

INSTRUCTIONS FOR SUBMITTING A COMPLAINT FOR DIVORCE

BUTLER COUNTY DOMESTIC RELATIONS COURT

DISCLAIMER: This form has been provided to you as a public service of the Butler County Domestic Relations Court. If you choose to represent yourself and use this form, please understand that state law prohibits the staff of the Domestic Relations Court to provide legal advice. Local Rules of Court are available online at www.butlercountydrcourt.org. If you have questions regarding your legal rights, or your responsibilities, you must contact an attorney. You can call Legal Aid at 241-9400 or the Butler County Bar Association at 896-6671.

DEFINITION: A Divorce is a legal end to the marriage between spouses.

STEPS FOR FILING A COMPLAINT FOR DIVORCE

1. Before filing a Complaint for Divorce, all pleadings **must** be completed and submitted to the Butler County Domestic Relations Case Management Office for review. The Case Management Office will determine if your complaint complies with the Ohio Revised Code, Ohio Rules of Civil Procedure and local rule of court.
2. If you are filing for a complaint for divorce and there are **no minor children involved**, you must prepare and complete a Complaint for Divorce. The original complaint plus three (3) copies must be submitted.

The Court will provide you with the following forms to be completed:

- a. A Family Information Sheet (Form DR729);
- b. An Affidavit of Property (Form DR602-B) to be exchanged between the parties; and
- c. If a Separation Agreement is being filed and spousal support is ordered:
 - 1) An Affidavit of Income to be exchanged between the parties;
 - 2) An Affidavit of Expenses to be exchanged between the parties,
 - 3) A Withholding Order Information Sheet (Form DR201);
 - 4) An Addendum to Separation Agreement-Division of Personal Property (Form DR634).
3. If you are filing for a complaint for divorce and there **are minor children involved**, you must prepare and complete a Complaint for Divorce. The original complaint plus four (4) copies must be submitted.

The Court will provide you with the following forms to be completed:

- a. A Family Information Sheet (Form DR729);
- b. An Affidavit of Property (Form DR602-B) to be exchanged between the parties;
- c. Basic Child Support Schedule (Form DR626);
- d. Supreme Court Affidavit 4;
- e. Title IV-D Application (Form ODHS 7076);
- f. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201); and

- g. A Notice to Attend Mandatory Education Class (Form DR628);
 - h. An Information for Parenting Proceeding Affidavit (Form DR616) or Supreme Court Affidavit 3; and
 - i. Guidelines for Parents Living in Different Homes (Form DR803).
 - j. If a Separation Agreement is being filed and spousal support is ordered:
 - 1) An Affidavit of Income to be exchanged between the parties;
 - 2) An Affidavit of Expenses to be exchanged between the parties,
 - 3) A Withholding Order Information Sheet (Form DR201);
 - 4) An Addendum to Separation Agreement-Division of Personal Property (Form DR634); and
 - k. A Mandatory Language Form (Form C15).
4. Once your complaint and forms are completed, you must submit them to the Case Management Office for review and approval. The Case Management Office will determine if your complaint and forms comply with the Ohio Revised Code, Ohio Rules of Civil Procedure and Local Rules of Court.
 5. After your complaint and forms are approved, you will need to file it with the Clerk of Courts' Office and pay the filing fee. Please contact the Clerk of Courts at 887-3278 if you have any questions about methods of payment for filing fees.

If there are minor children born of the marriage	\$377.00
If you there are no minor children born of the marriage	\$261.00

6. If there are minor children, parties must complete the mandatory Parent Education Class. You can register by calling Forensic and Mental Health Services, Inc. at (513) 869-4014.
7. Once your case is filed and service has been perfected, a twenty eight (28) day waiting period must occur to allow the defendant to file an Answer if they choose.
8. If no Answer is filed at the end of the waiting period and you have scheduled your mandatory Parent Education Class, your case will automatically be set by the Court for a Final Non-Contested Hearing.
9. If your case is proceeding as a non-contested divorce, the Plaintiff shall prepare and mail a copy of the proposed decree(s), which have already been approved by the Case Management Office, to the Defendant at least fourteen (14) days prior to the final hearing date **UNLESS** the Plaintiff specifically alleged in his/her Complaint for Divorce and the Decree(s) provides for the following:
 - a. The parties have no minor children;
 - b. The parties own no real estate;
 - c. The parties own personal property of equity less than five thousand dollars, (\$5,000.00); and
 - d. There is no request or award for spousal support.
10. The Plaintiff shall serve the approved proposed decree by ordinary mail. A certificate of service shall be filed with the Clerk of Courts.
11. Mailing of a proposed decree shall not be required when the Defendant was served by posting or publication and his/her whereabouts continue to be unknown to the Plaintiff.

12. If an Answer is filed before the end of the waiting period, your case will automatically be set by the Court for a Scheduling Conference. You will need to prepare a Decree following your Final Hearing.
13. If one or both parties cannot be present, the parties must notify the Judicial Case Manager at least seven (7) days before the scheduled hearing date by dialing (513) 887-3100 ext. 2 (Hamilton) or (513) 424-5351 ext. 3100 (Middletown).