

COMPLAINT FOR DIVORCE, LEGAL SEPARATION, ANNULMENT WITH CHILDREN CHECKLIST

Family Information Sheet (Form DR729)

The address and telephone numbers for the parties provided on the Form DR729 matches the address and telephone numbers for the parties in the case caption.

Case Caption [DR1(B), DR12]

1. Parties' names.
2. Parties' addresses. The filing party may request that their address be confidential through the filing of a motion.
3. Parties' telephone numbers.
4. Parties' date of birth.
5. The caption of each pleading shall contain the identification: Court of Common Pleas, Butler County, Ohio, Domestic Relations Division and further identification of the type of pleading.

Style of Pleading [DR12]

1. All pleadings and forms required by the Court shall be typewritten or printed legibly in ink.
2. All pleadings and forms shall be printed on white letter size paper (approximately 8 ½" by 11").
3. All pleadings and forms shall be printed on one side only, with 1" margins, and each page shall be numbered.

Venue - §3105.03 ORC

1. A statement that the Plaintiff has been a resident of the State of Ohio for six months immediately preceding the filing of the Complaint. (With the exception of Legal Separation)
2. A statement that the Plaintiff has been a resident of Butler County for ninety days immediately preceding the filing of the Complaint.

Statement of Marriage - §3105.03 ORC

1. A statement of the date the parties were married.
2. A statement or affidavit of whether the parties ever resided during the marriage in the State of Ohio.

Grounds for Divorce

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

Statement of Children

1. 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 [DR20(B)]

1. If Juvenile Court or another Court has jurisdiction over any of the children of the marriage, or any of the children are subject to a parenting order through a "DS" case

from this Court pursuant to O.R.C. 2301(K) then:

- a. The Complaint identifies those children by name.
- b. The Complaint states the case numbers for the Juvenile Court, another Court or DS case that has jurisdiction over the children.
- c. The Complaint states which allocation of parenting rights and responsibilities (including parenting allocation of parenting time, child support, tax exemptions, and health insurance) are included in the order from Juvenile Court, another Court or this Court pursuant to a parenting order.
- d. A copy of the order shall be attached.

Statement of Military Service [DR1(D)]

1. 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.)**

Ex parte Orders

(Not required if an approved Separation Agreement is submitted)

WHEN PARTIES REMAIN IN THE SAME HOME

Allocation of Parental Rights and Responsibilities [DR20]

1. The Complaint contains a motion and *ex parte* order regarding allocation of parental rights and responsibilities. The *ex parte* order must contain the following:
 - a. A statement that the parents will share the rights and responsibilities regarding their child(ren) in accordance with established practices of the household.
 - b. A statement pending further order of the court, each parent shall be the residential parent of the child(ren).
 - c. The mandatory language regarding the notice of intent to relocate.
 - d. An order of equal access to the child(ren)'s school or medical records **or** an order limiting a parent's access.
 - i. Any order limiting a parent's access shall contain specific findings of fact which support such limitation.
 - ii. A notice to the keeper of records regarding failure to comply.
2. *Ex parte* orders shall only be issued at the time of initial filing. If circumstances change after the filing of the *ex parte* order, the parties must seek a new order by motion and hearing or submit an Agreed Entry accompanied by a Form C16 Notice to Case Management.

Child Support [DR21]

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

Health Insurance [DR21]

1. The Complaint contains a motion and *ex parte* order that shall contain a statement of the health insurance obligation stated in Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE ORDERS ONLY*. The *ex parte* order must contain the following:

- a. Mandatory language that the parties shall continue to provide health insurance for the minor children according to the standard practices of the household.
- b. Mandatory language that the employer of the person required to obtain private health insurance is required to release to the other parent private health insurance coverage information.
- c. Mandatory language that the person required to obtain private health care insurance coverage for the children obtains new employment, the agency shall comply with the requirements of section 3119.34 of the Revised Code.

Payment of Marital Debts [DR22]

1. If the parties are living in the same household, then the Complaint shall contain a motion for the payment of marital debts and obligations.
2. If the parties are living in the same household, then the Complaint shall contain an *ex parte* order for the payment of marital debts and obligations in accordance with the established practices of the household.
3. All requests for *ex parte* orders for payment of marital debt must have a signed and notarized affidavit.

WHEN PARTIES ARE SEPARATED:

Allocation of Parental Rights and Responsibilities [DR20]

1. The Complaint contains a motion and *ex parte* order regarding allocation of parental rights and responsibilities. The *ex parte* order must contain the following:
 - a. A statement that designates residential parent status to the person who had actual, physical custody of the child(ren) the majority of the time through a regular and routine schedule preceding the filing of the Complaint.
 - b. A parenting time order for the non-residential parent in accordance with the Parenting Guidelines (Form DR610.1), or sets forth a parenting time schedule that the parties have already established.
 - c. The mandatory language regarding the notice of intent to relocate.
 - d. An order of equal access to the child(ren)'s school or medical records **or** an order limiting a parent's access.
 - i. Any order limiting a parent's access shall contain specific findings of fact which support such limitation.
 - ii. A notice to the keeper of records regarding failure to comply.
2. 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 *ex parte* order must contain the following:
 - i. A statement setting forth the restriction or denial of parenting time.
 - ii. A notice of hearing setting forth the name of the hearing officer, and the date and time of the hearing.
 - iii. A statement of service.
3. If at the time of filing there is a civil protection order that contains an order for parenting:
 - a. The terms of the civil protection order's parenting order shall be written into the *ex parte* order.

