

# How to file a Petition for Dissolution with Children



This information is provided as a guide to file a Petition for Dissolution of Marriage in Hamilton County Domestic Relations Court. For legal advice you should contact an attorney. You may call the Cincinnati Bar Association (513-381-8359) or Legal Aid (513-241-9400) to inquire about hiring a lawyer. Court personnel are never permitted to give legal advice.

## **ALL OF THESE FORMS ARE REQUIRED AND MUST BE COMPLETED IN FULL WHEN FILING FOR A DISSOLUTION WITH CHILDREN**

### **Required Forms Checklist:**

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|---|---------------------------------------|
| 1. <input type="checkbox"/> Petition for Dissolution*   | Your Own or Form 17                   |
| 2. <input type="checkbox"/> Separation Agreement  | Your Own or Form 19                   |
| 3. <input type="checkbox"/> Waiver of Service Consent to Merits                                     | Form 9.3A                             |
| 4. <input type="checkbox"/> Waiver of Representation (1 for each unrepresented party)               | Form 9.2                              |
| 5. <input type="checkbox"/> Questionnaire 1.1 ( <u>Must be typed</u> )                              | Form 1.1                              |
| 6. <input type="checkbox"/> Financial Disclosure Affidavit  | Form 7.2                              |
| 7. <input type="checkbox"/> Group Health Insurance Affidavit  | Form 7.16                             |
| 8. <input type="checkbox"/> Affidavit in Compliance with ORC 3127.23                                | Form 2.1                              |
| 9. <input type="checkbox"/> IV-D Application  | Form ODHS 7076                        |
| 10. <input type="checkbox"/> Proof of Attendance at a Court-Approved Parenting Class (Both Parties) |                                       |
| 11. <input type="checkbox"/> Copy of both Parties' Driver license or State ID (1 copy)              |                                       |
| 12. <input type="checkbox"/> Shared Parenting Plan (if appropriate)                                 | Your Own or Form 2.2A<br>or Form 2.2B |

### **\*IMPORTANT NOTE: IF CHILDREN WERE BORN DURING THE MARRIAGE...**

- ...and custody has already been decided by another Court, you must still file the case **WITH** children and address the legal status of the children in the pleading.
- ...and it is claimed that the spouse is not the parent, you must still file the case **WITH** children **UNLESS**:
  - a) Genetic testing has confirmed that the spouse is not the parent. Genetic test results must be attached to the Petition for Dissolution, or
  - b) The Petition for Dissolution includes a statement that the children have been adopted. Proof of the adoption must be attached to the Petition for Dissolution.

# Filing Fee / Number of Copies / Forms



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## Filing Fee

The filing fee is **\$375.00** and is payable by **CASH, PERSONAL CHECK, CERTIFIED CHECK, MONEY ORDER, MASTERCARD, VISA, AMERICAN EXPRESS, or DISCOVER CARD**. If you are paying by credit card, a fee will be added as listed in this schedule: [www.courtclerk.org/forms/pnp\\_schedule.pdf](http://www.courtclerk.org/forms/pnp_schedule.pdf). If using a credit card, the card holder must be present. Checks and Money Orders are to be made payable to:  
**CLERK OF COURTS**

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## Required Copies

The Clerk of Courts will keep the original signed forms when you file them. Additional copies of the forms must be provided for the Court and for your records. Therefore, you must provide the original signed forms and **THREE** sets of copies. Only **one** copy of the Questionnaire and **one** copy of each party's driver license or state ID are required.

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### 1. Petition (Form 17)

There is not a required form for the Petition, so you can provide your own that you have had prepared or you can use our Form 17. The Petition for Dissolution must be completed in full and signed by both parties. The top section of Form 17 includes spaces for Domestic Relations Division and Hamilton County, Ohio. Leave the case number, Judge, and Magistrate lines blank. That information will be assigned at the time of filing.

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### 2. Separation Agreement (Form 19)

You can provide your own Separation Agreement or use our Form 19. The Separation Agreement resolves all issues between the parties and must be completed in full and signed by both parties. Copies of this document will also be needed along with a Decree of Dissolution for the final hearing. For information about Decree documentation, which will be needed at your hearing, see Forms/Procedures Section 3.

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### 3. Waiver of Service Consent to Merits (Form 9.3A)

This document waives service of summons for both parties and consents to have the Magistrate hear their case. It must be signed where indicated by both parties and counsel (if applicable).

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### 4. Waiver of Representation (9.1)

A Waiver of Representation must be signed and filed **by each party** not represented by an attorney. If a party proceeds without an attorney, they are referred to as Pro se (a Latin term meaning "on behalf of themselves").

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## 5. Questionnaire (Form 1.1)

The Questionnaire form, as indicated above, *must be typed*. A template version that can be filled in and printed is available on the Domestic Relations website in Microsoft Word format. If you do not have the Microsoft Word program on your computer, you may type and print this document at Domestic Relations Court's Docket Office at 800 Broadway on the 3rd floor. **It is very important to fully complete every section of this document!**

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## 6. Financial Disclosure Affidavit (Form 7.2)

The Financial Disclosure Affidavit is to be completed by the obligor (the person who is obligated to pay the support to be ordered by the court). This document must be completed and the signature must be notarized.

