

How to file a Petition for Dissolution with no Children or Spousal Support



This information is provided as a guide to file a Petition for Dissolution of Marriage in Hamilton County Domestic Relations Court. For legal advice you should contact an attorney. You may call the Cincinnati Bar Association (513-381-8359) or Legal Aid (513-241-9400) to inquire about hiring a lawyer. Court personnel are never permitted to give legal advice.

ALL OF THESE FORMS ARE REQUIRED AND MUST BE COMPLETED IN FULL WHEN FILING FOR A DISSOLUTION WITHOUT CHILDREN

THE FORMS CAN BE FOUND ON OUR WEB PAGE AT: www.hamilton-co.org/domestic/

Required Forms Checklist:

- | | |
|---|---------------------|
| 1. <input type="checkbox"/> Petition for Dissolution* | Your Own or Form 17 |
| 2. <input type="checkbox"/> Separation Agreement | Your Own or Form 19 |
| 3. <input type="checkbox"/> Waiver of Service Consent to Merits | Form 9.3A |
| 4. <input type="checkbox"/> Waiver of Representation (1 for each unrepresented party) | Form 9.2 |
| 5. <input type="checkbox"/> Questionnaire 1.1 (<u>Must be typed</u>) | Form 1.1 |
| 6. <input type="checkbox"/> Waiver of Financial Disclosure Affidavit | Form 7.1 |
| 7. <input type="checkbox"/> Copy of both Parties' Driver license or State ID | |
| 8. <input type="checkbox"/> Decree/Final Judgment | Your Own or Form 18 |

***IMPORTANT NOTE: IF CHILDREN WERE BORN DURING THE MARRIAGE...**

- ...and custody has been already decided by another Court, you must still file the case **WITH** children and address the legal status of the children in the initial pleading.
- ...and it is claimed that the spouse is not the parent, you must still file a case **WITH** children **UNLESS:**
 - a) Genetic testing has confirmed that the spouse is not the parent. Genetic test results must be attached to the Petition for Dissolution.
 - b) The Petition for Dissolution includes a statement that the children have been adopted. Proof of the adoption must be attached to the Petition for Dissolution.

Filing Fee / Number of Copies / Forms



Filing Fee

The filing fee is **\$325.00** and is payable by **CASH, PERSONAL CHECK, CERTIFIED CHECK, MONEY ORDER, MASTERCARD, VISA, AMERICAN EXPRESS, or DISCOVER CARD**. If you are paying by credit card, a fee will be added as dictated by this schedule: www.courtclerk.org/forms/pnp_schedule.pdf. If using a credit card when filing in-person, the card holder must be present. Checks and Money Orders are to be made payable to: **CLERK OF COURTS**

Required Copies

The Clerk of Courts will keep the original signed forms when you file them. Additional copies of the forms must be provided for the Court and for your records. Therefore, you must provide the original signed forms and **THREE** sets of copies. Only **one** copy of the Questionnaire and **one** copy of each party's driver license or state ID are required.

1. Petition (Form 17)

There is not a required form for the Petition, so you can provide your own that you have had prepared or you can use our Form 17. The Petition for Dissolution must be completed in full and signed by both parties. The top section of Form 17 includes spaces for Domestic Relations Division and Hamilton County, Ohio. Leave the case number, Judge, and Magistrate lines blank. That information will be assigned at the time of filing.

2. Separation Agreement (Form 19)

You can provide your own Separation Agreement or use our Form 19. The Separation Agreement resolves all issues between the parties and must be completed in full and signed by both parties. The signatures require notarization. Copies of this document will also be needed along with a Decree of Dissolution for the final hearing. For information about Decree documentation, see Forms/Procedures Section 3.

3. Waiver of Service Consent to Merits (Form 9.3A)

This document waives service of summons for both parties and consents to have the Magistrate hear their case. It must be signed where indicated by the parties and counsel (if applicable).

4. Waiver of Representation (9.1)

A Waiver of Representation must be signed and filed **by each party** not represented by an attorney. If a party proceeds without an attorney, they are referred to as Pro se (a Latin term meaning "on behalf of themselves").

5. Questionnaire (Form 1.1)

The Questionnaire form, as indicated, *must be typed*. A template version that can be filled in and printed is available on the Domestic Relations website in Microsoft Word format. If you do not have the Microsoft Word program on your computer, you may type and print this document at Domestic Relations Court's Docket Office at 800 Broadway on the 3rd floor. **It is very important to fully complete every section of this document!**

6. Waiver of Financial Disclosure Affidavit (Form 7.1)

The Waiver of Financial Disclosure Affidavit informs the Court that the issues involved in this matter do not include spousal support or custody and the Petitioner is therefore waiving the need to file a financial disclosure document. This form must be signed before a notary public and then copied.

7. Both parties must provide one copy of his/her drivers' license or state ID

Although multiple copies are needed of most of the above listed forms, you only need one copy of your license or state ID.

8. Decree/Final Judgment (Form 18)

A Decree of Dissolution is a legal document providing proof that your marriage has ended. The Judge will sign this document when your dissolution is final.

