

WARNING

**IF REAL ESTATE, RETIREMENT BENEFITS, OR
PENSIONS ARE INVOLVED, THIS PACKAGE
MAY NOT WORK.**

**PLEASE ATTEND THE NEXT FREE LEGAL
CLINIC OR CALL SOUTHEASTERN OHIO
LEGAL SERVICES IF PROBLEMS ARISE.**

If you or your spouse own any **real estate**, or have any type of **pension plan**, you should **consult a private attorney** before using these forms.

FILING A DIVORCE-WITHOUT CHILDREN (Knox County) GENERAL INSTRUCTIONS

Attached are forms for you to file with the court to ask for a divorce from your spouse. These instructions are intended to be a general guide to help you get your request properly before the Judge. These instructions are not intended to be a legal analysis of your request and will not ensure you that you will receive your divorce or anything else you have requested. **IN ORDER FOR THESE FORMS TO WORK FOR YOU, YOU MUST READ AND FOLLOW THE INSTRUCTIONS CAREFULLY.**

YOU MUST HAVE LIVED IN THE STATE OF OHIO FOR AT LEAST 6 MONTHS PRIOR TO FILING THIS COMPLAINT. ADDITIONALLY, YOU MUST HAVE LIVED IN THE COUNTY IN WHICH YOU ARE FILING THE DIVORCE FOR AT LEAST 90 DAYS, UNLESS YOU ARE FILING IN THE COUNTY IN WHICH YOUR SPOUSE LIVES.

This packet should include the following forms:

Forms#

1. Complaint for Divorce - Without Children (3 pages)
2. **Affidavit of Indigency** (Fill out this form only if you are unable to afford the court fees) (1 page)
3. Judgment Entry (On Affidavit of Indigency) (1 page)
4. Motion for Temporary Orders (2 pages)
5. **Affidavit in Support of Motion for Temporary Orders** (3 pages)
6. Judgement Entry (Temporary Order) (1 page)
7. Motion for Restraining Order (2 pages)
8. **Affidavit in Support of Restraining Order** (2 pages)
9. Judgment Entry (Restraining Order) (1 page)
10. Instructions for Service (2 pages)
11. **Affidavit for Service Pursuant to O.R.C.P. 4.4(A)(2)** (fill out this form only if you are unable to afford court fees) (2 pages)
12. **Affidavit of Income, Expenses, and Financial Disclosure** (the court highly recommends that you fill out this form, but it is not required). (10 pages)

** Please note:* All forms in **BOLD** must be signed in front of a notary. If you have a bank, your bank may notarize the affidavits at no cost to you. If you go to a bank which you do not use, you may be charged a small fee for having your papers notarized.

Also enclosed is the following:

- ✗ Filing Costs table from Knox County Clerk of Courts' Office
- ✗ Map to Knox County Court

And three brochures:

- ✗ Rules to Follow When You Are Representing Yourself
- ✗ Representing Yourself in Court? How to Use... Evidence to Help Prove Your Case
- ✗ How to Handle Witnesses When You Are Representing Yourself

Notice: These forms should only be used if the divorce is uncontested or simple, meaning everybody agrees to the terms of the divorce and there are no significant property and debts to split, and you and your spouse do not have a house or retirement benefits. If your spouse hires an attorney and you do not feel that you can adequately represent yourself, you should immediately hire an attorney to represent you, and request a continuance (postponement) of any hearings. If you are low-income, you can contact the Newark office of Southeastern Ohio Legal Services, which covers Knox County, at (740) 345-0850, or (888) 831-9412 for additional advice, and possibly for representation.

TERMS AND DEFINITIONS

An **Affidavit** is a sworn statement to the Court listing facts supporting why you want what you are asking for such as a divorce, spousal support, etc.

Certificate of Service (COS) is a statement to the Court that says you have already notified ("served") the other party (or his or her attorney) of the documents you are filing with the Court. If your spouse is represented by an attorney, then you will need to send the attorney copies of all documents instead of your spouse. The date on the COS needs to be the day you send the papers in the mail. All you have to do is send the other party a copy of the documents you are filing. If you personally hand-deliver the documents, note that on your COS. You must send a copy of everything that you file with the Court throughout the divorce case to the other party (or his or her attorney).

An **Indigent** person is one who is found to be financially unable to pay filing fees and court costs. The Supreme Court has recognized an indigent petitioner's right to have certain fees and costs waived in divorce and termination-of-parental-rights cases.

Memorandum in Support is where you list your reasons why you are asking the Court to do what you want.

A **Motion** is a request to the Court. For example, a Motion for Continuance is a request asking the Court to continue (or delay) the proceedings, until a date in the future.

A **Notary** is a person authorized by the state to administer oaths, certify documents, and attest to the authenticity of signatures.

Pro Se is a Latin word that means "by yourself, for yourself".

FILLING OUT THE FORMS

1. The **captions** will be the easiest thing to fill out. They will all look alike, except that some are shorter and have less information about the parties. Go through and insert the parties' names. You are the Plaintiff and your spouse is the Defendant. If there is more than one blank for each party, write down your and your spouse's address on the next 2nd and 3rd lines, and social security number and date of birth, where indicated. Be sure to write in the name of the county in

which you are filing the divorce in the blank at the top of the caption. You will not know the case number until you file the divorce. At that time the court will assign you a case number. Be sure to include that case number on any papers which you file later on.

2. Each page after the first page has a heading. The headings will be the same for every page, except for the title of the document. Put your last name in the first blank, and your spouse's last name in the second blank.

3. Throughout the documents, you will sometimes see his/her or Plaintiff/Defendant - circle or white out or cross out one of them, as appropriate. If a document says "Plaintiff _____", or "_____ pro se", or simply "_____", insert your full name in the blank.

4. Many of the documents will have a "menu" of choices. Read the choices carefully and think about them. Check the boxes before the requests that you want to make to the Court, and the boxes with information which is relevant to your requests. You may decide to ask for something you hadn't considered before; however, you should also be sure that your requests are reasonable and fair to your spouse.

5. There are 7 different grounds for divorce listed in the Complaint for Divorce. Most often, people list "gross neglect of duty" and "extreme cruelty" as reasons for divorce, in addition to incompatibility. If you and your spouse have lived apart from each other without interruption for one year, that is another ground to check. Please note: you cannot get a divorce on the basis of incompatibility if your spouse denies that you are incompatible.

6. The Motion for Restraining Order, contains a request for two separate restraining orders:

- ✗ A temporary restraining order requiring Defendant not to injure, threaten, harass, or physically abuse Plaintiff;
- ✗ A temporary restraining order requiring Defendant not to damage, destroy, sell or attempt to sell, dispose of, or remove marital property and/or Plaintiff's personal property from Plaintiff's residence, or incur debts in Plaintiff's or his name for which Plaintiff may be held liable.

Such restraining orders are requested and granted in most divorce cases. Your spouse does not need to have done anything "wrong" or have hurt you to request such a restraining order. If you are certain that your spouse will not do any of the things stated in the restraining orders, you should not file the restraining orders.

