

**INSTRUCTIONS FOR
FILING A CASE IN
HANCOCK COUNTY DOMESTIC RELATIONS (DR) COURT**
YOU ARE STRONGLY ENCOURAGED TO GET ASSISTANCE FROM AN ATTORNEY

When you file cases with the Court, you must provide all required forms and include all requested information. If the forms are incomplete, absent, or illegible, the court may deny your request for a court order or a hearing. If you do not know an answer to a request for information, you must state “unknown.” Once the Clerk of Courts (located on the 3rd floor of the Hancock County Court House) assigns a case number when a divorce, dissolution, or other domestic case is initially filed, you will use that case number in all later hearings and motions that relate to that case and orders issued by the court in that case. All papers are filed with the Clerk of Courts even though the DR Court is on another floor.

In addition to preparing all the papers, you must also pay a filing fee to the Clerk of Courts when you file a complaint, counterclaim, petition for dissolution, or post-decree motion. The fee schedule can be obtained by calling the office of the Clerk of Courts at 419-424-7037 or online at the Court website at www.co.hancock.oh.us/commonpleas. If you do not have funds to pay the filing fee, you may complete the “Motion to File Without Pre-Payment of Costs” and “Affidavit of Indigency” to file with your papers. If you are filing a Petition for Dissolution, both of you must complete and file an “Affidavit of Indigency.” You must also provide the “Order for Filing” to the Clerk to take to the Magistrate and Judge for them to decide if you should have to pay all or only part of the deposit when you file. Even if you do not have to prepay the costs, you may have to pay later or at the end of the case.

DR forms are available at the court’s website at www.co.hancock.oh.us/commonpleas or at the Hancock County Law Library. Some circumstances may arise for which there are no standard forms, and you will need to write your own motions (requests for orders). Just remember that you will always use the same caption (court, party names, case number), and you need to write out what you want the court to do and why.

Do not include your full social security numbers or those of your children, or financial account numbers, in the documents filed with the Clerk of Courts. Please ask the Clerk of Courts about a form for providing “personal identifies” when you file any action.

Anything that you file with the court must be served on all other parties. That means that you have to send a copy to your spouse, ex-spouse, guardian ad litem, or anyone else who is listed as a party to your case. Some papers have to be served through the Clerk of Courts office. For the types of papers included in these instructions, we have indicated whether you have to give a Request for Service to the Clerk or include your own Proof of Service that you mailed copies.

If you are filing an original case (that is, you have not already filed for or been granted a divorce, dissolution, or order of legal separation), these are the papers you need to file with the Clerk of Courts:

Complaint for Divorce:

1. The Complaint for Divorce.
2. The Personal History and Financial Affidavit (Appendix A to Local Rules of Court) – this must be signed in front of a notary public and then notarized by that person.
3. If there are children, the Parenting Affidavit, which also must be signed and notarized.
4. The Case Designation Sheet.
5. The Request for Service – the Complaint has to be served by the Clerk of Courts.
6. If you want a temporary restraining order, the Motion for Mutual Restraining Orders and the Mutual Restraining Order.
7. If you want any other temporary orders, including designation as temporary residential parent (what we sometimes call “custody”), you have to file a motion requesting that.
8. A Notice of Hearing if you are asking for any temporary orders other than a Mutual Restraining Order.
9. Although not required at the time of filing the complaint, if there are minor children, you will need to file certificates showing completion of an approved parenting class. Information about this class may be obtained by calling the DR Court at 419-424-7818.

Petition for Dissolution:

