

**DECREE OF DIVORCE WITH CHILDREN  
WITH A SEPARATION AGREEMENT  
NO SHARED PARENTING PLAN CHECKLIST**

**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 name of the assigned judge.
6. Case number.
7. 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.
8. The case caption shall contain the words "Final Appealable Order".

**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.

**Duration of Marriage [DR49(B)(4)]**

1. A finding of fact regarding the duration of the marriage, or a specific waiver of such finding.

**Statement regarding the grounds for Divorce [DR49(B)]**

1. A statement regarding the grounds for divorce is required.

**Statement of Children**

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

**Statement of Hearing**

1. A place for the name of the hearing officer who heard the case in the body of the Decree.
2. A place for the date the hearing was held in the body of the Decree.
3. If a magistrate heard the hearing, a waiver of findings of fact and conclusions of law and objection period unless a Form DR18 is filed.

**Affidavit of Military Service [DR49(B)(1)(f)]**

1. An affidavit regarding whether or not the defendant is in the military service.

**Statement regarding Separation Agreement.**

1. A statement incorporating the Separation Agreement by reference into the Decree is required.

### **Jurisdiction of Child(ren): Juvenile Court or another Court [DR49(C)]**

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 Decree identifies those children by name.
  - b. The Decree states the case numbers for the Juvenile Court, another Court or DS case that has jurisdiction over the children.
  - c. The Decree 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.
2. When the children are subject to a parenting order through a “DS” case from this Court pursuant to O.R.C. 2301(K), every decree and final order for divorce, annulment or legal separation shall include:
  - a. A statement that this Court, through case number “DS\_\_\_\_\_” has jurisdiction over some or all of the children of a marriage and identify those children by name.
  - b. That the parenting order adopted in the decree and final order addresses all parenting issues.
  - c. A statement that “DS\_\_\_\_\_” shall be dismissed upon filing of the decree and final order, and that all further parenting issues will be addressed in the “DR” case.

### **Allocation of Parental Rights and Responsibilities [DR49(C)]**

#### **Parenting Allocation and Time**

1. A statement regarding the name(s) and date(s) of birth of the child(ren) born issue of the marriage.
2. A statement of the physical living arrangements for the child(ren) and a designation of which parent is the residential parent.
3. A specific schedule of parenting time with each parent must be included.
4. A statement as to the parent with whom the children will be physically located during holidays, school holidays, and special dates of importance.
5. An order that any person who is the residential parent of a child, including any party to a Shared Parenting Decree, and any other legal custodian, shall send a notice of intent to relocate to the Domestic Relations Court Case Management Office.
6. The mandatory language regarding the notice of intent to relocate is required.
7. An order of equal access to the child(ren)’s school or medical records **or** an order limiting a parent’s access.
8. Any order limiting a parent’s access shall contain specific findings of fact which support such limitation.
9. A notice to the keeper of records regarding failure to comply.

#### **Child Support**

1. A statement of the child support obligation stated in Appendix A – Child Support Language.
2. If the child support obligation deviates from guideline child support, then a Notice to Case Management Form C16 is attached.
3. A statement that the cash medical support order is not subject to the deviation.

4. Mandatory language regarding the duty of support continuing beyond the age of majority.
5. Mandatory language requiring withholding order to issue.
6. Mandatory language regarding payment through CSEA directly until a withholding goes into effect.
7. Mandatory language regarding acceptance of payments of support not made through the CSEA shall be deemed a gift.
8. Mandatory language regarding House Bill 352.
9. Mandatory language regarding parties' duty to notify CSEA in writing of change in employment or availability of any other sources of income.
10. Mandatory language regarding payment methods.
11. Mandatory language regarding any change in the status of the minor children of the parties which would terminate or modify the duty of the obligor.
12. The Decree shall specifically identify the deduction order to be issued.
13. A statement of child support arrears.
14. Mandatory Language regarding instructions to make payments through CSEA.
15. Mandatory Language regarding instructions to make payments through OCSPC.

**Tax Exemptions [DR49(C)]**

1. The Decree shall specify any children that either parent shall be entitled to claim as dependent(s) for federal income tax purposes.
2. The Decree shall specify the tax year(s) for which the child(ren) may be claimed as dependent(s)
3. The Decree shall provide the name of the person who may claim the child(ren) and the requirement that the person claiming them shall be substantially current in payment of child support for any tax years for which the child(ren) are claimed as dependents on or before January 31<sup>st</sup> of the following year.

**Health Insurance [DR49(C)]**

1. A statement that conforms with one of the provisions in Appendix C – Health Insurance Language.
2. A statement specifically designating that both the obligor and obligee are liable for health care of the children.
3. A statement providing the name, address, and telephone number of the individual reimbursed for out-of-pocket medical, optical, hospital, dental, or prescription expenses for each child.
4. A statement that the health plan administrator may continue making payment for medical, optical, hospital, dental, or prescription services directly to any health care provider in accordance with the plan.
5. A statement that any person required to provide health insurance coverage for children shall designate the child(ren) as covered dependents under any private health insurance policy, contract, or plan.
6. A statement that that the parties must comply with any obligations concerning health insurance coverage imposed under O.R.C. 3119.30 to 3119.31 no later than thirty (30) days after the applicable order is issued.
7. A statement that any person who fails to provide health insurance as ordered may be punished for contempt of court and shall be solely responsible for the payment of all health care expenses incurred on the child(ren)'s behalf as a result of the failure to provide insurance.

8. A statement that if the obligor is found in contempt for failing to provide health insurance coverage, and has previously been found in contempt, the Court shall consider the obligor's failure to comply with the order as a change of circumstances for the purpose of modification of the amount of support due under the child support order that is the basis of the order issued under O.R.C. 3119.30 to 3119.31.

#### **Payment of Court Costs [DR15]**

1. The Decree of divorce shall set forth how court costs are to be paid.
2. The Decree of divorce shall contain a cost out sheet obtained from the Clerk of Courts showing a zero balance as owed on the case.

#### **Counsel Identification**

1. Counsel for plaintiff provided their name, Supreme Court Registration Number, address and telephone number.
2. Counsel for defendant provided their name, Supreme Court Registration Number, address and telephone number.

#### **Signatures on Decree**

1. If both petitioners are represented by counsel, the Decree is signed by both attorneys.
2. If one party is represented by counsel, the Decree is signed by the attorney and the *pro se* litigant unless it is proceeding non-contested and no Answer was filed, defendant's signature is not required.
3. If neither party is represented by counsel, the Decree is signed by both *pro se* litigants.
4. A signature line for hearing officer. (If a magistrate heard the final hearing, a signature line for the magistrate and assigned case judge must be present.)

#### **Number of Copies [DR13]**

1. Six (6) copies, plus the original.

#### **Required Documents to be submitted with the Decree**

1. Guidelines for Parenting Time (Form DR610), if applicable.
2. If a child support order is issued, a signed and completed child support computation worksheet.
3. A Withholding Order/Qualified Medical Child Support Order Information Sheet (Form DR201).
4. An original Title IV-D Application (Form ODHS 7076).
5. An approved Separation Agreement, plus six (6) copies.