

## **COMPLAINT FOR DIVORCE, LEGAL SEPARATION, ANNULMENT WITH CHILD(REN)**

A Family Information Sheet (DR Form 729) was provided.

The address and telephone numbers for the parties provided on the DR Form 729 matches the address and telephone numbers for the parties in the case caption on the complaint.

### **Case Caption [DR 1(B)]**

Parties' names

Parties' addresses – the filing party may request that their address be confidential through the filing of a motion.

Parties' telephone numbers

### **Jurisdiction and Venue - §3105.62 ORC**

1. Jurisdiction – A statement that the plaintiff has been a resident of the State of Ohio six (6) months preceding the filing of the Complaint.
2. Venue – A statement that the plaintiff has been a resident of Butler County ninety (90) days preceding the filing of the Complaint.

### **Statement of Marriage §3105.63 ORC**

A statement of the date the parties were married.

### **Statement of Children**

A statement of the name(s) and date(s) of birth of the child(ren) born issue of the marriage.

### **Jurisdiction of Child(ren): Juvenile Court or another Court [DR 21(D)]**

1. If Juvenile Court or another Court has jurisdiction over all of the children of the marriage, then the Complaint contains a statement that all of the children are under the jurisdiction of the Juvenile Court or another Court.
2. If Juvenile Court or another Court has jurisdiction over some of the children, the Complaint shall identify that child or those children by name.
3. If Juvenile Court has jurisdiction over all or some of the children, a statement that the allocation of parental rights and responsibilities, including parenting allocation and time, child support, tax exemptions and health insurance are pursuant to the Juvenile Court order and the juvenile case number is provided.

### **Grounds for Divorce**

A statement of the grounds the parties rely upon for divorce.

### **Statement of Military Service [DR 1(D)]**

A statement of whether or not the defendant is in the military service. **(A statement in the body of the Complaint meets this requirement. An affidavit is not necessary. However, a signed and notarized affidavit complies with the rule.)**

### **Counsel Identification**

Counsel for Plaintiff provided their name, Supreme Court Registration Number, address and telephone number.

### **Signatures on Complaint**

1. If Plaintiff is represented by counsel, the Complaint was signed by counsel.
2. If Plaintiff is not represented by counsel, the Complaint was signed by Plaintiff.

### **EX PARTE ORDERS**

(Not required if an approved Separation Agreement is provided)

If no Separation Agreement is provided, a Complaint for Divorce with children must contain *ex parte* orders under certain circumstances.

If a child or all of the children are under the jurisdiction of another Court, then that Court order is controlling. The Complaint for Divorce or signed Separation Agreement must contain a statement addressing the jurisdiction of the children.

### **WHEN PARTIES REMAIN IN THE SAME HOME**

#### **Allocation of Parental Rights and Responsibilities [DR 21 and DR 23]**

1. The Complaint contains an *ex parte* order that provides the parents will share the rights and responsibilities regarding their child(ren) in accordance with established practices of the household
2. The *ex parte* order provides, pending further order of the court, each parent shall be the residential parent of the child(ren).
3. If the filing party wishes to restrict or deny parenting time,
  - a. The Complaint must contain a signed and notarized affidavit of the Plaintiff setting forth why parenting time should be denied or restricted.
  - b. The Complaint must contain an *ex parte* order setting forth the restriction or denial of parenting time.
  - c. The *ex parte* order shall contain a notice of emergency hearing setting forth the name of the hearing officer, and the date and time of the hearing.
  - d. The *ex parte* order shall contain a statement of Service.

#### **Child Support [DR 22]**

The Complaint contains an *ex parte* order which provides that each parent shall continue to provide support in accordance with the established practices of the household.

#### **Health Insurance [DR 22]**

The Complaint contains an *ex parte* order which provides that each party shall maintain all current health insurance coverage for the minor child(ren) in accordance with the established practices of the household.

#### **Payment of Marital Debts [DR 24]**

If the parties are living in the same household, then the Complaint shall contain an order for the payment of marital debts and obligations in accordance with the established practices of the household.

