CHECKLIST WHEN FILING FOR DIVORCE

1. General Information

The information provided below does not constitute legal advice.
The Court strongly encourages parties to consult with an attorney- especially in cases where there are any assets - such as inheritances, real estate, pensions, retirement accounts, and financial accounts that need to be divided. Also, obtaining service on the other party in accordance with the Rules of Civil Procedure can be difficult.

You **MUST** bring a witness to your uncontested divorce hearing to testify as to the grounds for your divorce.
Visit our website for Forms and Information: https://www.co.trumbull.oh.us/family-court/
Below is a quick guide to the documents you may be required to file in your case.

Divorces and Dissolution may require:

- Affidavit of Basic Information, Income, and Expenses
- Affidavit of Property and Debt
- Judgment Entry - Decree of Divorce with Children
- Judgment Entry - Decree of Divorce without Children
- Judgment Entry - Decree of Dissolution of Marriage with Children
- Judgment Entry - Decree of Dissolution of Marriage without Children
- Separation Agreement
- Shared Parenting Plan
- Child Support Worksheet - (This link leads to a free child support worksheet calculator. This calculator will provide you with a child support worksheet when you enter all of your information)
- *Uncontested Divorces require a witness

You may also want to review the **Local Rules** for important instructions and information.

- The Trumbull County Domestic Relations Court's Local Rules can also be found at: https://www.co.trumbull.oh.us/family-court/pdfs/Local%20Rules_Family%20Court.pdf
- If you have retained an attorney or intend to, the Court will only communicate with your attorney.

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Options for Legal Representation:

- **If you cannot afford the filing fee**, you may want to consider filing a *Motion to Waive/Defer Filing Fee and Proposed Order*, asking the Court to proceed without paying for the filing.
- The *Motion to Waive/Defer Filing Fee* as well as the *Proposed Order Affidavit in Support of Motion to Waive/Defer Filing Fee* are available at:
  - https://www.co.trumbull.oh.us/family-court/fc_drforms.html
  - Select the "Financial Assistance Forms" dropdown menu box;
  - Click Motion to Waive/Defer Filing Fee and Proposed Order
- Filing a *Motion to Waive/Defer Filing Fee* does **not** mean that your filing and other fees will be free, it means you do not have to pay the initial deposit, but at the conclusion of the case, you will be able to pay the court costs on a payment plan.
  - For further information, please refer to *Local Rule 30 – Filing Fees/ Advance Deposits, and Court Costs*.

2. **Options to Consult with an Attorney:**

- The Trumbull County Bar Association's (TCBA) Lawyer Referral Service can match you with an attorney. For more information about TCBA's Lawyer Referral Service, please visit their website at https://trumbullbar.org/referral-system/ or call (330) 675-2415 or for a pro bono attorney call legal aid at 1-800-998-9454.
- If your case involves domestic violence, you may be eligible to receive legal assistance from Community Legal Aid. Call (330) 535-4191.
  - Also consider contacting Trumbull County's Victim Assistance Division:
  - Website: https://www.co.trumbull.oh.us/prosecutor/pr_divisions.html
  - Call: (330) 675-2551
- You may be eligible through Community Legal Aid for a free or reduced fee attorney. Visit https://www.communitylegalaid.org/ or call (330) 535-4191.
- Trumbull County Law Library
  - Provides legal research services, legal research materials, and education to the public (not legal advice).
  - Located at: 120 High St NW, Warren, OH 44481
  - Call: 330-675-2525
  - Visit: https://www.co.trumbull.oh.us/law-library/

CHECKLIST WHEN FILING FOR DIVORCE - Legal Representation

Options for Legal Representation:

3. **If you decide to represent yourself (which is called proceeding *pro* se):**

   - Visit Ohio Legal Help's website at https://www.ohiolegalhelp.org/ for guidance in preparing your documents.
   - Attend a free educational workshop presented by Community Legal Aid if you wish to represent yourself in a divorce, dissolution, visitation, or non-emergency custody matter. Visit the Trumbull County Law Library for more information.
     - Visit: https://www.co.trumbull.oh.us/law-library/

4. Also, "Ask an Attorney" is a community outreach program offered by the Trumbull County Bar Association. Please call the Trumbull County Bar Association at (330) 675-2415 to obtain a lawyer referral.