Please note: "personal property" is anything you own other than land or a house on a piece of land, which is called "real property."

7. The Motion for Temporary Orders and Affidavit in Support of Motion for Temporary Orders are forms which allow you to ask for temporary spousal support, and various other things until the divorce is final, which will be months, and possibly a year or longer if your spouse contests what you have requested. The Court is likely to schedule a hearing on the Motion for Temporary Orders if your spouse opposes your requests.

In the Motion for Temporary Orders, you can ask for spousal support and/or that your spouse pay for you to hire an attorney. The Court is more likely to grant a request for spousal support and/or attorney fees if your marriage is long, your spouse makes a lot more money than you do, and your spouse has money left over after paying monthly bills and reasonable living expenses. If you want money to hire an attorney, contact a couple attorneys to find out how much they would charge for a divorce, and put that information in the affidavit. Also, if you are requesting money to hire an attorney, you should explain why you cannot represent yourself. These reasons can relate to you (for example, you suffer from an anxiety disorder or you dropped out of school in 9th grade), or to an issue in the divorce (for example, your spouse has money in bank accounts which you are afraid s/he will hide from the Court). You should put all of this information in your affidavit.

If you need more space to explain why you are requesting something, attach an extra sheet of paper to your Affidavit in Support of Motion for Temporary Orders. Be sure to refer to the attached sheet of paper on the form (for example, "continued on attached paper"), and include the heading at the top of the sheet. (You should do the same anywhere else you need more space.)

8. The Instructions for Service tell the Court how you want your spouse to be served with the Court papers. If you think that your spouse will sign for the Court papers if they are sent by certified mail, you can have them served that way. Otherwise, ask that the Court serve the papers by personal service through the sheriff's department. If you think that your spouse can be served more easily at work than at home, you can have your spouse served at his/her work address, by writing his/her work address in the appropriate blank. You must have a valid address for the Clerk's office to be able to serve the divorce papers on your spouse. The Judge has no authority to grant a divorce unless the other party has been properly notified that you are asking for a divorce and has been given the opportunity to dispute what you are requesting in the divorce. If you do not know where your spouse is living or working, or can't be found otherwise, you should file the Affidavit for Service by Posting. (Before you can serve a divorce by posting, you must have taken all reasonable steps you can think of to find your spouse).

9. If you cannot afford to pay the filing fee (see the attached Filing Costs table), you will need to fill out the Affidavit of Indigency and Judgment Entry (on Affidavit of Indigency).

10. One additional affidavit is strongly recommended but not required by the Court: Affidavit of Income, Expenses, and Financial Disclosure. At the top, fill in the names of the Plaintiff/Petitioner (1) and the Defendant/Petitioner (2)/ Respondent and the social security number, date of birth, and address, as you have done on the other forms. If you are not sure regarding exact amounts or dates, you should put "approximately" or "around" next to the amounts and dates. If the amounts vary, you should say so. Leave the columns for your spouse blank. If an item does not apply to you, or you do not have a certain expense, etc. write "0" or "NA" for "not applicable" on the line. (The Court may reject the form if you leave a lot of blanks.)

11. On the forms which are Judgment Entries, only fill in the caption. Leave the rest of these forms blank.

**** If you need assistance completing these forms, you can attend the free legal clinic held in Knox County every three months. You can contact Southeastern Ohio Legal Services at (740) 345-0850, or (888) 831-9412 to find out the date and location of the next clinic. You should arrive at the clinic no later than 5:30 p.m., and have completed as much of the forms as you can.****

FILING THE DIVORCE PAPERS

1. After the forms are filled out, signed and notarized, make **three (3)** copies of every document. Leave one copy of every document at home.
2. Take the original and two (2) copies to the Clerk's Office of the Domestic Relations Court, which is located at 117 E. High Street, Mount Vernon, Ohio 43050. (*Note: the Clerk will not check the forms to ensure that they are filled out correctly, and cannot give you any legal advice.*)
3. The Clerk should keep the original of every document for the Court's file, and one copy of every document to have served on your spouse. The Clerk should time-stamp a copy of every document for you to keep. This will be your proof that you have filed the original. Please note: the Clerk is likely to keep all of the papers and not return any of them to you until later if you are filing your papers with an Affidavit of Indigency instead of paying the filing fee up front. *Be sure the Clerk has a phone number at which to reach you so that the Court can call you to tell you when to pick up your time-stamped copies.*

OTHER MATTERS, FORMS, AND PROBLEMS

This packet does not include the Notice of Dismissal form, but Southeastern Ohio Legal Services can provide it to you if you think it is necessary (and the library binder should have a copy of this form as well):

Should you change your mind about getting a divorce, you will want to file a Notice of Dismissal. Please note: If your spouse has filed a counterclaim for divorce, you will not be able to dismiss the case by filing a Notice of Dismissal. (Both of you would have to agree to dismiss the case.)

If you move during your divorce, be sure to notify the Court in writing regarding your new address.

If your spouse answers the divorce papers and asks for something different than what you have requested, the Court will evaluate the case for mediation. All mediation assessments and mediations are handled by the court mediator *unless* a conflict exists. All court mediations are free of charge.

WHAT HAPPENS NEXT?

Service will be completed by the Clerk of Courts. Sometimes the Court is unable to complete service. This could be for various reasons, but most often it is because your spouse is no longer living where you thought s/he was living. If service is not completed, the Court will notify you, and you should provide another address to the Court at which to serve your spouse, such as a work address. (Be sure your request has the caption, including the case number, on it.)

After your court papers are filed and service is completed, your spouse has 28 days to respond. If your spouse responds, s/he will do so by filing a document called an "Answer." The answer admits or denies each item stated in your Complaint. Your spouse probably will only file an Answer if he/she opposes something you are requesting in the divorce. If your spouse files an

Answer, you will get a copy of this document in the mail. Your spouse could also file a

"Counterclaim" asking for what s/he wants.

Look at the bottom of the document to see if your spouse has an attorney representing him or her. If your spouse has an attorney, it is not recommended that you represent yourself. If you are low-income, you can contact the Newark office of Southeastern Ohio Legal Services at (740) 345-0850, or (888) 831-9412 for additional advice, and possibly for representation.

If your spouse answers your divorce papers, the Court will set your case for a Case Management Status Conference or a Pre-Trial Conference. The purpose of these conferences is for the Court to determine the status of your case, including what issues are disputed by you and your spouse, and what needs to happen before a trial or final hearing can be scheduled. Usually, the Court does not make decisions regarding the issues in the case at these conferences.

You may want to request a copy of the Local Rules at the Clerk's Office to find out more about the procedures of the Court.

