

How to file a Petition for Dissolution with Children



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 UNLESS MARKED AS "IF APPLICABLE" AND MUST BE COMPLETED IN FULL WHEN FILING FOR A DISSOLUTION WITH 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"/> Financial Disclosure Affidavit | Form 7.2 |
| 7. <input type="checkbox"/> Group Health Insurance Affidavit | Form 7.16 |
| 8. <input type="checkbox"/> Affidavit in Compliance with ORC 3127.23 | Form 2.1 |
| 9. <input type="checkbox"/> IV-D Application | Form ODHS 7076 |
| 10. <input type="checkbox"/> Proof of Attendance at a Court-Approved Parenting Class (Both Parties) | |
| 11. <input type="checkbox"/> Copy of both Parties' Driver license or State ID | |
| 12. <input type="checkbox"/> Final Decree of Shared Parenting (if applicable) | Form 2.3 |
| 13. <input type="checkbox"/> Shared Parenting Plan (if applicable) | Your Own or Form 2.2 |
| 14. <input type="checkbox"/> Parenting Plan (if applicable) | Your Own or Form 21 |
| 15. <input type="checkbox"/> Decree/Final Judgment | Your Own or Form 18 |
| 16. <input type="checkbox"/> Appropriate Health Care Order | Form 7.17 or 7.20 |
| 17. <input type="checkbox"/> Appropriate Child Support Worksheet | ODJFS Support Worksheet |
| 18. <input type="checkbox"/> Standard Parenting Order (if applicable) | Form 2.7 |
| 19. <input type="checkbox"/> Support Account Data Form | Form CDR4905 |
| 20. <input type="checkbox"/> Health Care Verification Form (if possible) | Form 7.21 |

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

- ...and custody has already been decided by another Court, you must still file the case **WITH** children and address the legal status of the children in the pleading.
- ...and it is claimed that the spouse is not the parent, you must still file the 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, or
 - 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 **\$375.00** 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 listed in 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 Number of Copies if Filing in-Person

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, which will be needed at your hearing, 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 both 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 above, *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. Financial Disclosure Affidavit (Form 7.2)

The Financial Disclosure Affidavit is to be completed by the obligor (the person who is obligated to pay the support to be ordered by the court). This document must be completed and the signature must be notarized.

7. Group Health Insurance Affidavit (Form 7.16)

This form must be completed and your signature must be notarized. Access to health insurance for both parties is reported in this affidavit. The document is divided into columns for plaintiff and defendant and should be completed as fully and accurately as possible.

8. Affidavit in Compliance with ORC 3127.23 (Form 2.1)

This document identifies the minor child(ren) of the marriage, date(s) of birth, and current and prior addresses of the child(ren). Further statements require disclosure of any proceeding regarding the child(ren) in Ohio or another state as well as names and addresses of individuals other than the parties who claim to have custody or visitation rights with regard to the child(ren). This form must be completed and your signature must be notarized.

9. IV-D Application (Form ODHS 7076)

The IV-D Application is an application to receive child support services from Child Support Enforcement Agency. ***The Court requires this document to be completed in all cases involving children, regardless of whether or not child support is ordered.***

10. Attendance at a Court-Approved Parenting Class

Both parties are required to successfully complete a court-approved parenting class **before** filing a Petition for Dissolution with Children. Three classes will satisfy the requirement: "[Parenting Through Transitions](#)" a 2 1/2 hour, in-person class; "[Children in Between](#)" an online class; and "[Two Families Now](#)" an online class. Certification from the parenting education class is valid for 2 years. Parties must retake the class if certification has expired. The Court will receive notification of completed sessions from each course but highly recommends you provide a copy of your class certificate to ensure an easy filing process.

11. 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.

12. Final Decree of Shared Parenting (if applicable) (Form 2.3)

The Final Decree of Shared Parenting is applicable when filing a Shared Parenting Plan.

13. Shared Parenting Plan (if requested by the parties)

Shared parenting is an agreement between court parties in which both parents make decisions about the children together. A *Shared Parenting Plan* **must be approved by the assigned Magistrate prior to the final hearing. To be approved, the plan must be submitted with the following attachments:**

Appropriate Support Worksheet	ODJFS Worksheet
Standard Parenting Order (if applicable)	Form 2.7
Appropriate Health Care Order	Form 7.17 or 7.20

14. Parenting Plan (Form 18A or Form 18B)

A parenting plan outlines how parents will raise their children after separation or divorce. It describes how parents not living together will care for and make important decisions about their children in both homes.

15. 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.