5. **The primary way the Court will communicate with you is via email**. Please provide the Clerk of Courts with your email address and check your email regularly. Keep in mind, if you are representing yourself, you will be held to the same standard as an attorney and are responsible for completing the necessary paperwork and appearing for your uncontested divorce hearing, and providing the necessary witness.

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4. Filing for Divorce

A divorce often starts with filing a Complaint for divorce or petition for dissolution:

- Petition for Dissolution of Marriage and Waiver of Service of Summons
- Complaint for Divorce With Children
- Complaint for Divorce Without Children

- You will also need to file an Affidavit of Basic Information, Income, and Expenses and an Affidavit of Property and Debt at the time you file your *Complaint*. The following affidavits can be used for divorces with children and affidavits for divorces without children:
  - ***Affidavit 1 - AFFIDAVIT OF BASIC INFORMATION, INCOME, AND EXPENSES WITH/WITHOUT CHILDREN***
  - ***Affidavit 2 - AFFIDAVIT OF PROPERTY AND DEBT WITH/WITHOUT CHILDREN***

  - ***Form for Service Request***
    - *chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.supremecourt.ohio.gov/JCS/CFC/DRForms/Form31.pdf*
- Once filled out and notarized you may file all of the necessary paperwork with the Clerk's Office, located at 220 Main Ave SW, Warren OH 44481.

5. Service (Notice)

Please note: you are required by the Ohio Rules of Civil Procedure to notify your spouse that you have filed a complaint for divorce. If you have not properly notified the other party, meaning that service is not properly completed, **YOU** must try again until proper service has taken place **and the Judge will NOT sign your *Judgment Entry***.

To request service you must file a Request for Service.
If you are the Defendant or the second Petitioner and do not want to receive service, then you may file a Waiver of Service of Summons.
If you have difficulty notifying the other party, then you may file a Motion for Service by Publication
When filing a Motion for Service by Publication you may also file a Financial Affidavit in Support of Motion for Service by Publication by Posting and Mail

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6. If You or Your Spouse are in Bankruptcy

- You must provide documentation demonstrating the bankruptcy case has been closed or that there has been a *Relief from Stay* that will have to be filed with the Court. In order to accomplish this, contact the attorney that filed the bankruptcy.
  - In order to obtain these documents, you may contact the United States Bankruptcy Court, Northern District of Ohio, located in the Nathaniel R. Johns Federal Building.
    Address: 10 E Commerce St., Youngstown, OH 44503

- Phone number: (330) 742-0900
- Public office hours are Monday through Friday 9:00 a.m. to 4:00 p.m.
- For more information, please visit https://www.ohnb.uscourts.gov/content/youngstown
- In order to access case information online:
- Bankruptcy case information is stored using the PACER computer program.
  - For access to the PACER program, please contact:
    The Support Center at 1-800-676-6856

  - In order to obtain information about your case over the phone, case information is also available 24/7 by calling the Multi-Court Voice Case Informational System toll free at 1-866-222-8029

- In order to find records for a closed bankruptcy case:
  - Go to https://www.ohnb.uscourts.gov/content/youngstown
  - From the dropdown menu, ECF and Case Info
  - Select Archived Case Search

- If you do not know your case number or you do not have internet access, contact the Northern District of Ohio United States Bankruptcy Court's Clerk's Office during business hours at (330) 742-0900.

- **If you do not provide the *Relief From Stay* or show documentation that the bankruptcy is over, the Judge will NOT sign the Judgment Entry the day of the hearing.**

CHECKLIST WHEN FILING FOR DIVORCE

7. **If Your Divorce is WITHOUT Children**

Documents Required for your Uncontested Divorce Hearing

- Before your uncontested divorce hearing you will also need to complete ***JUDGMENT ENTRY - DECREE OF DIVORCE WITHOUT CHILDREN***. This is the form that has a space for the Judge's signature on the last page. It is **not** the same document as the *Complaint* that you filed to open your case.
- All of these documents are available on the Court's website.
  - Go to: https://www.co.trumbull.oh.us/family-court/fc_drforms.html
    - Review all the Forms for Divorce "Divorce WITHOUT Children" Section.