PREPARATION FOR THE HEARING

1. You must dress as you would for a job interview. Dressing properly shows respect for the Judge, and will help ensure that the Judge takes you seriously. Bring along any witnesses that you want to testify for you. (If you want to subpoena witnesses to the hearing, you should ask the *clerk* for a subpoena form at least a few weeks before the hearing.) You should also have any receipts, photographs, or other evidence that you want the Judge to see. Be sure to write down before the hearing what you want to tell the Judge, and what you want to ask your witnesses, or your spouse and his/her witnesses.
2. You should bring a second witness in Court to testify to the grounds for your divorce in case your spouse denies that you are incompatible.
3. **VERY IMPORTANT!!! THIS IS NOT THE TIME TO TELL THE JUDGE EVERYTHING YOUR SPOUSE HAS DONE THAT YOU DISAGREE WITH, OR THAT HAS HURT OR ANGERED YOU. THE JUDGE WILL ONLY WANT TO HEAR THE EVIDENCE REGARDING WHAT YOU HAVE ASKED FOR IN YOUR COMPLAINT AND MOTION(S). BE PREPARED TO LIMIT YOUR TESTIMONY TO ONLY THOSE ISSUES RAISED IN YOUR COMPLAINT AND MOTIONS. THE JUDGE MAY LOSE PATIENCE IF YOU SPEND A LOT OF TIME ON IRRELEVANT ISSUES.**
4. At your hearing, you may be asked questions by the Judge, your spouse, or your spouse's attorney. Before answering each question, listen carefully to it. Be sure you provide the information that you are asked. If you do not understand the question, ask to have the question explained to you before answering. You have the right to have these questions explained. It is not your fault if you can't understand the person asking the question.
5. Read the three enclosed pamphlets: Rules to Follow When You Are Representing Yourself; Representing Yourself in Court? How to Use . . . Evidence to Help Prove Your Case; and How to Handle Witnesses When You Are Representing Yourself. These pamphlets can help you prepare for any hearings.

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name) : Case Number _____
(Court will complete)

(Your Address) :

DOB: _____ :

Plaintiff, :

vs. :

Judge/Magistrate _____
(Court will complete)

(Your Spouse's Name) :

(Your Spouse's Address) :

DOB: _____ :

Defendant. :

**COMPLAINT FOR DIVORCE -
WITHOUT CHILDREN**

1. Plaintiff has been a resident of the State of Ohio for more than six months immediately prior to the filing of this Complaint, and (Check One)

- of _____ County for more than 90 days immediately prior to filing this Complaint and/or
- Defendant is a resident of _____ County.

2. Plaintiff and Defendant were married on _____ in
(Insert Date)

_____, _____
(City) (State)

3. We do not have any children together.

4. Wife is not currently pregnant.

5. Defendant has been guilty of: **(Check all that apply)**

- Gross Neglect of Duty
- Spouse is currently in prison
- Adultery
- Habitual Drunkenness
- Incompatability
- Living separately for at least one year
- Extreme Cruelty

6. The parties **(Check One)**

- do not own real property
- do own real property located at

(Address, City, State)

7. The parties have personal property which: **(Check One)**

- has been divided
- has not been divided. Major property items not divided include _____

8. The parties: **(Check One)**

- do not have any debts
- have the following debts _____

THE PLAINTIFF ASKS THE COURT FOR THE FOLLOWING RELIEF:

- a. Grant this divorce;
- b. Equitably divide the property and debts.
- c. That the Court: **(Check all that apply)**
 - restore wife to her former name of

 - order the Defendant not to dispose of property during this action.
 - order the Defendant to pay spousal support.
- d. Order the Defendant to pay the costs of this action; and
- e. Award any other relief the Court feels is fair and equitable.

Respectfully submitted,

Plaintiff Signature (Your Signature)

Print Name

Street Address

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**AFFIDAVIT OF INDIGENCY AND
APPLICATION FOR WAIVER OF
FILING FEE**

I, _____, being first duly sworn and cautioned, depose and state
as

(Your Name)

follows:

1. I am the Plaintiff in the above-captioned case.
2. I do not have the funds or assets to pay the costs of the deposit or to pay for an attorney to represent me. If sufficient funds do become available to me in the future, I am willing to pay the costs at that time.
3. I therefore request that I be allowed to proceed in this matter without prepayment of costs.
4. I understand that the Court may assess the costs of this action at the conclusion of the case and that the costs may be assessed against me.

Affiant (Sign here in front of notary)

STATE OF OHIO, COUNTY OF _____, SS:

Sworn to before me and signed in my presence this ___ day of _____, 20__

Notary Public

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

JUDGMENT ENTRY
(ON AFFIDAVIT OF INDIGENCY)

Upon Affidavit of the Plaintiff and for good cause shown, it is hereby ordered that Plaintiff be allowed to proceed without prepayment of costs in this matter.

IT IS SO ORDERED

MAGISTRATE/JUDGE

FORM 4

**IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO**

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

**MOTION FOR TEMPORARY
ORDERS**

The Plaintiff asks the Court for the following temporary orders: **(Check each that you are asking for)**

- 1. Order Defendant to pay temporary spousal support;
- 2. Order the Defendant not to sell, trade, give away, destroy, or otherwise dispose of our marital property;
- 3. Order the Defendant to continue to pay the following marital debts:
(Check each that you are asking for)
 - rent
 - housing payment
 - car
 - utilities
 - credit card
 - other
 - health insurance
 - property taxes
 - auto insurance

- 6. Give the Plaintiff exclusive possession of the following family vehicle:

Year Model License No. VIN Number

7. Give the Plaintiff exclusive possession of the family home located at:
_____ (Address of Family Home)
8. Order Defendant not to incur any more debt in the Plaintiff's name or from using the marital property as collateral for any debt.
9. An order requiring Defendant to pay Plaintiff money for attorney's fees pursuant to R.C. § 3105.18(H) so that Plaintiff can hire an attorney.
10. An order requiring Defendant not to remove Plaintiff from the health insurance.
11. An order requiring that Defendant not close or spend money from the checking and savings account.

I will also complete and file Affidavit of Plaintiff Temporary Relief.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

AFFIDAVIT
FOR TEMPORARY ORDERS

I, _____, being first duly sworn, depose
(Your Name)

and state the following:

2. I am the Plaintiff in the above-captioned divorce case.

3. I have lived in Ohio for at least six (6) months and in _____
County for more than ninety (90) days.

4. I am married to the Defendant.

5. The reasons I need: **(Check all that apply)**

to stop the Defendant from disposing of marital property are: **(Give details of any joint accounts, credit cards or property your spouse may be using.)**

the Defendant to continue to pay the following debts: **(Check all that apply)**

- | | | |
|---|--|--------------------------------|
| <input type="checkbox"/> rent | <input type="checkbox"/> utilities | <input type="checkbox"/> Other |
| <input type="checkbox"/> car | <input type="checkbox"/> credit card | |
| <input type="checkbox"/> auto insurance | <input type="checkbox"/> property taxes | |
| <input type="checkbox"/> health insurance | <input type="checkbox"/> housing payment | |

because: _____

- exclusive possession of the family vehicle **(Give reasons you need this vehicle)**

Year	Model	License No.	VIN Number

- exclusive possession of the family home located at _____

because **(Give reasons you need the home)** _____

the Defendant may have alternative living arrangements at:

- spousal support because: **(give reasons why spouse should be paying you support)**

- to stop the Defendant from incurring any further debt in my name or by using marital property as collateral because: _____

- I cannot afford to hire an attorney. Defendant can afford to pay an attorney. I need Defendant to pay me money to hire an attorney. I cannot protect my rights and interests if I am not awarded reasonable attorney fees.