### **WHEN PARTIES ARE SEPARATED:**

#### **Allocation of Parental Rights and Responsibilities [DR 21 and DR 23]**

1. The Complaint contains an *ex parte* order that designates residential parent status to the person who had actual, physical custody of the child(ren) preceding the filing of the Complaint.
2. The *ex parte* order provides a parenting time order for the non-residential parent in accordance with the Parenting Guidelines (DR Form 610), or sets forth a parenting time schedule that the parties have already established.
3. If the filing party wishes to restrict or deny parenting time:
  - a. The Complaint must contain a signed and notarized affidavit of the Plaintiff setting forth why parenting time should be denied or restricted.
  - b. The Complaint must contain an *ex parte* order setting forth the restriction or denial of parenting time.
  - c. The *ex parte* order shall contain a notice of emergency hearing setting forth the name of the hearing officer, and the date and time of the hearing.
  - d. The *ex parte* order shall contain a statement of service.

**Child Support [DR 22]**

1. The Complaint must contain an *ex parte* order, which requires the non-residential parent to pay child support and, if applicable, a cash medical support order.
2. A statement of the child support obligation stated in Appendix A – Child Support Language.
3. The *ex parte* order shall contain one of the four child support obligations:
  - a. If an Administrative Order exists and:
    - i. it is not adopted by a court, then the filing party shall attach the administrative order and adopt the same order as the temporary order of support.
    - ii. it is adopted by a court, then the filing party shall attach the adopted order and shall provide the case number of the Juvenile Court case, provide language that the obligation of support is pursuant to the Juvenile Court order and the order is subject to the continuing jurisdiction of the Juvenile Court.
  - b. If the income of the obligee and obligor is known, child support shall be calculated pursuant to the guidelines and stated in monthly and per pay period, per child terms when health insurance is provided and when health insurance is not provided.
  - c. If the income of the obligor is unknown, but the employment is known, a statement that the income information is being obtained by subpoena *duces tecum*.
  - d. If both the income and employment of the obligee or obligor is unknown, a statement that the information cannot be obtained by reasonable means and a statement that child support was calculated in one (1) the following manners:
    - i. The filing party has made a good faith estimate based upon past income information of the obligee's or obligor's income and calculated child support in accordance with the guidelines.
4. If the obligor has no income, the order will provide that the obligor seek work and pay the current statutory minimum support order (currently \$50.00 per month for all children subject to the order). If the obligor has no income and the filing party believes the obligor is voluntarily unemployed or underemployed, then the filing party may request a hearing for the court to impute income.
5. If the child support obligation deviates from guideline child support, then a Notice to Case Management Form DR C-16 is attached.
6. Temporary child support orders shall be effective the first Friday following service.
7. Temporary orders shall be payable in one of the following ways:
  - a. If a temporary child support order requires the payment of a cash medical support order, the temporary order, plus the 2% processing fee shall be paid through CSEA.
  - b. If a temporary child support order does not require the payment of a cash medical support order, the temporary order shall be paid directly to the obligee.

**Health Insurance [DR 22]**

1. The Complaint must contain an *ex parte* order that provides that the parties shall pay for the child(ren)'s health care expenses in accordance with the established practices of the household.
2. The *ex parte* order shall contain a statement that the parties shall maintain their current health insurance policies.

**Payment of Marital Debts [DR 24]**

If, at the time of filing, the parties are living in separate households, either party may file a motion for a temporary order allocating debts and expenses.

**Restraining Order [DR 26]**

1. If a Restraining Order is requested, a signed and notarized affidavit setting forth the reasons for the request was provided.
2. The restraining order complies with the mandatory language.

Eff. 12/1/08

**Number of Copies [DR 14]**

Two copies, plus the original, of the Complaint were provided.

**Required Documents to be submitted with Complaint**

If the parties used the Court's standard guideline order for parenting time or holidays, then a copy of Form DR610 was provided.

Notice to Attend Mandatory Education (Form DR 628) was provided.

The Guidelines for Parents Living in Different Homes (Form DR 803) was provided.

A current signed and notarized Information for Parenting Proceeding Affidavit was provided.

A completed and signed child support computation worksheet was provided.

A completed Appendix B – Affidavit of Available Health Care Coverage was provided.

If child support is ordered and paid through CSEA, a Form DR201 was provided.

If child support is ordered and paid through CSEA, a original IV-D application was provided.

A completed DR 617 was provided.