- You must have all of your documents completed and organized when you come to Court for your uncontested divorce hearing.

- **Failure to complete service, bring an appropriate witness, complete the necessary paperwork, or appear at your uncontested divorce hearing may result in your hearing being continued and/or your case being dismissed.**

CHECKLIST WHEN FILING FOR DIVORCE

Documents Required for your Uncontested Divorce Hearing with Children

Please review the Trumbull County Parenting and Companionship Guidelines for information on what may go into a Parenting Plan.

- If your uncontested divorce is with children, you also need to consider how parenting time and responsibilities will be divided. You must complete the following documents before your uncontested divorce hearing:
  - Either a – ***SHARED PARENTING PLAN***
  - Or a - ***PARENTING PLAN***
  - The Supreme Court of Ohio has a guide for creating Parenting Time Schedules:

    https://www.supremecourt.ohio.gov/docs/Publications/JCS/parentingGuide.pdf

    Along with all previously mentioned required documents you must also have a Judgment Entry:
  - ***FINAL JUDGMENT ENTRY – DECREE OF DIVORCE WITH CHILDREN***
- All of these documents are available on the Court's website.
  - Go to: https://www.co.trumbull.oh.us/family-court/
    - Review the Forms for Divorce "Divorce WITH Children" Section
    - Review page 1 of this checklist for a quick guide to necessary documents

** Please note that Uncontested Divorces require a witness to testify

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When filing for divorce with children you must complete a Child Support Worksheet. **You must fill out a Child Support Worksheet even if neither party is seeking child support**. Click https://ohiochildsupportcalculator.ohio.gov/home.html to find Ohio's free child support calculator. This calculator will produce a worksheet for you to use once you've entered your information.

- In addition, you will also need to provide an *Administrative Order* from the Child Support Enforcement Agency, ("CSEA") which includes your SETS number, any arrearages, and health insurance information.

- The ***Child Support Worksheet*** should already have been filed with your Complaint and must be completed and filed before your hearing.

- To obtain the CSEA documentation:
  - Visit the Trumbull County Child Support Enforcement Agency website:

    https://www.co.trumbull.oh.us/JFS/child-support

  - Find the information you'll want to have available BEFORE contacting CSEA under the Child Support tab

- Contact Trumbull County CSEA at (330) 675-2732.

- You must have all of your documents completed and organized when you come to Court for your divorce hearing.

- **Failure to complete service, bring an appropriate witness, correctly complete the necessary paperwork, or to appear at your divorce hearing may result in your hearing not going forward and/or your case ultimately being dismissed.**

CHECKLIST WHEN FILING FOR DIVORCE

9. What to Expect at Your Hearing

- Review Local Rules 35- *Conduct of Hearings and Trials*.
- Please arrive at least five minutes prior to your scheduled hearing time.
- Check in at the Magistrate's Desk on the Second floor.
- Make sure you have completed and neatly printed/typed originals of your final documents for the judge or magistrate to sign. Bring money to make copies to file. The Court does not make copies of your final documents.
- Be certain your witness appears and is on time (if applicable).
- Before entering the courtroom, silence or turn off any mobile devices.
- If your hearing goes forward and the Judge signs your *Judgment Entry*, it is your responsibility to make sure the signed *Judgment Entry* and any other final documents are filed with the Clerk's Office. After you have provided your final documentation to the Clerk's Office, it is then the Clerk's Office's responsibility to correctly process and timestamp your paperwork.
- It may take anywhere from two (2) to five (5) business days for the Clerk's Office to process your paperwork. Once the *Judgment Entry* has been time-stamped, a copy will be sent to you in the mail.
- If you cannot wait for your copy to be sent in the mail or you would like to receive a copy of the *Judgment Entry* in a different manner, please contact the Domestic Clerk's Office at (330) 675-2303.