Affiant says that the allegations are true and statements contained in the Affidavit are true to the best of the Affiant's knowledge.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant (Sign in front of notary)

STATE OF OHIO
COUNTY OF _____, SS:

SWORN TO and subscribed in my presence before me, a Notary Public, in and for said County and State, this _____ day of _____, 20____.

Notary Public

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

JUDGMENT ENTRY -
TEMPORARY ORDERS

Upon Motion for Temporary Orders and affidavits of Plaintiff and for good cause shown, this Court ORDERS the following:

- 1. Defendant shall pay temporary spousal support in the amount of _____ a month:
- 2. Defendant shall pay Plaintiff _____ For attorney's fees no later than _____. Plaintiff would be prevented from fully litigating his/her rights and adequately protecting his/her interests if this Court did not award Plaintiff reasonable attorney's fees.
- 3. Plaintiff is awarded temporary possession of the house and land located at _____.
- 4. Plaintiff is awarded temporary possession of the following motor vehicle: _____
- 5. Defendant shall pay the following bills and/or debts: _____
- 6. Defendant shall not injure, threaten, harass, or physically abuse Plaintiff
- 7. Defendant shall not damage, destroy, sell or attempt to sell, dispose of, remove marital property and/or Plaintiff's of the child(ren)'s personal property from Plaintiff's residence, or incur debts in Plaintiff's or Defendant's name for which Plaintiff may be held liable.

IT IS SO ORDERED.

JUDGE/MAGISTRATE (Court will complete)

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

Defendant.

**MOTION FOR RESTRAINING
ORDERS**

Now comes the Plaintiff/Defendant and respectfully moves this Court for an order restraining the Defendant/Plaintiff during the pendency of this action from directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere.

Further, the Plaintiff/Defendant asks this Court for an order restraining the Defendant/Plaintiff from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of, or in some manner secreting the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

Further, the Plaintiff/Defendant moves this Court for an order restraining the Defendant/Plaintiff from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of the automobiles or other vehicles of the parties.

Further, the Plaintiff/Defendant moves this Court for an order restraining the Defendant/Plaintiff from directly/indirectly changing beneficiaries, making loans on, terminating or otherwise closing out, or reducing life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant or the child(ren) thereof.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from directly or indirectly causing the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant to be terminated or lessened as to the benefits or value.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from contracting upon Plaintiff's/Defendant's credit in any manner.

Further, the Plaintiff/Defendant moves this Court for and order restraining the Defendant/Plaintiff from permanently removing the minor child(ren) of the parties during the pendency of this action.

Plaintiff further moves this Court that no bond be required of him/her.

This Motion is supported by the Affidavit Supporting the Motion for Restraining Order.

Plaintiff Signature

Name

Street Address

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Case No. _____
(Court will complete)

Plaintiff,

Judge/Magistrate _____
(Court will complete)

vs.

(Your Spouse's Name)

**AFFIDAVIT IN SUPPORT OF THE
MOTION FOR RESTRAINING
ORDERS**

Defendant.

(Insert Name) _____, being first duly sworn, deposes and says that she/he is the Plaintiff/Defendant herein and that:

(1) He/She fears that, unless restrained, the Defendant/Plaintiff will directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere as he/she has on occasion done.

(2) Plaintiff/Defendant fears that, unless restrained, the will sell, damage, destroying, remove, encumber, dispose of, lessen the value of, or in some manner secret the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

(3) He/She fears that, unless restrained, the Defendant/Plaintiff will sell, damage, destroying, remove, encumber, dispose of, lessen the value of the automobiles or other vehicles of the parties.

(4) He/She fears that, unless restrained, the Defendant/Plaintiff will directly/indirectly change beneficiaries, make loans on, terminate or otherwise close out, or reduce life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant.

(5) He/She fears that, unless restrained, the Defendant/Plaintiff will withdraw, spend, encumber, or dispose of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

(6) He/She fears that, unless restrained, the Defendant/Plaintiff will directly or indirectly cause the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant.

(7) He/She fears that, unless restrained, the Defendant/Plaintiff will contract upon Plaintiff's/Defendant's credit in any manner.

Further Affiant sayeth naught.

(Affiant sign here in the presence of notary)

STATE OF OHIO,
COUNTY OF _____, SS:

Sworn to before me and signed in my presence this _____ day of _____, 20____.

Notary Public

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)
Plaintiff,

Case No. _____
(Court will complete)

vs.

Judge/Magistrate _____
(Court will complete)

(Your Spouse's Name)
Defendant.

JUDGMENT ENTRY

Upon Application and Affidavit of the Plaintiff/Defendant and for good cause shown, the Defendant/Plaintiff is restrained from directly or indirectly harassing, annoying, interfering with, harassing by telephone, assaulting, or doing bodily harm to Plaintiff/Defendant at the residence or elsewhere.

It is further ordered that the Defendant/Plaintiff is restrained from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of, or in some manner secreting the assets of the marriage of the parties, including but not limited to real estate, household furniture and furnishings, or appliances.

It is further ordered that the Defendant/Plaintiff is restrained from selling, damaging, destroying, removing, encumbering, disposing of, lessening the value of the automobiles or other vehicles of the parties.

It is further ordered that the Defendant/Plaintiff is restrained from directly/indirectly changing beneficiaries, making loans on, terminating or otherwise closing out, or reducing life insurance policies, including benefits and values, on the life of the Plaintiff or Defendant.

It is further ordered that the Defendant/Plaintiff is restrained from withdrawing, spending, encumbering, or disposing of funds deposited in any financial institution, including but not limited to bank accounts, savings accounts, money markets, credit unions, pension plans, or certificates of deposit (except checking accounts).

It is further ordered that the Defendant/Plaintiff is restrained from directly or indirectly causing the hospitalization and/or medical, dental or any other insurance, including automobile insurance, previously in effect for the benefit of the Plaintiff or Defendant.

It is further ordered that the Defendant/Plaintiff is restrained from contracting upon Plaintiff's/Defendant's credit in any manner.

No bond shall be required of Plaintiff/Defendant.

Judge

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)

Plaintiff,

vs.

(Your Spouse's Name)

Defendant.

Case No. _____

(Court will complete)

Judge/Magistrate _____

(Court will complete)

INSTRUCTIONS FOR SERVICE

TO THE CLERK:

Please serve the Defendant with the Summons and the following documents:
(Check all that you filed.)

