Marion County Supplemental Forms ANSWER/COUNTERCLAIM – DIVORCE WITH CHILDREN

This packet is designed to help litigants respond to a divorce action filed in Marion County, Ohio. We suggest you read these instruction pages completely before starting to complete the included forms.

You are receiving a packet of documents to respond, pro se, to a divorce action filed in Court by your spouse. Pro se means you will complete these documents on your own, file them, and represent yourself. Please note that this packet is intended to help you comply with the local rule requirements of the Marion County Family Court at the time this packet was created. The Local Rules may change and you may want to check the local rules, at http://www.co.marion.oh.us/familycourt/ before you file. You will need another packet with Ohio Supreme Court Forms, in addition to this packet of forms, to respond to the action for divorce. Please make sure you have both packets of forms before you file.

When you have completed the forms in this packet and the Ohio Supreme Court forms you are ready to file at the Clerk of Courts. You will file at Family Court, located in the County Administrative Building, 222 W. Center St., Marion, Ohio. The Clerk of Court is located downstairs. We suggest you bring copies when you file. Copies should be made after you have the documents fully completed and notarized. You should bring four (4) copies of the Counterclaim, if you choose to file one, and three (3) copies of every other filing. If you do not have copies made, the Clerk will make copies at a charge to you. We do not know what this charge will be. We suggest you keep a copy of everything you file, and everything your spouse files, with your important papers.

<u>CAUTION</u>: Divorce and custody affect important rights and involve difficult legal concepts. If you can afford an attorney, it would be reckless to proceed without one. Even licensed attorneys often refer the division of certain assets, such as retirement accounts and real estate, to specialists.

Remember, your spouse's attorney does not represent you and you should not rely upon them for advice or explanations.

By providing these forms, the Legal Aid Society of Columbus and the attorneys who are on its staff have **NOT** agreed to represent you and **WILL NOT** be available to answer your questions regarding these forms.

| Forms & Infor | mation Needed to File For Divorce in Marion County |
|--|---|
| Form Name | Purpose |
| Case Designation Form | This form is required only if you file a Counterclaim. Provide the requested information to the best of your ability. If you do not know something, write "unknown." In most cases you will place an "X" by "A-Divorce with Children." You should place an "X" by "A – Divorce with Children, Juvenile Jurisdiction" only if a juvenile court previously issued a custody decision regarding all of your shared children. |
| Duty to Keep Court Advised of Address Form | This form is required only if you file a Counterclaim. Complete the blank sections and attach a copy to your Counterclaim (Uniform Domestic Relations Form 9), found in the Ohio Supreme Court Packet. Read this Notice carefully. It outlines your duty to keep the Court informed of your address during the case. |
| Restraining Order | This form is required only if you file a Counterclaim. Attach a copy of this Order to your Counterclaim (Uniform Domestic Relations Form 9), found in the Ohio Supreme Court Packet. Please read this Order carefully because local rule 13 states that this Temporary Mutual Restraining Order will be issued without notice upon the filing of a divorce complaint. This Restraining Order will remain in effect until the case is over or otherwise modified by the Court. |
| Notice (regarding P.E.A.C.E. Program) | This form is required only if you file a Counterclaim. Attach a copy of this form to your Counterclaim (Uniform Domestic Relations Form 9), found in the Ohio Supreme Court Packet. This places you and the other party on Notice that you will have to complete a parenting class, entitled the "P.E.A.C.E. Program." Even if you do not file a Counterclaim, you must take this parenting class. Local Rule 12 requires the filing party to complete the P.E.A.C.E. Program within 60 days of filing for divorce. A Responding party must complete the P.E.A.C.E. Program within 60 days of being served. To register for this course, you must call the Marion Family Court at (740) 223-4060, during regular business hours. There is a fee associated with this class. |
| Motion & Affidavit to Lower Fee for P.E.A.C.E. Program and Order | This Motion is not required but recommended. You would complete this Motion and Order to ask the Court to reduce the cost of the in-person P.E.A.C.E. Program. The Court can accept or deny this request. This would only reduce the fee for an in-person class, if offered. The in-person class is not always offered. This is an affidavit, which means it is a sworn statement. It is important you ensure everything in this document is correct because it is signed under oath. Ensure everything is correct and complete any blank spaces. Do not sign this document until you are in front of a notary. |
| Going It Alone: A Guide To Pro Se Filings | Do NOT file this with your other paperwork. This is an informational brochure put together by the Marion Family Court about filing a case pro se, meaning without an attorney. It provides helpful information about the classes required, court processes, etc. |