The In-Person Filing Process:



Come prepared: Remember that Court staff members are not permitted to give legal advice.

1. Bring all completed documents to the Domestic Relations Docket Office at 800 Broadway on the 3rd floor, Room 3-46. The Docket Office staff will check that all required documents are completed. They will tell you if any paperwork is missing so be sure to refer to the required forms checklist so you don't forget anything.
2. Once the Docket Office approves the completed forms, you will be provided a classification form to complete and be directed to the Clerk of Courts Office, Room 3-47 (both offices are located in the same area on the 3rd floor).
3. The Clerk of Courts office will collect the \$325.00 filing fee, assign a case number, and keep your original set of documents for their file. The extra copies of the documents that you have provided will be stamped and returned to you.

4. Next you will go back to the Docket Office and give one of the stamped set of copies to the Docket Clerk. The staff will enter your case into their system, assign a Judge and a Magistrate, and schedule your court date. There is a requirement that the hearing be scheduled at least 30 days from the date of filing and **both parties must be present at the scheduled hearing**. A printout with the Magistrate's name, room number, hearing date, time, and information to prepare for the hearing will be provided.
5. Your case is now filed and your hearing date has been set. Prior to your Merit Hearing, the Decree Office staff will review your Decree paperwork and contact you if any additional information is needed. If modifications are needed, the Decree Office will contact you with instructions. All modifications must be completed prior to the Merit Hearing.

The E-Filing Process:



1. In order to e-file a Dissolution of Marriage, you will have to register for an e-filing account with the Hamilton County Clerk of Courts (<https://efiling.hamiltoncountycourts.org/>).
2. Once your account is established, you can log in and file a new case.
3. Click the File a New Case button and then select Dissolution (No Children with Spousal Support). Follow the prompts to upload all required documents.
4. If your e-filing is accepted by the Court and Clerk of Courts Office, a case number will be assigned and the appropriate documents will be filed on the Clerk's Docket. Documents associated with your Decree will be reviewed by the Decree Office. If modifications are needed, those documents will be rejected and available to review, modify, and resubmit through your e-filing account before they are submitted to the judicial officer. All modifications must be completed prior to the Merit Hearing.

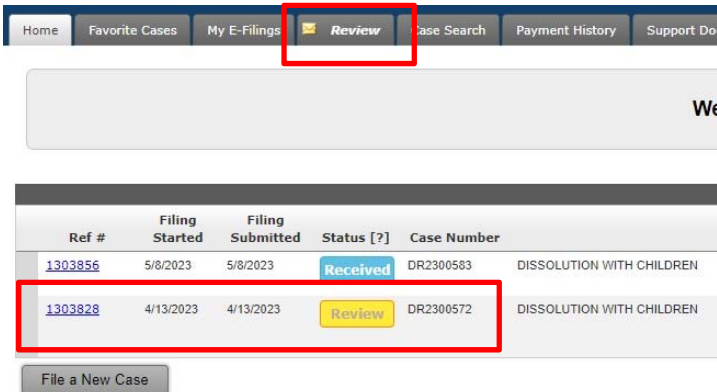
Decree Paperwork Accept / Reject Process – E-filing

If your dissolution petition and associated documents are rejected by the Docket Office or Clerk of Courts Office, you will need to make the specified corrections and re-upload all of the documents in the e-filing system.

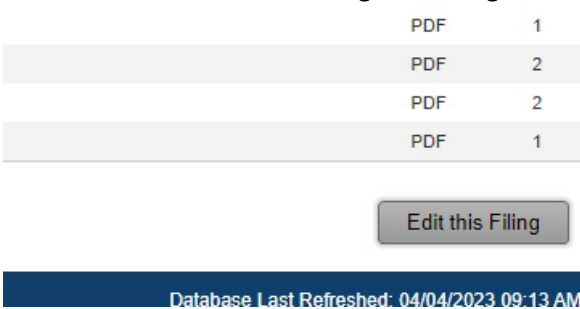
If your dissolution petition and associated documents are accepted by the Court and Clerk of Courts Office, a case number will be assigned and the appropriate documents will be filed on the Clerk's Docket. Documents associated with your Decree will then be reviewed by the Decree Office. If modifications are needed, those documents will be rejected and be available to review, modify, and resubmit through the e-filing website before they are submitted to the judicial officer. All modifications should be completed prior to the Merit Hearing. Please follow these steps to update and resubmit your decree documents:

1. If your decree of dissolution documents are rejected by the Decree Office, you will have the opportunity to re-submit the corrected decree documents through a Review tab in your e-filing

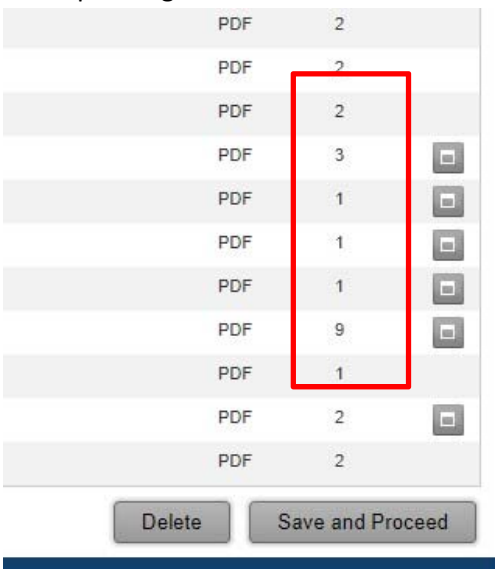
account. The Review tab will appear if you have a rejection pending from the Decree office. You can click on the Ref # of the document on the Home tab or the Review tab to begin the editing process.