1. The Petition for Dissolution of Marriage with a Separation Agreement attached to it – the agreement must specify what happens to all your property, whether anyone has to pay spousal support (what we used to call alimony), and, if there are children, when the children will be with which parent and what financial arrangements have been made (child support, medical insurance, medical bills, tax exemption). If there are minor children, you must include a Child Support Computation Worksheet. Worksheets can be completed at the Hancock County Department of Job & Family Services, 7814 C.R. 140, Findlay, Ohio, you may contact an attorney to assist you with the worksheet, or may locate other resources.
2. The Personal History and Financial Affidavit (Appendix A to Local Rules of Court) – this must be signed in front of a notary public and then notarized by that person. You may complete one form jointly, or you may each complete an affidavit.
3. If there are children, the Parenting Affidavit, which also must be signed and notarized.
4. The Case Designation Sheet.
5. The Waivers of Service of Summons.
6. If there are minor children, the certificates showing completion of an approved parenting class. Information about this class may be obtained by calling the DR Court at 419-424-7818.
7. The Decree of Dissolution must be prepared and brought to the final hearing. You must attach copies of the Separation Agreement to the Decree of Dissolution, and you must have at least two copies of the Decree and Agreement (three copies if there is a child support order).

Answer to a Complaint:

If you have received a Complaint, you file:

1. The Answer, with a Proof of Service showing how and when you sent a copy to the other party.
2. The Personal History and Financial Affidavit (Appendix A to Local Rules of Court) – this must be signed in front of a notary public and then notarized by that person.

3. If there are children, the Parenting Affidavit, which also must be signed and notarized.

If you want to Answer and also file a Counterclaim asking for a divorce or legal separation from your spouse, you file:

1. The Answer and Counterclaim with a Proof of Service showing how and when you sent a copy to the other party.
2. The Personal History and Financial Affidavit (Appendix A to Local Rules of Court) – this must be signed in front of a notary public and then notarized by that person.
3. If there are children, the Parenting Affidavit, which also must be signed and notarized.

If you are filing a Post-Decree Motion (that is, you have already been granted a divorce, dissolution, or legal separation and want to change something or enforce the prior orders), these are the papers you need to file with the Clerk of Courts:

Motion for Modification of Parental Rights and Responsibilities:

This may include what we sometimes call a “change of custody” or a change in or establishment of “visitation.”

1. The Motion for Modification of Parental Rights and Responsibilities.
2. The Parenting Affidavit, which must be signed and notarized.
3. A Notice of Hearing.
4. The Request for Service – the motion, which re-opens a closed case, has to be served through the Clerk of Courts.
5. Although not required to be filed when you file your motion to change the parental allocation, you may have to attend a parenting class. You may contact the Domestic Relations Court at 419-424-7818 to determine if you need to attend.

Motion to Modify Child Support Obligations:

Whether you want the monthly support to increase or decrease, or to change the responsibility for medical insurance/expenses, or to change who can claim the children as tax dependents, you are asking that a support obligation be modified.

1. The Motion to Modify Child Support Obligations.
2. The Request for Service – the motion, which re-opens a closed case, has to be served through the Clerk of Courts.
3. A Notice of Hearing.

Before filing a motion with the court, you may want to contact the Child Support Enforcements Agency at 419-424-1365 and which is located at 7814 County Road 140, Findlay, Ohio. If you request a modification of the monthly support amount, the agency caseworker will gather income information to recalculate support and make a recommendation of the new amount. If you do not agree with the recalculated amount, you may still request an administrative hearing and/or a court hearing on the modification of child support.

Motion for Contempt:

1. The Motion for Contempt, which includes notices of potential penalties and the party’s right to counsel.
2. A Notice of Hearing *OR* the Order to Appear and Show Cause.

3. The Request for Service – this type of motion has to be served through the Clerk of Courts.

Domestic Relations Forms

The following forms used in Domestic Relations Court, Hancock County, Ohio, are available as guidance in preparation of documents that may be needed in that Court:

Case Designation Sheet – given to the Clerk of Courts when you file a new case

Complaint for Divorce – filed to begin the divorce case

Parenting Affidavit – required for all actions involving minor children

Motion for Mutual Restraining Orders – filed with a complaint or counterclaim to have the court prohibit transfer of money or property and prohibit harassing each other

Mutual Restraining Order – provided to the court for approval if you ask for restraining orders

Request for Service – filed with a complaint or motion (that re-opens a case) to have the Clerk of Courts send documents to the other party

Motion to File Without Prepayment of Costs, Affidavit of Indigency, and Order for Filing – you complete and file the motion and affidavit to show the court why you cannot pay the full cost deposit, and you give the Clerk of Courts the Order for Filing to take to the Magistrate or Judge to see if they will approve your request

