. HEARING AND FINAL ORDERS

Approximately eight to ten weeks after you file, you will be notified of the date and time of your hearing.

Prepare for the hearing by getting witnesses together and practicing what you will say to the Judge.

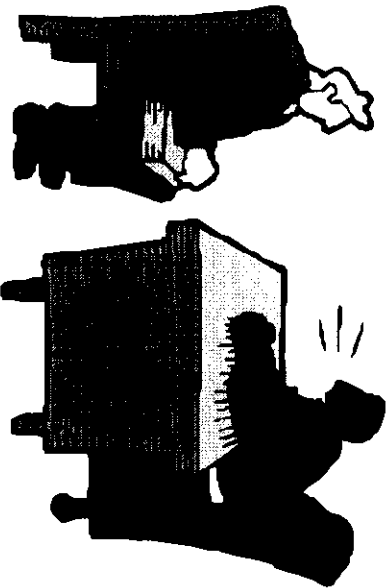
Attend the Hearing and have the Judge sign a Judgment Entry.

Take the Signed Judgment Entry to the Clerk to be time-stamped.

The Court will send you the Judge's Decision by mail.



How to Handle Witnesses When You Are Representing Yourself



When Should I Bring a Witness to Court?

It is always a good idea to bring a witness with you simply to tell the Court that you are an honest person or to confirm that what you are telling the Court is true.

In most cases that come before the Court, both sides are telling a different version of the same story. The Court knows that each side may be telling the version that best serves his or her own interests. The testimony of a witness (someone not involved in the case directly) will make your side of the story more believable.

In some types of cases, you are required by law to bring a witness. For example, in divorce cases, many Courts require a that you bring a witness to testify that you are a person known to have good character in your community (that you are an honest and good person).



What If My Witnesses Can't Come to the Hearing?

Your witness must come to the hearing! A handwritten note from a person will not be accepted by the Court—the witness must show up at the hearing and testify live. Live testimony is required so that the other side has an opportunity to ask questions of your witness as well.

To make sure your witnesses will show up, make sure you call them the week of the hearing and again the day before the hearing to remind them.



Who Should I Bring as a Witness?

→ People who know you and your reputation in the community.

→ People who know about the situation that brought you to the Court from things they have seen or heard. Only use witnesses after you have talked to them and are sure that they will tell the Court what is helpful to your case.

While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With family members and friends, the Court may assume that the person is testifying for you simply because they like you and want you to win.



How Do I Prepare My Witnesses?

→ Think about what is the most valuable thing each witness could say on your behalf.

→ Write down a few questions that will help the witness get the idea across.

→ Practice with your witness ahead of time, so you know what answers will be given.





What Should I Do With My Witnesses at the Court Hearing?

- Start by asking the witness their name and address.
- If your witness is a professional, you should ask what their job is, what their educational degrees are, and how long they have been doing their job.
- Then ask specific questions about what information they have about your case.

With your own witness, it is not okay to ask "leading questions." Leading questions give the witness the answer you want them to say.

You must keep your questions open-ended. *Open-ended questions are Who, What, Where, When, How, and Why questions.*

Examples to use:

- How would you describe my husband's condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

~ ~ ~

What About the Other Side's Witnesses?

The other side will question them first. The judge will give you an opportunity to "cross examine" them (that is, ask them your own questions). You do not have to ask any questions if you think the witness will only repeat what was already said.

When asking questions of the other side's witnesses, you are allowed to ask leading questions. Leading questions have Yes or No answers.

Examples to use:

- Was my husband ever drunk when he dropped the children off at your house?
- Didn't my husband yell and swear at the children when he came to pick them up from day care?

~ ~ ~

Rules To Follow When Questioning Witnesses

- Keep your questions short.
- Never ask a question when you do not know what the answer will be—the answer could hurt your case more than help it.
- If you don't get the answer you were expecting from a witness, do not argue with them or accuse them of lying. It makes you look bad before the judge. Remember . . . politeness at all times!
- If a witness refuses to answer a question, ask the judge to make the person answer.

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Samples of Questions to Ask My Witnesses

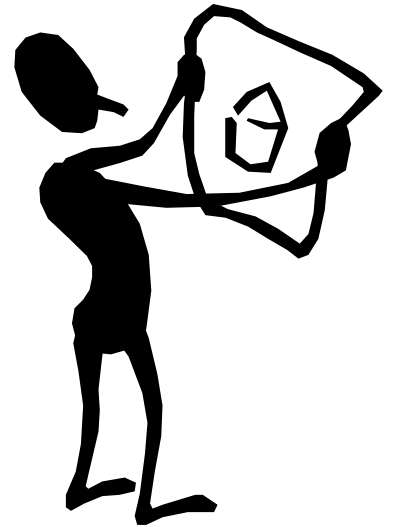
- What is your name?
- What is your address?
- How long have you known me?
- During the time that you have known me, have you become familiar with my reputation in the community?
- Do I have a reputation for good character and honesty in the community?
- From what you know about me, am I someone the Court can rely upon to tell the truth?
- You have heard what I have said in Court. To the best of your knowledge, do you know it to be true?
- Please explain how you know this to be true.

Prepared by:

NAPIL Equal Justice Fellow
Ohio State Legal Services Association
September 2000

Representing Yourself in Court?