- _____ Complaint for Divorce
- _____ Affidavit of Indigency
- _____ Motion for Temporary Orders
- _____ Affidavit for Temporary Orders
- _____ Motion for Restraining Order
- _____ Affidavit for Restraining Order
- _____ Affidavit of Income, Expenses, and Financial Disclosure
- _____ Health Insurance Disclosure Affidavit
- _____ Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

- by CERTIFIED MAIL, ADDRESSEE ONLY at the following address: **(Check if you know your spouse's address)**

(Your Spouses Address)

- by PERSONAL SERVICE at the following address: **(Check if you know your spouse's home or work address, and you do not think he/she will accept certified mail)**

(Your Spouses Work or Home Address)

- Pursuant to O.R.C.P. 4.4(A)(2) so that notice is posted in the courthouse and two additional public places. Additionally, the complaint and summons will be mailed by ordinary mail, address correction requested to the defendant's last known address.

Plaintiff Signature (Your Signature)

Print Name (Your Name)

Street Address (Your Address)

City, State, Zip

Telephone

IN THE COURT OF COMMON PLEAS,
KNOX COUNTY, OHIO

(Your Name)
Plaintiff,

vs.

Case No. _____
(Court will complete)

Judge/Magistrate _____
(Court will complete)

(Your Spouse's Name)
Defendant.

AFFIDAVIT FOR SERVICE
PURSUANT TO O.R.C.P. 4.4(A)(2)

I, _____, being first duly sworn and cautioned, depose
(Your Name)

and state as follows:

1. I have filed for a divorce and am not able to prepay the filing fees;
2. I do not know the current address of the defendant, my spouse;
3. I have made efforts to determine the defendant's current address but have been unable to do so;
4. The defendant's residence cannot be learned with reasonable effort;
5. The defendant's last known mailing address is:

Affiant (Sign Here in Front of Notary)

STATE OF OHIO,
COUNTY OF _____, SS:

Sworn to before me and signed in my presence this _____ day of
_____, 20____.

Notary Public

**Instructions for Completing
Financial Disclosure/Affidavit of Indigency
Form OPD-206R**

The following instructions are for the *Financial Disclosure/Affidavit of Indigency* form (OPD-206R). The form is divided into ten sections, I-X. For the purpose of these instructions, spaces requiring an entry have been numbered.

TO BE COMPLETED BY THE APPLICANT

I. PERSONAL INFORMATION

- (1) Enter the name of the applicant.
- (2) Enter the Social Security number for which representation is being provided.
- (3) Enter the date of birth of the applicant. Use the format Month/Day/Year.
- (4) Enter the street address where the applicant receives mail. Include P.O. Box number, street number, and apartment number where applicable, as well as the city, state, and zip code.
- (5) Enter the home telephone number of the applicant. If there is no home telephone, write "none" in this space.
- (6) Enter the residential address of the applicant if it is different from the mailing address. If the mailing address and the residential address are the same, leave this space blank.
- (7) Enter the number of a telephone where the applicant may receive messages within 48 hours after the caller leaves them. This is especially important if there is no home telephone. There must be a way for the courts and the appointed attorney(s) to contact the applicant by telephone if necessary.

II. OTHER PERSONS LIVING IN HOUSEHOLD

- (8) Enter the names of other persons living in the applicant's household. These other persons may include children and other dependents as well as other financially contributing members of the household.
- (9) Enter the ages of the other persons living in the applicant's household.
- (10) Enter the relationship to the applicant of the other persons living in the household. For example, to indicate the relationship of a female child of the applicant, this space should read "daughter," not "father" or "mother."

If there are more than four other persons living in the applicant's household, attach additional sheet that provides the same information for those not listed on the form.

III. MONTHLY INCOME / EMPLOYMENT

For each type of income, the applicant must enter their own earnings in the "Self" column, the spouse's earnings in the "Spouse" column, and the total earnings of other financially contributing persons living in the household in the "Household Members" column. In the "Total" column, enter the total income from each type by adding the amounts across each row.

List monthly income figures for the following:

- (11) Earnings or wages before taxes.
- (12) Unemployment compensation received.
- (13) Workers' compensation received.
- (14) Pension benefits received.
- (15) Social security benefits received.
- (16) Child support received from a parent not living in the household. Do not include ADC in the calculation of this amount.
- (17) Works First/TANF.
- (18) Disability pay.
- (19) Any other income source. **Note: Food stamps can no longer be considered as income. 51 USC 2107 (b).**
- (20) Any other income source.
- (21) Enter the total income for the household by adding together the amounts in the "Total" column.
- (22) Enter the name of the applicant's employer and the name(s) of the employer(s) of any other employed household member(s).
- (23) Enter the address and phone number of the employer(s).

IV. ALLOWABLE MONTHLY EXPENSES

List monthly household expenses for the following:

- (24) Child support actually paid for children not residing in the applicant's household.
- (25) Child care. This expense may not be claimed if any adult member of the applicant's household is unemployed.

- (26) Transportation to and from work. This may include bus fare or gasoline and parking expenses, but not auto insurance or repairs.
- (27) All types of insurance. This should include medical, dental, life, homeowners insurance, renters insurance, automobile insurance, etc.
- (28) Health and dental care that is over and above the amount paid for medical and dental insurance. This may include prescription medications, co-payments, the payment of deductibles, etc.
- (29) Medical expenses and other expenses incurred in caring for sick or injured family members.
- (30) Enter the total of monthly expenses by adding together the entries in the "Amount" column.

V. TOTAL INCOME

- (31) Enter the amount shown at "Subtotal A," the space identified in these instructions as number (20).
- (32) Enter the amount shown at "Subtotal B," the space identified in these instructions as number (30).
- (33) Enter the total monthly income at "Grand Total C" by subtracting the amount in space (32) from the amount in space (31).

VI. ASSET INFORMATION

For each "Type of Asset" listed in this section, the applicant must describe the item(s) in the center column including length of ownership and the make, model, and year of the asset whenever applicable, and indicate the value of that item in the "Estimated Value" column. The following instructions clarify the types of assets about which information is requested.

- (34) "Real Estate/Home" includes any and all property and buildings owned or mortgaged by the applicant. The description of the property or buildings should include the length of ownership. The estimated current market value of the property or buildings should be entered in the "Estimated Value" column.
- (35) List the total of all "Stocks/Bonds/CD's" owned by the applicant.
- (36) "Automobiles" includes cars only.
- (37) "Trucks/Boats/Motorcycles" includes any type of mechanically powered vehicle other than cars used for transportation.
- (38) Other Valuable Property may include precious metals and/or stones, works of art, valuable collections, electronic equipment, farm equipment, etc. This category does not include home furnishings and clothing.

- (39) "Cash on Hand" includes any U.S. currency immediately available to the applicant.
- (40) "Money owed to applicant" includes tax refunds, anticipated dividends, or any accounts payable expected from an individual or an organization for which agreed upon services or goods were provided by the applicant for an agreed upon price.
- (41) "Other" refers to any other type of asset owned by the applicant to which a dollar value can be attached.
- (42) Enter the name of the bank at which the checking account is held, the account number, and the current balance of the checking account.
- (43) Enter the name of the bank at which the savings account is held, the account number, and the current balance of the savings account.
- (44) Enter the name of the credit union at which an account is held, the account number, and the current balance of the account.
- (45) Enter the "Grand Total" of the applicant's assets by adding together the amounts entered in the "Estimated Value" column.