| | Do NOT file this with your other paperwork. This is an informational |
|-----------------------------------|--|
| Marion Family Court Letter | letter put together by the Marion Family Court about filing a case pro se, |
| | meaning without an attorney. |
| | Do NOT file this with your other paperwork. This is a list of local |
| | attorneys, their addresses, and phone number. It was up to date at the |
| List of Local Attornova | time it was created. We cannot guarantee that these attorneys still |
| List of Local Attorneys | practice law or currently accept cases. New attorneys may have also |
| | started to practice law in the area. We encourage you to research |
| | carefully for the best attorney for you. |

IN THE COURT OF COMMON PLEAS FOR MARION COUNTY, OHIO FAMILY DIVISION

| IN RE: | : CASE NO: |
|------------------------------------|-------------------------------------|
| CHILD: | |
| D.O.B. | |
| SSN: | JUDGE |
| | 3 |
| | MAGISTRATE |
| | |
| Plaintiff/Petitioner/Movant | |
| A 11 | ** |
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| | : CASE DESIGNATION FORM |
| D.O.BSSN | CASE DESIGNATION FORM |
| 221/ | <i>a</i> |
| D - C - 1 4 /D - 4:4: | |
| Defendant/Petitioner | |
| Address | <u>-</u> |
| City, State, Zip | |
| D.O.B | ž |
| SSN | |
| Please check the appropriate line. | |
| A - Delinquency | A - Divorce with Children |
| B - Traffic | A - Divorce with Children, Juvenile |
| | Jurisdiction |
| C - Dependency, Neglect, or Abuse | B - Divorce without Children |
| D - Unruly | C - Dissolution with Children |
| E - Adult Cases | C - Dissolution with Children |
| F Tradit Cases | Juvenile Jurisdiction |
| F - Motion for Permanent Custody | D - Dissolution without Children |
| G - Custody, Change of Custody | E - Change of custody (DR) |
| visitation (Juv) | E - Change of custody (DR) |
| H - Support Enforcement | F - Visitation |
| or modification | Enforcement/Modification |
| | |
| I - Parentage | G - Support Enforcement |
| THECA | or Modification |
| J - U.I.F.S.A. | H - Domestic Violence |
| | I - URESA |
| K - All Others | K – All Other Domestic |

DUTY TO KEEP COURT ADVISED OF ADDRESS

During the pendency of any case or Motion, all Notices directed to a Party to the case will be sent to the address the Party has listed upon the Complaint, Petition or Motion. All Parties to a case not represented by an attorney, must, during the pendency of the case advise the Court, in writing, of his or her address if the address is different than that listed upon the Complaint, Petition or Motion or if the address otherwise changes during the pendency of the case. Failure to do so may result in Hearings being had and relief granted in default of a Party's appearance.

A copy of this Rule shall be served with all Complaints, Petitions and Motion filed on or after May 1, 2003.

The Form contained herein may be used to comply with this Rule and should be sent or delivered to the Marion County Court of Common Pleas, Family Division, 222 West Center St., Marion, Ohio 43302. Additional copies of this Form may be obtained from the Court.

