

DISSOLUTION

VENUE

- One party shall have been a resident of the state for at least six months immediately before filing the petition. [R.C. 3105.62]
- The action shall be brought in the proper county for commencement of actions pursuant to the Civil Rules of Procedure. [See Civ.R. 3(B)]

SERVICE

- Both petitioners are considered defendants and are subject to service of process as defendants. [R.C. 3105.62]



Petitioners may waive service and acknowledge receipt of a copy of the petition by including a waiver paragraph within the petition.

DOCUMENTS REQUIRED AT FILING

[R.C. 3105.63]

- Petition
- Separation Agreement
- Affidavits
 - Income and Expenses
 - Property
 - Parenting Proceeding (if children)
 - Health Insurance (if children)
- Shared Parenting Plan (if children)



If one party is represented, then Acknowledgement of Representation should be filed.



Local rules may require local child support enforcement agency forms at filing or final hearing.

CONVERSION

- At any time after the filing of a petition prior to a decree, either party may convert the action to a divorce by filing a motion that includes a copy of the complaint. [R.C. 3105.65(C)]

FINAL HEARING

- Both petitioners must appear at the final hearing not less than 30 days, but no longer than 90 days from the date of the filing of the petition for the final hearing. [R.C. 3105.64]
- If parties have participated in collaborative law process, then hearing may be held before 30 days. [R.C. 3105.64(C)]

Decree must include or incorporate:

- Separation Agreement
- Shared Parenting Plan (if children)

Questions for parties' checklist at hearing

- Name
- Address
- Resident for six months in Ohio
- Date of marriage
- Location of marriage
- Children
- Pleadings
 - Have you/Do you:
 - Read
 - Understand
 - Disclosed all financial assets and obligations
 - Believe the financial terms to be fair and equitable to both parties
 - Voluntarily executed
 - Believe that provisions for children are in the best interests of the children
 - If child support deviation, make inquiry

- Understand that the court will not retain jurisdiction to modify property division
 - Understand that the court will not retain jurisdiction to modify spousal support unless specifically included in the separation agreement
 - Restoration of former name
 - Currently pregnant
- Bankruptcy
 - Active duty military
 - If only one party is represented, make an inquiry regarding counsel for unrepresented party
 - Do you wish for the court to adopt the decree(s), make them a final order, and dissolve your marriage?

DISSOLUTION CHECKLIST: WITHOUT CHILDREN

Petition	<ul style="list-style-type: none"> • Date of marriage • Jurisdiction: Lived in Ohio for 6 months prior to filing (county not important for dissolution) • Number of children born during marriage to the parties and their dates of birth; state if emancipated • Signed by both parties
Confidential Disclosure	
Certificate of Assignment	
Waiver of Representation (when only one party is represented)	
Service of Summons/Waiver	
Affidavit of Property – Husband	
Affidavit of Property – Wife	
Affidavit of Income – Husband	
Affidavit of Income – Wife	
Separation Agreement	<ul style="list-style-type: none"> • Are all assets/debts listed in affidavits addressed here? • Are there additional assets/debts included that are on affidavits? • Dower rights/quit claim deed (real estate)
Decree of Dissolution with Praecipe	

DISSOLUTION CHECKLIST: WITH CHILDREN

Petition	<ul style="list-style-type: none"> • Date of marriage • Jurisdiction: lived in Ohio for 6 months prior to filing (county not important for dissolution) • Number of children born during marriage/to the parties and their dates of birth; state if emancipated • Address paternity if it is an issue • Signed by both parties
Confidential Disclosure	
Certificate of Assignment	
Waiver of Representation (when only one party is represented)	
Service of Summons/Waiver	
Affidavit of Property – Husband	
Affidavit of Property – Wife	
Affidavit of Income – Husband	
Affidavit of Income – Wife	
Separation Agreement	<ul style="list-style-type: none"> • Are all assets/debts listed in affidavits addressed here? • Are there any additional assets/debts included that are on affidavits? • Dower rights/quit claim deed (real estate) • Shared Parenting (separate document from the Separation Agreement) <ul style="list-style-type: none"> ○ Shared Parenting Plan (school placement, parent possession, schedule) ○ Shared Parenting Decree (will incorporate the Shared Parenting Plan. If the plan is not filed more than 30 days ahead, must waive 30-day requirement) • Sole custody to one parent (contained within the Separation Agreement) <ul style="list-style-type: none"> ○ Name custodial parent ○ Determine parenting time schedule <p>Both shared parenting and sole custody require:</p> <ul style="list-style-type: none"> • Allocation of tax dependency • Health insurance • Uncovered medical expenses • Child Support <ul style="list-style-type: none"> ○ Deviation (entry) ○ Termination ○ Withholding orders and instructions for service • Title IV-D application
Decree of Dissolution with Praecepte	