How to Use Photographs,
Letters, Business Records,
and Other Evidence to Help
Prove Your Case



What is Evidence?

Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

Your case probably will be decided by a judge. If there is a jury, it will look at admitted exhibits during its deliberations.

For example:

- **In a request for change of custody**, the child's school records could be introduced as evidence that the child's grades have dropped or he/she has missed a significant amount of school while living with the other parent.
- **In a domestic violence or stalking civil protection order case**, a photograph of any injury you suffered or a threatening letter written by your abuser may help your case.
- **In a divorce case**, a copy of tax return documents or documents showing who has title to a car may be introduced as evidence.

Why Use Evidence?

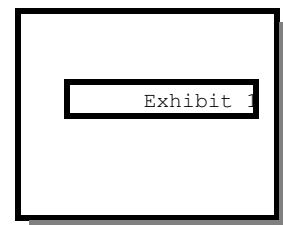
- ➊ Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
- ➋ Evidence may make something **easier to understand**. “A picture is worth a thousand words.” Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.

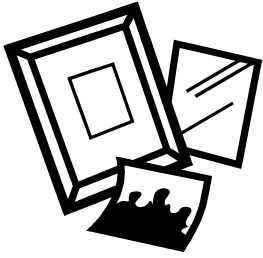
How Do I Present Evidence to the Court?

Each court is different, but in most courts, you can't just walk into court with a photograph or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be “admitted”.

Steps to Follow to Admit Evidence

- ➔ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled “Exhibit 1,” “Exhibit 2,” etc.)
- ➔ Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:
 - ➊ Show the exhibit to the other party or the other party's attorney.
 - ➋ Then “lay the foundation” for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for “laying the foundation” - explaining why and how the exhibit is connected to your case.
 - ➌ Either you or your witness must testify about the exhibit.
 - ➍ Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can't, let the judge decide.
 - ➎ If there are no objections from the other party, or the judge has ruled in your favor, ask the court to “admit the Exhibit into evidence.”





Laying the Foundation for Photographs

1. Explain why a photo is connected to your case. For example:
“This photo shows the injury I suffered after my ex-boyfriend punched and kicked me.”
2. Explain how you know about what is in the photo. For example:
“I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day.”
3. Explain that the photo is timely. For example:
“At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend.”
4. Explain that the photo “fairly and accurately” shows what is depicted in the photo as it appeared on the date relevant to your case. For example:
“This photo is a fair and accurate depiction of how my face and side looked two hours after the incident and for the next two weeks.”

TIP

When using photographs, it is best to use color photos and enlarge them, if possible.

Foundation for Letters

1. Explain why the letter is connected to your case. For example:
“This is the letter that I received from my ex-boyfriend shortly before he beat me up.”
2. Explain when and how you got the letter. For example:
“This letter was shoved under the door to my apartment some time before 6 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day.”
3. Prove that the signature is that of a party to the case. Ways to prove this:
 - **Explain to the court: that you are familiar with the other party’s signature, how you came to know that person’s signature, and that it is your opinion that the signature on the letter is the other party’s signature.**



- **Call a witness who is familiar with the party’s signature, and ask the witness:**
“Do you know the other party in this case? Are you familiar with the party’s signature? How?”

Then show them the letter and ask “Is this the other party’s signature?”

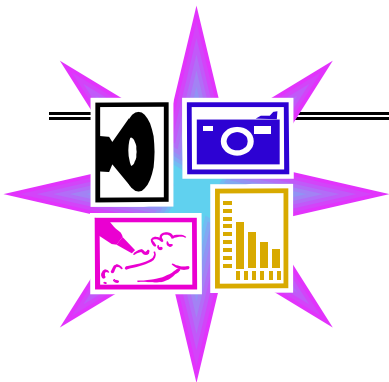
- **Call the person who signed the letter.**
Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).

4. Explain that the letter is in the same condition now as when you received it. (“The letter was kept in a safe place and nothing has been changed since I received it.”)

TIPS

Do not read anything from the letter until the court has admitted it into evidence.

If the other party objects to the letter saying that it is hearsay, respond by saying: “The letter shows the letter writer’s state of mind.”



Laying the Foundation for Documents and Records From Businesses

1. Explain how the document or record is related to your case.
2. Call a witness from the business/agency that produced the record, ask the witness what his or her responsibilities are at the business/agency and how he or she is involved in record keeping.
3. Show the witness the record and ask him/her if it is a record from the business/agency.
4. Ask the witness:
 - Was the record made by a person with knowledge of the acts or events appearing on it.
 - Was the record made at or near the time of the acts or events appearing on it.
 - Is it the regular practice of the business/agency to make such a record, and
 - Was the record kept in the course of a regularly conducted business activity.

TIP

If the record is certified (a statement is attached to the record stating that it is in fact a record from a public agency or it has an agency seal on it) you do not need to do anything before you show it to the judge. Just let the judge know it is certified.

In addition to the forms in this packet, you may find additional forms and informational pamphlets to help you on the internet at the following website:

www.ohiolegalhelp.org

Click on “Statewide Forms and Information”

Locate and click on the legal area that you would like to review – use the “search this site” box if you are not sure which area to review

You can also search this website to learn how to access the local legal services program for your area