TO THE COURT OF COMMON PLEAS OF MARION COUNTY, FAMILY DIVISION:

REGARDING CASE NAME: ______ CASE NUMBER: _______, the

Now comes _______, the

Plaintiff/Petitioner/Defendant/Respondent (please circle)

herein, and advises the Court that my addresses are as

follows:

Residence address: Mailing address, if different

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO FAMILY DIVISION RESTRAINING ORDERS

Pursuant to Local Court Rule 13, it is ORDERED that effective on the date a complaint is filed each spouse is enjoined from committing any of the following acts:

- 1. Removing, or causing to be removed, the child (ren) born or adopted by the parties and/or the child (ren) of either or both spouses, if any, from the Court's jurisdiction; and
- 2. Causing physical abuse, annoying, inflicting bodily injury, attempting to cause or recklessly cause bodily injury, threatening the use of force or imminent physical harm, stalking, harassing, interfering with or imposing any restraint of the personal liberty of the other spouse, committing any act with respect to a child in violation of the Revised Code of Ohio; and
- 3. Incurring debt in the name of the other spouse except for necessary food, housing, utilities, medical care, and necessary transportation; and
- 4. Selling, removing, transferring, encumbering, pledging, hypothecating, damaging, hiding, concealing, assigning or disposing of any and all property, real or personal, owned by both or either spouse or a child (including household goods, vehicles, financial accounts, and the personal property of each) without the prior written consent of the spouse or the Court. Excluded is any account now used for the payment of living costs; and
- 5. Voluntarily changing the term of, or beneficiary of, terminating coverage of, cashing in, borrowing against, encumbering, transferring, canceling or failing to renew any type of insurance, including health, automobile, life, home, liability, disability, or fire insurance that provides coverage for a spouse or child (ren) born or adopted by the parties; and
- 6. Voluntarily liquidating, cashing in, changing the beneficiary of, terms, or conditions of any retirement or pension plan or program that provides any benefit to a spouse or child (ren) born or adopted by the parties and/or of either or both spouses; and
- 7. Voluntarily interrupting or terminating any utility service to the marital residence without prior written consent of the other spouse or the Court.

Nothing in the above restraining orders precludes either spouse from using his/her property to pay necessary and reasonable attorney fees, litigation and court costs in this action.

WARNING

This is an official Court Order. If you disobey any order of Court, you may be found in contempt of Court, sentenced to jail, fined, and ordered to pay costs and attorney fees in addition to any other legal remedy available to the spouse, child (ren) or other dependent(s) affected. This order is in effect until (1) the Court issues an order, which modifies or terminates it or (2) a judgment for divorce or legal separation is filed with the Clerk of Courts.

NOTICE

You have been named as a party to a parenting and/or a motion for contempt for alleged denial of companionship. As part of the authority of the Court to order family counseling and to aid the Court in making the best possible decisions for the children, the Court has developed a program intended to provide parents and others with information on how parents' separation affects their children.

YOU ARE REQUIRED TO ATTEND THE P.E.A.C.E. PROGRAM WITHIN SIXTY DAYS OF RECEIPT OF
THIS NOTICE AND IF YOUR CHILDREN ARE BETWEEN GRADES 2-12,

YOUR CHILDREN ARE REQUIRED TO ATTEND ALL SESSIONS OF THE KIDS PROGRAM AND YOU ARE REQUIRED TO ATTEND THE LAST FIFTEEN MINUTES OF THE KIDS PROGRAM.

P.E.A.C.E. PROGRAM TO BE COMPLETED WITHIN SIXTY DAYS OF YOUR RECEIPT OF THIS NOTICE.

Your attendance is required by Local Court rule 12 as authorized by state statues. The P.E.A.C.E. /KIDS Program is intended to benefit all parties equally, but it is your children who will gain the most. If you have previously attended the program, you are not required to attend a second time unless specifically ordered by the Court. However, it is your responsibility to make certain that the Certificate of Attendance is filed in all appropriate cases.

Failure to attend may be considered as contempt of Court and may be considered by the Court when allocating parental rights and responsibilities.