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## 7. Group Health Insurance Affidavit (Form 7.16)

This form must be completed and your signature must be notarized. Access to health insurance for both parties is reported in this affidavit. The document is divided into columns for plaintiff and defendant and should be completed as fully and accurately as possible.

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## 8. Affidavit in Compliance with ORC 3127.23 (Form 2.1)

This document identifies the minor child(ren) of the marriage, date(s) of birth, and current and prior addresses of the child(ren). Further statements require disclosure of any proceeding regarding the child(ren) in Ohio or another state as well as names and addresses of individuals other than the parties who claim to have custody or visitation rights with regard to the child(ren). This form must be completed and your signature must be notarized.

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## 9. IV-D Application (Form ODHS 7076)

The IV-D Application is an application to receive child support services from Child Support Enforcement Agency. ***The Court requires this document to be completed in all cases involving children, regardless of whether or not child support is ordered.***

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## 10. Helping Children Cope with Divorce

Both parties are required to successfully complete a court-approved parenting class **before** filing the Petition for Dissolution with Children. Three classes will satisfy the requirement: "Parenting Through Transitions" a 2 1/2 hour, in-person class; "Children in Between" an online class; and "Two Families Now" an online class. Certification from the parenting education class is valid for 2 years. Parties must retake the class if certification has expired. The Court receives an attendance roster after each Helping Children Cope with Divorce session but recommends you provide a copy of the Certificate of Attendance distributed at the end of the class to ensure an easy filing process.

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## 11. Both parties must provide one copy of his/her drivers' license or state ID

Although multiple copies are needed of most of the above listed forms, you only need one copy of your license or state ID.

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## 12. Shared Parenting Plan (if requested by the parties)

The options for custody are shared parenting or sole custody. Sole custody would be addressed in the divorce decree. **The Shared Parenting Plan must be approved by the assigned Magistrate prior to the final hearing. Shared Parenting Plans should be submitted at the Decree Office (Room 2-29) immediately after filing the case. To be approved, the plan must be submitted with the following attachments:**

Appropriate Support Worksheet	See Website Links
Standard Parenting Order	Form 7.27
Appropriate Health Care Order	Form 7.17 or 7.20

**Shared Parenting Plans are generally approved or rejected within 5 business days, and can be picked up at the Decree Office (room 2-29).**

## The Filing Process:

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Come prepared: Remember that Court staff members are not permitted to give legal advice.

1. Bring all completed documents to the Domestic Relations Docket Office at 800 Broadway on the 3<sup>rd</sup> floor, Room 3-46. The Docket Office staff will check that all required documents are completed. They will tell you if any paperwork is missing so be sure to refer to the required forms checklist so you don't forget anything.
2. Once the Docket Office approves the completed forms, you will be provided a classification form and be directed to the Clerk of Courts Office, Room 3-47 (both offices are located in the same area on the 3<sup>rd</sup> floor).
3. The Clerk of Courts office will collect the \$375.00 filing fee, assign a case number, and keep your original set of documents for their file. The extra copies of the documents that you have provided will be stamped and returned to you.
4. Next you will go back to the Docket Office and give one of the stamped set of copies to the Docket Clerk. The staff will enter your case into their system, assign a Judge and a Magistrate, and schedule your court date. There is a requirement that the hearing be scheduled at least 30 days from the date of filing and **both parties must be present**. A printout with the Magistrate's name, room number, hearing date, time, and information to prepare for the hearing will be provided.
5. Your case is now filed and your hearing date has been set. Before you leave the courthouse, the Docket Office will direct you to go to the Decree Office on the 2<sup>nd</sup> floor, room 2-29. The Decree Office staff will tell you what you need to bring to court on the date of your hearing.

## The Day of Court:

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### **ARRIVE 30 MINUTES EARLY**

1. When appearing for court date, proper attire is required (no shorts or sleeveless shirts).
2. Bring your documentation to the Decree Office in Room 2-29 on the second floor of the courthouse. The staff will review of your Decree of Dissolution to make sure it has been prepared correctly.
3. After your decree has been approved, you to go to the Clerk of Courts on the third floor in Room 3-47 to "cost out" your decree. Costing out refers to the process of paying the costs on the account that was created when you paid the initial filing fee. Additional funds *may* be required if costs exceed the initial deposit. Certified copies of the Decree of Dissolution may be ordered at this time and are often requested for legal or business purposes once your case is concluded.

4. Next, you must sign in at the information desk in the atrium on the 2nd floor where the Magistrate's courtroom is located. The receptionist will direct you to the Magistrate's room and notify the magistrate when all parties are present for the hearing. Have a seat and wait for your name to be called.
5. If you cannot make it to court on the scheduled hearing date, both parties must request that the hearing be continued. **Very important: The hearing must be held within 90 days of when you filed the Petitioner for Dissolution or it is subject to dismissal.**

If you requested a certified copy of your decree, it may be picked up from the Clerk of Courts office (Room 3-47) once the decree has been signed by the judge - usually two or three days after the hearing. If you would like it mailed to you, please provide a self-addressed, stamped envelope at the time you "cost out" with the Clerk of Courts.