16. Appropriate Health Care Order (Form 7.17 or 7.20)

You must submit either a Qualified Medical Child Support Order (Form 7.17) detailing Health Insurance availability or an Order Shared Liability for Medical and Health Care Needs (Form 7.20) if no health insurance is available.

17. Appropriate Child Support Worksheet

A child support worksheet is the form courts use to determine the child support obligation of each parent. This form is available through the Ohio Department of Jobs and Family Services at:

<https://ohiochildsupportcalculator.ohio.gov/home.html>

18. Standard Parenting Order (Form 2.7)

The Standard Parenting Order is applicable if referred to in the Decree or Parenting Plan or Shared Parenting Plan. This document details parenting time, holiday visitation, school record access and other issues that impact families.

19. Support Account Data Form (Form CDR4905)

This form is shared with the Ohio Department of Jobs and Family Services and is used to establish a child support account and/or spousal account.

20. Health Care Verification Form (if possible) (Form 7.21)

The Health Care Verification form is a sworn statement detailing the Obligor/Obligee status of health care for the Child Support Enforcement Agency that must be signed and notarized.

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 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 \$375.00 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:



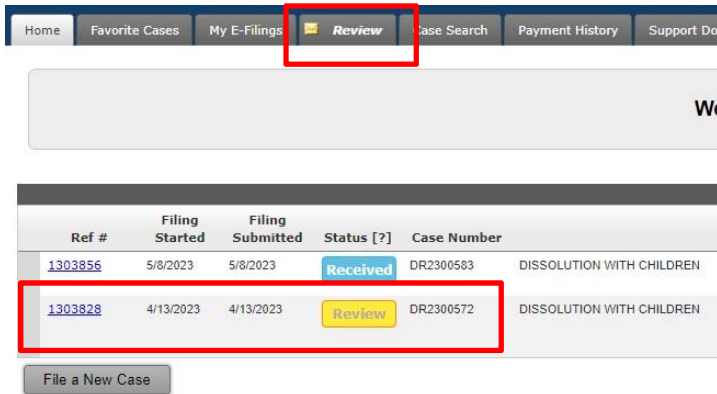
1. In order to e-file a Dissolution of Marriage, you will have to register for an e-filing account with the Hamilton County Clerk of Courts (<https://efiling.hamiltoncountycourts.org/>).
2. Once your account is established, you can log in and file a new case.
3. Click the File a New Case button and then select Dissolution with Children. 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

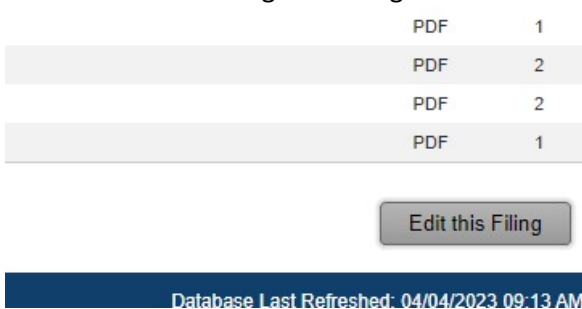
If your dissolution petition and associated documents are rejected by the Docket Office or Clerk of Courts Office, you will need to make the specified corrections and re-upload all of the documents in the e-filing system.

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:

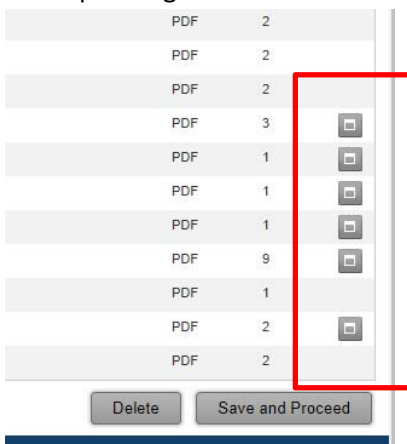
1. If your decree of dissolution documents are rejected by the Decree Office, you will have the opportunity to re-submit the corrected decree documents through a Review tab in your e-filing account. The Review tab will appear if you have a rejection pending from the Decree office. You can click on the Ref # of the document on the Home tab or the Review tab to begin the editing process.



2. 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.

Document	Pages	Actions
PDF	3	
PDF	1	

ADD REVISION

Document:

Pages:

PDF	1	
PDF	1	
PDF	9	
PDF	1	
PDF	2	
PDF	2	

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

ADD REVISION

Document: Separation Agreement.pdf Remove

Pages:

- 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.

PDF	2	
PDF	2	
PDF	3	
<i>Prepared 05/10/2023 11:37 AM</i>	PDF	1
PDF	1	
PDF	1	
PDF	9	
PDF	1	
PDF	2	
PDF	2	

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.