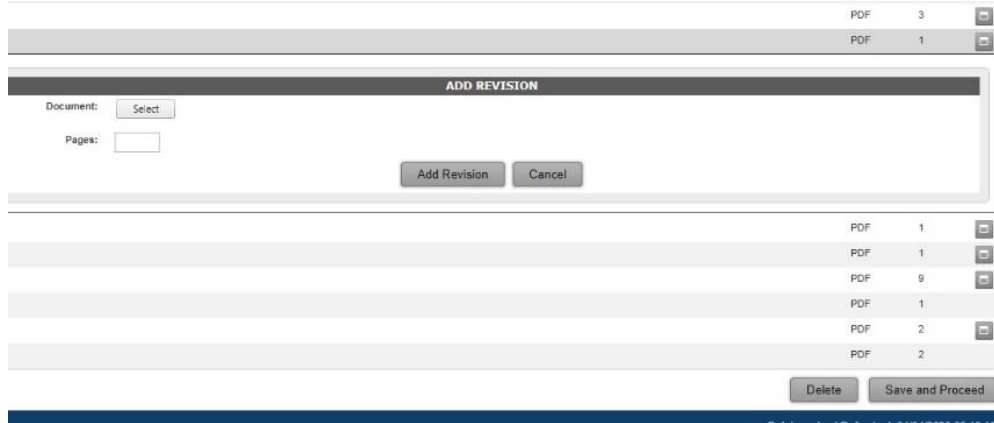
- You will be taken to the Filing Overview screen. If you came through the Home tab, you will need to click the Edit this Filing tab to begin.



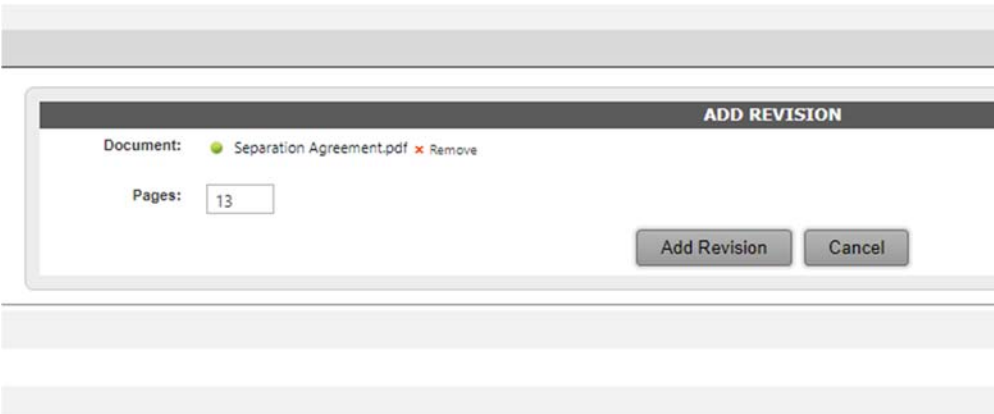
If you came through the Review tab, you will be able to edit the documents by clicking the corresponding edit button.



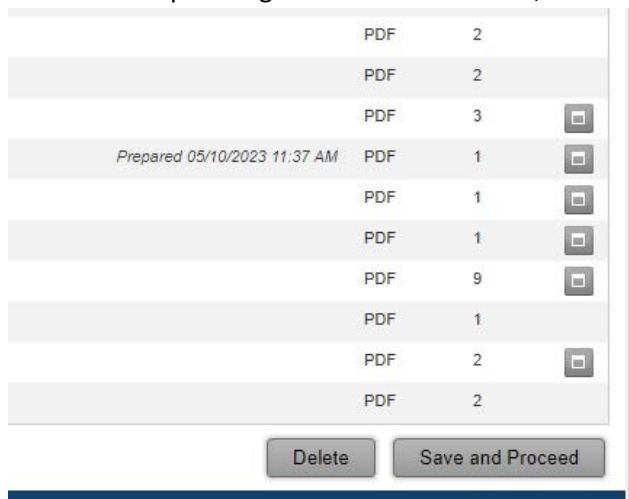
3. Clicking the edit button opens an Add Revision window to upload the corrected document.



Once you select the document, the program will count the number of pages. Click the Add Revision button to add the corrected document.



4. The new revision will be indicated by time and date stamped in the list of documents. When you are finished uploading corrected documents, click Save and Proceed.



5. You may receive a final warning window similar to the following. Click OK if you are finished with the corrected documents. Your filing will be re-submitted to the Decree office.