There is a one-time attendance fee of twenty-eight dollars (\$28.00). The P.E.A.C.E. Program is held twice each month. The KIDS Program is offered on four consecutive Tuesdays. Based upon your child's age, you will be contacted with the date when your child is to attend.

For security reasons the building doors are locked promptly at the scheduled beginning of each session. If you are late, you will not be admitted.

PRE-REGISTRATION IS REQUIRED. For registration contact the Marion County Family Court at (740) 223-4060. Proof of payment must be provided before registration. Attendance fee is to be paid to the Marion County Family Court.

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO FAMILY DIVISION

| PLAINTIFF | | |
|---|--|-----------------------|
| V/C | CASE NO | |
| VS. | MOTION & AFFIDAN FEE FOR P.E.A.C.E. F | |
| DEFENDANT | Judge: | |
| Now comes, a \$28.00 to \$5.00. This motion is suppor | and requests that this Court lower the ted by the attached affidavit. | e P.E.A.C.E. fee from |
| $\overline{\mathbf{Y}}$ | our signature | *5 |
| | AFFIDAVIT | |
| STATE OF OHIO } }SS | | |
| MARION COUNTY } | | |
| As shown of the Affidavit o month and my expenses are | and after being duly sworn, state 00 P.E.A.C.E. fee. f Income and Expenses my income for myself and my dependents. ave insufficient funds to pay \$28.00 | is \$per |
| 100. | | |
| $\overline{\overline{Y}}$ | our signature | z. |
| Sworn to and subscribed before | me on this day of | , 20, |
| | Notary Public | |

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO FAMILY DIVISION

| PLAINTIFF VS. | CASE NO |
|----------------------------------|---|
| DEFENDANT | Judge: |
| ORI | ER LOWERING PEACE FEE |
| Upon request of the Plain | ff/Defendant,, and for good caus |
| shown, it is hereby ORDERED that | he/she shall be allowed to attend the P.E.A.C.E. class for \$5.00 |
| | |
| | Judge |

Management Conference. The Court cannot, however, give you legal advice on how to proceed or how your decisions may affect the outcome of your case.

Dissolution — If you and your spouse have minor children, you both must attend the P.E.A.C.E. program. Depending on the age of your children, you may be asked to sign the children up for the K.I.D.S. program. A final hearing must be set no sooner than 30 days and no later than 90 days from the date you file your action. The hearing cannot be set until you **BOTH** have completed the P.E..A.C.E. program so we encourage

you both to attend before you file your action.

Please use the Notice of Hearing form to get your hearing date. It is your responsibility to notify your spouse of the hearing date. The Court will NOT send out any notification. Under Ohio law both parties (husband and wife) must appear at the final hearing. Five days prior to your final hearing you must bring your Decree, Separation Agreement, and if there are minor children, Shared Parenting or Parenting Time Plan, and Child

Post Decree Motions—A pretrial must be set at the time of filing. Please use the same procedure for setting a hearing as listed under the Divorce section. At that pretrial, the Court will explain to you the steps you need to take procedurally regarding your action, but as previously stated, cannot give you legal advice.

Support Calculation Worksheet.

FAMILY COURT PROGRAMS AND SERVICES FOR FAMILIES
During the course of your case, you may have the opportunity to utilize one of the programs or services listed below. All of them are designed to minimize conflict that often occurs in court actions which may result in harm not only to you and the other party involved but to your families and especially your chil-

mediation is a program where the parties in conflict sit you to take advantage of this less expensive option. A of Ohio mandates that all parents with minor children Mediation — An alternative to ugly custody battles, children. Prior to the filing of a Motion to Re-allocate Office. If you have any questions regarding these pro-P.E.A.C.E., K.I.D.S., S.U.C.C.E.S.S. — The State communicate and problem-solve. This allows you to down with a trained mediator who helps the parties hold the power in determining what is best for your-Motion for Mediation form is available at the Clerk's Contempt of Court, the Court strongly encourages Marion County Family Court has additionally developed programs for children and unmarried parents. Parental Rights and Responsibilities or a Motion for often affected by the break up of their family. The parent education program about how children are who are terminating their marriage must attend a



GOING IT ALONE:

A GUIDE TO PRO SE FILINGS

Marion County Court of Common Pleas Family Division

Judge Deborah A. Alspach Judge Robert D. Fragale

grams, please ask a staff member.