VII. MONTHLY LIABILITIES / OTHER EXPENSES

The applicant must enter the monthly amount of each "Type of Liability" listed in this section. The following instructions clarify the liabilities about which information is requested.

- (46) "Rent/Mortgage" refers to any payment made for living quarters. The total amount paid must be entered in this space.
- (47) "Food" refers to the amount spent on food by the applicant's household. The dollar value of food purchased with food stamps should be included in the amount entered.
- (48) "Electric" refers to the cost of electricity purchased from a regulated electricity provider. If the cost of electricity is included in the monthly rent, no dollar amount should be entered here.
- (49) "Gas" refers to the cost of natural gas or L.P. gas purchased from a regulated natural gas or L.P. gas provider. If this cost is included in the monthly rent, no dollar amount should be entered here.
- (50) "Fuel" refers to the cost of gasoline purchased for purposes other than transportation to and from work, plus the amount of other fuels purchased for other necessary reasons such as heating and the operation of farm machinery.
- (51) "Telephone" refers to the cost of all local and long distance telephone calls.
- (52) "Cable" refers to the cost of cable television service.

- (53) "Water/Sewer/Trash" refers to the cost of each of these services. If the applicant is not billed directly for one or more of these services, no dollar amount should be entered here.
- (54) "Credit Cards" refers to the total of the minimum monthly payments currently owed on all major credit cards, department store cards, or independent credit cards held by the applicant.
- (55) "Loans" refers to the total monthly payments on all loans including student loans, automobile loans, and loans for other purposes. Home mortgages are not to be included in this category.
- (56) "Taxes Owed" refers to the monthly amount of federal, state, and local taxes owed by the applicant. These include current taxes withheld by the employer as well as past tax debt that is currently being repaid.
- (57) "Other" refers to any other regular monthly expenditure (e.g. education for children or self, rent-to-own items, etc.).
- (58) Enter the "Grand Total E" by adding together all the liabilities and other expenses in the section.

VIII. GRAND TOTALS

- (59) Enter the "Total Monthly Income." This is the same number found at "Grand Total C," or number (33) of these instructions.
- (60) Enter the "Total Assets." This is the same number found at "Grand Total D," or number (45) of these instructions.
- (61) Enter the "Total Monthly Liabilities/Other Expenses." This is the same amount found at "Grand Total E," or number (61) of these instructions.

IX. AFFIDAVIT OF INDIGENCY

- (62) Print or type the name of the applicant.
- (63) Enter the signature of the applicant and the date of signature as witnessed by a notary public.

TO BE COMPLETED BY A NOTARY PUBLIC

- (64-65) Enter the date the signing of the affidavit was witnessed.
- (66) Enter the county in which the signing of the affidavit was witnessed.
- (67) Enter the state in which the signing of the affidavit was witnessed.

(68) The notary public must sign and stamp the form.

TO BE COMPLETED BY THE JUDGE

X. JUDGE CERTIFICATION

This section of the form should only be completed if the applicant is unable to fill out the financial disclosure form and/or sign the affidavit of indigency. In such a case, the judge may indicate by his or her signature that the applicant is indeed indigent.

(69) List the reason the client is unable to sign the form.

(70) The judge must sign any form that cannot be properly completed by the applicant.

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

Name (1)	SS# (2)	D.O.B. (3)
Mailing Address (4)	City (4)	State (4) Zip (4) Phone () (5)
Residence (if different from above) (6)	Message Phone (within 48 hours) () (7)	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name (8)	Age (9)	Relationship (10)	Name (3)	Age	Relationship

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

Type of Income	Self	Spouse	Household Members	Total
Employment (Gross)	(11)			
Unemployment	(12)			
Worker's Comp.	(13)			
Pension	(14)			
Social Security	(15)			
Child Support	(16)			
Works First/TANF	(17)			
Disability	(18)			
Other	(19)			
Other	(20)			
Employer's Name (for all household members)(22)			SUBTOTAL A	(21)
Address				Phone

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

Type of Expense	Amount	
Child Support Paid Out	(24)	Total Monthly Income - Total Allowable Expenses = Total Income
Child Care (if working only)	(25)	
Transportation for Work	(26)	
Insurance	(27)	
Medical/Dental	(28)	
Medical & Associated Costs of Caring for Infirm Family Members	(29)	
SUBTOTAL B	(30)	

SUBTOTAL A	(31)
- SUBTOTAL B	(32)
GRAND TOTAL C	(33)

VI. ASSET INFORMATION

Type of Asset	Describe/Length of Ownership/Make, Model, Year (Where applicable)	Estimated Value
Real Estate/Home	Price:\$ Date Purchased: (34) Equity:	
Stocks/Bonds/CD's	(35)	
Automobiles	(36)	
Trucks/Boats/Motorcycles	(37)	
Other Valuable Property	(38)	
Cash on Hand	(39)	
Money Owed to Applicant	(40)	
Other	(41)	
Checking Acct. (Bank/Acct. #)	(42)	
Savings Acct. (Bank/Acct. #)	(43)	
Credit Union (Name/Acct.#)	(44)	
GRAND TOTAL D		(45)

VII. MONTHLY LIABILITIES/OTHER EXPENSES		VII. GRAND TOTALS	
Type of Liability	Amount		
Rent/Mortgage	(46)	Total Monthly Income	Grand Total C
Food	(47)		(59)
Electric	(48)		
Gas	(49)		
Fuel	(50)		Grand Total D
Telephone	(51)	Total Assets	(60)
Cable	(52)		
Water/Sewer/Trash	(53)		
Credit Cards	(54)	Total Monthly Liabilities and Other Expenses	Grand Total E
Loans	(55)		(61)
Taxes Owed	(56)		
Other	(57)		
GRAND TOTAL E	(58)		

IX. AFFIDAVIT OF INDIGENCY

I, _____ (62) _____ being duly sworn, say:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform my attorney if my financial situation should change before the disposition of my case.
3. I understand that if it is determined by the county, or by the Court, that legal representation was provided for me to which I was not entitled, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with the above application for legal representation pursuant to Ohio Revised Code Section 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

_____ (63) _____
 Client Signature Date

Notary Public:

Subscribed and duly sworn before me according to law, by the above named applicant this ___(64)___ day of _____ (65) _____, County of _____ (66) _____ and State of _____ (67) _____.

_____ (68) _____
 Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

I hereby certify that the above-noted client is unable to fill out and/or sign this financial disclosure/affidavit for the following reason: _____ (69) _____.

I have determined that the applicant meets the criteria for receiving court appointed counsel.

_____ (70) _____
 Judge/Attorney Signature Date

FINANCIAL DISCLOSURE/AFFIDAVIT OF INDIGENCY

I. PERSONAL INFORMATION

Name		SS#		D.O.B.	
Mailing Address			City	State	Zip
			Phone ()		
Residence (if different from above)				Message Phone (within 48 hours) ()	

II. OTHER PERSONS LIVING IN HOUSEHOLD

Name 1)	Age	Relationship	Name 3)	Age	Relationship
Name 2)	Age	Relationship	Name 4)	Age	Relationship

III. MONTHLY INCOME/EMPLOYMENT INFORMATION

Type of Income	Self	Spouse	Household Members	Total
Employment (Gross)				
Unemployment				
Worker's Comp.				
Pension				
Social Security				
Child Support				
Works First/TANF				
Disability				
Other				
Other				
Employer's Name (for all household members)			SUBTOTAL A	
Address				Phone ()

IV. ALLOWABLE MONTHLY EXPENSES

V. TOTAL INCOME

Type of Expense	Amount
Child Support Paid Out	
Child Care (if working only)	
Transportation for Work	
Insurance	
Medical/Dental	
Medical & Associated Costs of Caring for Infirm Family Members	
SUBTOTAL B	

Total Monthly Income - Total Allowable Expenses = Total Income

SUBTOTAL A	
- SUBTOTAL B	
GRAND TOTAL C	

VI. ASSET INFORMATION

Type of Asset	Describe/Length of Ownership/Make, Model, Year (Where applicable)	Estimated Value
Real Estate/Home	Price:\$ Date Purchased: Equity:	
Stocks/Bonds/CD's		
Automobiles		
Trucks/Boats/Motorcycles		
Other Valuable Property		
Cash on Hand		
Money Owed to Applicant		
Other		
Checking Acct. (Bank/Acct. #)		
Savings Acct. (Bank/Acct. #)		
Credit Union (Name/Acct.#)		
GRAND TOTAL D		

VII. MONTHLY LIABILITIES/OTHER EXPENSES

VII. GRAND TOTALS

Type of Liability	Amount		
Rent/Mortgage		Total Monthly Income	Grand Total C
Food			
Electric			
Gas		Total Assets	Grand Total D
Fuel			
Telephone			
Cable		Total Monthly Liabilities and Other Expenses	Grand Total E
Water/Sewer/Trash			
Credit Cards			
Loans			
Taxes Owed			
Other			
GRAND TOTAL E			

IX. AFFIDAVIT OF INDIGENCY

I, _____ being duly sworn, say:

1. I am financially unable to retain private counsel without substantial hardship to me or my family.
2. I understand that I must inform my attorney if my financial situation should change before the disposition of my case.
3. I understand that if it is determined by the county, or by the Court, that legal representation was provided for me to which I was not entitled, I may be required to reimburse the county for the costs of representation provided. Any action filed by the county to collect legal fees hereunder must be brought within two years from the last date legal representation was provided.
4. I understand that I am subject to criminal charges for providing false financial information in connection with the above application for legal representation pursuant to Ohio Revised Code Sections 120.05 and 2921.13.
5. I hereby certify that the information I have provided on this financial disclosure form is true to the best of my knowledge.

Client Signature Date

Notary Public:

Subscribed and duly sworn before me according to law, by the above named applicant this _____ day of _____, _____, County of _____ and State of _____.

Notary Signature

X. JUDGE/ATTORNEY CERTIFICATION

I hereby certify that the above-noted client is unable to fill out and/or sign this financial disclosure/affidavit for the following reason: _____.

I have determined that the applicant meets the criteria for receiving court appointed counsel.

Judge/Attorney Signature Date

**KNOX COUNTY CLERK OF COURTS
FEE SCHEDULE
EFFECTIVE 02/20/2009**

Civil Actions or Complaints	\$300.00
Jury Demand Fee	\$350.00
Civil Cross Complaint, Counterclaim or Third-Party Complaint	\$100.00
Divorce Complaints, Counterclaims, Dissolutions	\$250.00
All post-trial Domestic Actions, including counter motions	\$125.00
Writ of Possession	\$100.00
Writ of Habeas Corpus	\$100.00
Proceedings in aid of execution, including Garnishments & Debtors Exams	\$ 75.00
Appeals from other Tribunals	\$100.00
Foreign Cases (outside Ohio)	\$ 50.00
Court of Appeals - within ten (10) days of filing	\$ 90.00
Court of Appeals - Original Actions (Mandamus, Habeas Corpus, etc.)	\$ 85.00
Cognovit Action (plus \$25.00 CJ Fee)	\$100.00
Certificate of Judgment issuing from & recorded in Knox County	\$ 25.00
Certificate of Judgment & Renewals issuing from another county & recorded in Knox County	\$ 20.00
Issuing out of County Judgment	\$ 5.00
Release of any Judgment, full & partial, except for State of Ohio Department (e.g. Taxation) (includes court certificates of release)	\$ 5.00
Release of any State of Ohio Judgment filed <u>before</u> 01/01/1993 (includes Sales Tax & Workers Comp)	\$ 10.00
Release of any State of Ohio Judgment filed <u>after</u> 01/01/1993 (includes Sales Tax & Workers Comp ... Docket 25 Page 237)	\$ 25.00
Photocopies per page	\$.05
Certification of any document	\$ 1.00
Notary Public Applications	\$ 18.00
Expungement, Motion for Judicial Release	\$ 50.00
Shock Probation	\$ 30.00
Filing of Sheriff Election Candidacy Application	\$ 25.00
Recording of Optometry License	\$ 1.00
Passports: Under 16 = \$85 (\$60 to Passport Services & \$25 to Clerk) Adult (over 16) = \$100 (\$75 to Passport Services & \$25 to clerk)	

Rules to Follow When You Are Representing Yourself

The Court is a very traditional place. When you are representing yourself in Court, you are trying to persuade a judge or jury that you are right. So you must act, dress, and speak in a way that helps you with your case. Here are some tips:

BE ON TIME

What will happen if you are late?

- Your case can be dismissed.
- The judge may make a decision without hearing your side.

What to do if you are late?

- Call the Court, ask to speak with the secretary of the Judge assigned to your case. Ask the secretary to tell the Judge why you are late & when you expect to arrive.

DRESS NEATLY

- You do not need fancy clothes, just make sure you are neat and clean.
- Tank tops, shorts, ripped jeans, or baseball hats are not acceptable. T-shirts or hats with messages such as "Legalize Marijuana" or "Where's the Beef," while funny, are not acceptable for court.

BE RESPECTFUL

- How you act is as important as how you look. Just like an attorney, you must be respectful to everyone in the Court, including the judge, court staff, and the other party involved in your case.
- Do not speak while others are speaking. Do not get into an argument with the other side. If you disagree with what the other side is saying, wait until he or she is done and then tell the Judge.
- Speak to the judge only when you are told it is your turn. Address the judge as "your honor." Never interrupt the Judge.
- Try to control your emotions as much as possible, especially anger.