Answer – filed if you want to respond to your spouse's complaint for divorce or legal separation

Answer and Counterclaim – filed if you want to respond to the complaint and to file your own request for a divorce or legal separation

Petition for Dissolution – signed by both spouses and filed when you both want to end the marriage and you both have agreed in writing about what happens regarding the children and your property and debts

Waivers of Service of Summons – filed with a petition for dissolution so the Clerk of Courts does not have to send you another copy of your petition

Separation Agreement – what you must file with the petition for dissolution to show the details of your agreement. The form provided is only for couples without children because of the complexity of issues regarding children.

Decree of Dissolution – you must take this with you when you go to your dissolution hearing, and you will need to have at least two copies of the decree and at least three copies of the separation agreement.

Request for Continuance – to be filed when you have a good reason to ask to change the date and time of a hearing scheduled by the court; this is to be filed at least 7 days before the scheduled hearing unless you can show an emergency.

Notice of Hearing – to be provided to the court assistant for scheduling a hearing that you have requested

Request to Extend Time to File Objections to Magistrate's Decision – to be filed to get time to get the transcript before you actually detail why you think the Decision was wrong

Objections to Magistrate's Decision – to be filed to explain why you object to any Decision that a Magistrate has filed

Request for Audio CD – to order an audio CD for the preparation of a transcript by an approved court reporter; needed when objecting to a Magistrate's Decision.

Notice and Request to Dismiss/Judgment Entry – if you decide to dismiss a case or motion that you filed

Notice of Intent to Relocate – notice that a residential parent will be moving

Motion for Contempt with Instructions for Service – filed if you believe the other party has violated a court order; tells what you think he/she did wrong, gives notice of potential penalties, and tells the Clerk how to send it to the other party

Order to Appear and Show Cause – can be filed with Motion for Contempt to get court order requiring the other party to appear at the hearing

Motion for Modification of Parental Rights and Responsibilities – filed when you want the court to change some orders regarding residential parent, legal custody, shared parenting, parenting time (i.e. visitation); you must also file a request for service and a parenting affidavit.

Motion to Modify Child Support Obligations – filed when you want the court to change some orders regarding who pays what and how much for the children

Consent Judgment Entry – completed and taken to Domestic Relations Court if you and your former spouse agree to some changes in the parenting arrangements (residential parent, parenting time, support). You prepare a Consent Judgment Entry in this form to address the areas you want to modify by agreement. You must include a child support worksheet when modifying

residential parent or child support, and you must submit a new parenting affidavit to provide current information. Worksheets are available at the Hancock County Department of Job & Family Services, or you may want to contact an attorney for assistance.

Order for Health Insurance Coverage – must be included in all orders regarding support of children as medical support/insurance is part of the obligation of support.

Motion/Consent Judgment Entry for Arrearages in Child Support – If both parties to a support order agree that a credit should be given against an existing arrearage, this can be completed and submitted to the Domestic Relations Court.

Objection to Administrative Action of CSEA & Request for Court Hearing - if the CSEA recommended a change in support with which you disagree, you file this with the Hancock County Clerk of Courts. There is no filing fee to file this objection. The period in which you must object is included in notices sent to you by CSEA.

Note: THESE FORMS DO NOT REPRESENT ALL DOCUMENTS THAT MAY BE FILED IN THE DOMESTIC RELATIONS COURT. SOME REQUIRED FORMS ARE FOUND IN THE LOCAL RULES FOR THE DOMESTIC RELATIONS DIVISION, AND THOSE ARE AVAILABLE BY CLICKING ON "LOCAL RULES OF COURT" AND THEN ON "DOMESTIC RELATIONS RULES." EACH CASE IS DIFFERENT, AND YOU HAVE TO ADJUST WHAT YOU FILE TO YOUR PARTICULAR CASE. THESE ARE PROVIDED TO ASSIST YOU IN PREPARING YOUR DOCUMENTS, NOT TO GUARANTEE THAT YOU WILL HAVE ALL POTENTIAL PAPERWORK OR THAT YOU WILL BE GRANTED WHAT YOU WANT.