Representing Yourself

Individuals who represent themselves in court actions are referred to as Pro Se Litigants. Pro Se is a Latin term roughly translated as "On one's own behalf".

Representing oneself in the legal process can be a difficult task. The legal system can be extremely complex with the smallest detail causing fareaching consequences. While the Marion County Family Court understands the difficulties many individuals have in today's economic environment, we urge you to consider the possible consequences of representing yourself.

Although the cost of an attorney may seem expensive, they have normally completed at least 7 years of school after graduating high school; they have been tested and licensed by the State of Ohio; and they are required to continue to take continuing educational courses to maintain that license. In addition attorneys carry liability insurance for damages caused by their errors and any misbehavior can result in disciplinary action including loss of their license.

It is important for you to understand that if you choose to represent yourself, neither the Court

nor its employees are allowed by law to give you legal advice on how to get through the legal process. You are held to the same standard as a licensed attorney. This applies both in the courtroom and with your paperwork. Errors may require you to make changes, incur additional costs, or result in a dismissal of your case. Unfortunately, many times an attorney is needed later to correct errors resulting in a greater cost than if they had been hired at the onset.

Please consider the complexity and the level of conflict in your individual case when deciding whether or not to proceed "Pro Se".

If you do decide to proceed "Pro Se", we have provided this pamphlet and an accompanying letter to assist in alerting you to basic requirements for filing actions in the Marion County Family Court.

FILING IN FAMILY COURT
The first step a Pro se litigant should take is to check out the Ohio State Bar Association (https://www.ohiobur.org) and click public for information and the Supreme Court of Ohio (www..sconet.state.oh.us) for standard forms for most types of filings. You will also need some

local forms which are available from the Clerk's office (Notice of Hearing and if applicable a Poverty Affidavit). The Local Law Library can also be a good resource. Procedures in these types of actions can differ from county to county so it is important to understand the procedure for the county in which you file your action.

In Marion please be aware of the requirements in the case filing listed below.

Divorce — All Divorce cases will be set for an Initial Case Management Conference. Please use the Notice of Hearing form. Once you complete the form, a clerk will get you a hearing date from the Court Scheduler. If the Court Scheduler is unavailable, you may be asked to leave the form at the front desk with a contact number and the scheduler will call you when it is ready. You will then need to pick it up and file it at the Clerk's office.

If there are minor children of the marriage, you are required to attend the P.E.A.C.E. program and your children may be required to attend the K.I.D.S. program. The Court will explain to you the steps you need to take procedurally regarding

Marion County Family Court

Putting Children and Families First

Deborah A. Alspach, Judge Robert D. Fragale, Judge David T. Reed, Court Director/Magistrate Malcolm Goodman, Magistrate

Kathy Clark Program and Grant Administrator 223-4228

If you need to file paperwork with the Family Court, please be advised that the Family Court staff is not permitted to give legal advice or assist you with the preparation of your paperwork or case.

Seri Linstedt Chief Deputy Clerk 223-4078

You may wish to contact an attorney to assist you with your case. Attached is a list of attorneys who may be willing to assist you. You may also wish to contact Legal Aid. The Court makes no representation about Legal Aid's or any attorney's willingness to represent you.

Laura Wiedlebacher Educational & Clinical Services Administrator 223-4148

You can also find some forms on the Supreme Court of Ohio's website at www.supremecourt.ohio.gov. On the right hand side is a link that says "Domestic Relations Standardized Forms". Attached is a list of those forms you can find.

Susan Kieffer Community Control Administrator 223-4057

We strongly recommend that you read and follow the instructions in completing the forms. Failure to follow the instructions may result in your case being dismissed.