DO NOT BRING CHILDREN WITH YOU TO COURT

- It is okay to bring your child if it is a custody or visitation case and the Judge or Magistrate needs to talk with your child. In all other cases, find someone to look after your child.

NO CELL PHONES OR PAGERS IN THE COURT

- Turn your phone /pager off when you enter the court. Ringing phones and beeping pagers are very distracting and make some judges very mad, which will not help your case!

What to Expect When You Arrive at the Courthouse

Check in at the clerk's office to find out which courtroom to go to. Go into the courtroom and sit quietly until your case is called. You may have to wait for up to an hour; just be patient.
When your case is called, walk to the table or podium for lawyers in front of the judge, and stand facing the

judge. The judge will tell you when to speak.

When the judge asks you to present your case, tell the judge what it is that you are requesting and why you are requesting it. After you are finished, the other side will have a chance to ask you questions.

Next, the other side will present his/her case. Don't forget, if you disagree with something the other side says, do not interrupt. You will have an opportunity to ask the other side questions when he/she is finished talking.

During the hearing the judge may ask you questions.

- If you don't understand the question, say so. Don't answer until you fully understand the question.
- If you don't know the answer say so. Do not be afraid to admit that you don't know something.

Decisions are not always given right away. In most cases, you will receive the judge's decision in the mail within two weeks.

WARNING

Do not try to talk to the judge about your case before your case is called.

The law prevents the judge from talking to one party if the other party is not present (unless the case is currently before the court). This one-sided conversation is called an "ex parte communication" and it is illegal.

Any letter, motion, or request you send to the court will be ignored by the judge (because it is an ex parte communication) unless you send a copy of that letter or request to the opposing party as well.

For example: If you write a letter to the judge requesting that the court date for your divorce be changed, you must send a copy of this letter to your spouse as well and let the judge know that you have done this. Otherwise the judge will not even read your letter.

Do not ask court staff for legal advice.

Court staff are **not** attorneys and **cannot provide legal advice**. More importantly, they are employees of the court and must treat both sides in a case fairly. It is unfair and illegal for them to help one party and not the other.

Court staff can answer questions about court procedure, court rules, and the meaning of certain legal terms.

How to Handle Witnesses

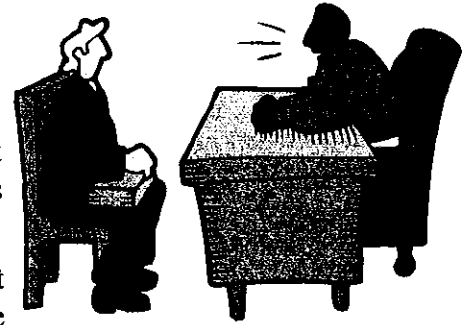
When You Are Representing Yourself

When Should I Bring a Witness to Court?

It is always a good idea to bring a witness with you simply to tell the Court that you are an honest person or to confirm that what you are telling the Court is true.

In most cases that come before the Court, both sides are telling a different version of the same story. The Court knows that each side may be telling the version that best serves his or her own interests. The testimony of a witness (someone not involved in the case directly) will make your side of the story more believable.

In some types of cases, you are required by law to bring a witness. For example, in divorce cases, many Courts require a that you bring a witness to testify that you are a person known to have good character in your community (that you are an honest and good person).



What If My Witnesses Can't Come to the Hearing?

Your witness **must** come to the hearing! A handwritten note from a person will not be accepted by the Court—the witness must show up at the hearing and testify live. Live testimony is required so that the other side has an opportunity to ask questions of your witness as well.

To make sure your witnesses will show up, make sure you call them the week of the hearing and again the day before the hearing to remind them.

Who Should I Bring as a Witness?

- People who know you and your reputation in the community.
- People who know about the situation that brought you to the Court from things they have seen or heard. Only use witnesses after you have talked to them and are sure that they will tell the Court what is helpful to your case.

While it is okay to have a friend or family member be a witness for you, it is always best to have someone who does not favor one side over the other. With family members and friends, the Court may assume that the person is testifying for you simply because they like you and want you to win.

How Do I Prepare My Witnesses?

- Think about what is the most valuable thing each witness could say on your behalf.
- Write down a few questions that will help the witness get the idea across.
- Practice with your witness ahead of time, so you know what answers will be given.

What Should I Do With My Witnesses at the Court Hearing?

- Start by asking the witness their name and address.
- If your witness is a professional, you should ask what their job is, what their educational degrees are, and how long they have been doing their job.
- Then ask specific questions about what information they have about your case.

With your own witness, it is **not okay to ask “leading questions.”** Leading questions give the witness the answer you want them to say.

You must keep your questions open-ended. *Open-ended questions are Who, What, Where, When, How, and Why questions.*

Examples to use:

- How would you describe my husband’s condition when he dropped the children off at your house?
- What did my husband do when he would pick the children up from day care?

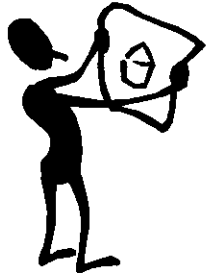
Rules To Follow When Questioning Witnesses

- Keep your questions short.
- Never ask a question when you do not know what the answer will be—the answer could hurt your case more than help it.
- If you don’t get the answer you were expecting from a witness, do not argue with them or accuse them of lying. It makes you look bad before the judge. Remember . . . politeness at all times!
- If a witness refuses to answer a question, ask the judge to make the person answer.

Samples of Questions to Ask My Witnesses

- What is your name?
- What is your address?
- How long have you known me?
- During the time that you have known me, have you become familiar with my reputation in the community?
- Do I have a reputation for good character and honesty in the community?
- From what you know about me, am I someone the Court can rely upon to tell the truth?
- You have heard what I have said in Court. To the best of your knowledge, do you know it to be true?
- Please explain how you know this to be true.

Representing Yourself in Court



How to Use Photographs, Maps, Drawings, and Other Evidence to Help Prove Your Case

What is Evidence?

Evidence is anything you use to prove your claim. Evidence can be a photograph, a letter, documents or records from a business, and a variety of other things. All evidence that is properly admitted will be considered by the judge.

Your case probably will be decided by a judge. If there is a jury, it will look at admitted exhibits during its deliberations.

For example:

- **In a request for change of custody**, the child's school records could be introduced as evidence that the child's grades have dropped or he/she has missed a significant amount of school while living with the other parent.
- **In a domestic violence or stalking civil protection order case**, a photograph of any injury you suffered or a threatening letter written by your abuser may help your case.
- **In a divorce case**, a copy of tax return documents or documents showing who has title to a car or automobile may be introduced as evidence.

Why Use Evidence?

- ① Evidence is more **believable and trustworthy** than what a person says. For example, in a domestic violence case, if you say that your ex-boyfriend has left you threatening messages but he testifies that this is an absolute lie, the judge may not know whom to believe. However, if you submit a tape recording of one of these messages the judge will be more likely to believe you.
- ② