

**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 the papers. The fee schedule can be obtained by calling the office of the Clerk of Courts. If you do not have funds to pay the filing fee, you may complete the “Motion to File Without Payment of Costs” and “Poverty Affidavit” to file with your papers. 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 anything 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.

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 the court names as a party. 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.

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. You may need help in completing that worksheet because the tables for support amounts are included in the Ohio Revised Code, title 31.
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 Waivers of Service of Summons.
6. If there are minor children, the certificates showing attendance at the H.O.P.E. 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.

Motion to Modify Child Support Obligations:

Before filing a motion with the court, you may want to contact the Child Support Enforcements Agency at 419-424-1365, 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. If you do not agree with the recalculated amount, you may still request a hearing on the child support. 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.

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.