Richard Smith Court Security Administrator 223-4061 An advocate from Turning Point is able to help you with the preparation of a Petition for Domestic Violence Civil Protection Order. Petition's for Domestic Violence Civil Protection Orders are heard by the Court at 1:00 p.m. everyday.

Gloria Craig Detention Administrator 386-8184 You may also use the books at the law library to assist you in preparing your case or paperwork. The law library is in our building. The entrance is outside on the corner of the building closest to the Palace Theatre. The Law Librarian is not permitted to assist you with preparation of your paperwork or give legal advice.

Hub Dorsey Facilities Administrator 386-8180

Marion County Law Library 222 West Center Street Marion, Ohio 43302 (740) 223-4170 Legal Aid Society 142 West Center Street Marion, Ohio 43302 (740) 383-2161

Gwyn McKinniss Fiscal Administrator 223-4071

Supreme Court of Ohio www.supremecourt.ohio.gov (some forms available)

lennifer Sidle Support Services Administrator 223-4064

(740) 223-4060 (740) 382-3798 fax

(740) 382-8988

Turning Point

P.O. Box 875

Marion, Ohio 43302

222 West Center Street Marion, Ohio 43302

www.co.marion.oh.us

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| PY NAME OFFICE ADDRESS CITY 127 © Center Street Marion 355 © Center Street Marion 1284 S State Street Marion 144 © Center Street Marion 1233 W Center Street Marion 125 S Main Street Marion 198 © Center Street Marion 198 © Center Street Marion 165 W Center Street Marion 165 W Center Street Marion | 302 | 43 | Marion | 334 E Center Street | Crowder, Nary Kay | = |
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| PY NAME OFFICE ADDRESS CITY 127 © Center Street Marion 355 © Center Street Marion 1284 S State Street Marion 144 © Center Street Marion 1253 W Center Street Marion 1255 Main Street Marion 198 © Center Street Marion 198 © Center Street Marion | 02 | 433 | Marion | S I | Cramer, Ronald D (Returns) | S |
| Y NAME OFFICE ADDRESS CITY 127 © Center Street Marion 355 © Center \$1, Suite 020 Marion 284 S State Street Marion 144 © Center Street Marion 125 S Main Street Marion 125 S Main Street Marion Marion Marion Marion Marion Marion Marion Marion | 02 | 433 | Marion | 193 E Celliel Juleec | 1 | တ |
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| EY NAME OFFICE ADDRESS CITY 127 € Center Street Marion 355 € Center St, Suite 020 Marion | 2 | 4330 | Marion | 284 S State Street | Bateman-Carothers, Sheena | 4 |
| EY NAME OFFICE ADDRESS CITY 127 E Center Street Marion | 2 | 4330 | Marion | 355 E Center St, Suite 020 | Bartram, John C | CH) |
| OFFICE ADDRESS CITY | 2 2 | 7557 | Marion | 127 € Center Street | Anderson, Fodd | 2 |
| C | DE DE | ZIP CC | CITY | OFFICE ADDRESS | ATTORNEY NAME | - |
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|---------------------|----------------------------|----------|-------|--------------|
| 50 Spitzer, Joel | 198 E Center Street ?? | Marion | 43302 | 740-223-3122 |
| S1 Williamson, Dave | 196 1/2 West Center St | Marion | 43302 | 740-382-1027 |
| 52 Williamson, Jon | 355 E Center St, Suite 101 | Marion | 43302 | 740-382-8892 |
| 53 Wilson, Robert | 200 W Center St, Suite B | Marion | 43302 | 740-387-0970 |
| 54 Wikin Nathan | 117 E Center Street | Marion | 43302 | 740-383-3928 |
| - | 35 N. Sandusky Street | Delaware | 43015 | 740-362-8799 |
| 56 Ziesler Fred | 144 E Center Street | Marion | 43302 | 740-387-0900 |