- b. A copy of the entire, most recent, civil protection order shall be attached.

Child Support [DR21]

1. The Complaint must contain a motion and *ex parte* order, which requires the non-residential parent to pay child support. 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 another court, then filing party shall:
 1. Attach the administrative order and calculation sheet;
 2. Shall provide language adopting the same order as the temporary order of support. The effective date of the order is set forth in the Administrative Order.
 3. If the administrative order was issued on or before March 27, 2019, the filing party shall provide a statement of the child support obligation stated in Appendix A – Child Support Language.
 4. If the administrative order was issued after March 27, 2019, the filing party shall provide a statement of the child support obligation stated in Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE* ORDERS ONLY.
 - ii. It is adopted by a Juvenile Court, then the filing party shall:
 1. Attach the adopted order;
 2. Shall provide the case number of the Juvenile Court case;
 3. Shall state the obligation of support is pursuant to the Juvenile Court order;
 4. Shall state the order is subject to the continuing jurisdiction of the Juvenile Court.
 - iii. It is adopted through the Domestic Relations Court via a DS case pursuant to O.R.C. 2301.03(K), the filing party shall:
 1. Attach the adopted order and calculation worksheet.
 2. Provide the “DS” case number.
 3. Provide language that the obligation of support is pursuant to the “DS” case and the order is subject to the continuing jurisdiction of the Domestic Relations Court in the “DS” case, until a final appealable order issues in the “DR” divorce case.
 - b. If the income of the obligee and obligor is known, child support shall be calculated pursuant to the guidelines and the filing party shall provide a statement of the child support obligation stated in Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE* ORDERS ONLY.
 - 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*. No child support calculation sheet is required.
 - 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 the past income information of the obligee’s or obligor’s income and

calculated child support in accordance with the guidelines. The filing party shall provide a statement of the child support obligation stated in Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE* ORDERS ONLY.

- ii. The filing party does not know if the obligee or obligor has any income and child support is in accordance with the statutory minimum support order (currently \$80.00 per month for all children subject to the order) and the obligor shall seek work.
 1. The filing party shall provide a statement of the child support obligation stated in Appendix 1(a) – Child Support and Health Insurance Language for *EX PARTE* ORDERS ONLY.
 2. 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.
2. If the child support obligation deviates from guideline child support, then a Notice to Case Management Form C16 is attached.
3. The *ex parte* order must contain the following:
 - a. A statement that the temporary child support order shall be effective the first Friday following service.
 - b. Mandatory language regarding the duty of support continuing beyond the age of majority.
 - c. Mandatory language requiring withholding order to issue.
 - d. Mandatory language regarding payment through CSEA directly until a withholding goes into effect.
 - e. Mandatory language regarding acceptance of payments of support not made through the CSEA shall be deemed a gift.
 - f. Mandatory language regarding notice to the CSEA of current address.
 - g. Mandatory language regarding parties' duty to notify CSEA in writing of change in employment or availability of any other sources of income.
 - h. Mandatory language regarding payment methods.
 - i. The *ex parte* order shall specifically identify the deduction order to be issued.

Health Insurance [DR21]

1. The Complaint must contain a motion and *ex parte* order that provides for health insurance coverage of the child(ren).
2. The *ex parte* order must contain the following:
 - a. Mandatory language that the parties shall continue to provide health insurance for the minor children according to the standard practices of the household.
 - b. Mandatory language that the employer of the person required to obtain private health insurance is required to release to the other parent private health insurance coverage information.
 - c. Mandatory language that the person required to obtain private health care insurance coverage for the children obtains new employment; the agency shall comply with the requirements of section 3119.34 of the Revised Code.

Payment of Marital Debts [DR22]

1. 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.

Service

1. A statement of instructions or request for service signed by the party or counsel.

Counsel Identification

1. 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.

Number of Copies [DR13]

1. Four (4) copies, plus the original.

Required Documents to be submitted with Complaint

1. Originals only:
 - a. A Family Information Sheet (Form DR729).
 - b. Health Insurance Affidavit or Supreme Court Affidavit 4.
 - c. Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201).
 - d. An original Title IV-D Application (Form ODHS 7076).
2. Originals plus 4 copies:
 - a. Guidelines for Parenting Time (Form DR610.1), if applicable.
 - b. Guidelines for Parents Living in Different Homes (Form DR803).
 - c. Notice to Attend Mandatory Education (Form DR628).
 - d. A current signed and notarized Information for Parenting Proceeding Affidavit (Form DR616).
 - e. A completed and signed child support computation worksheet.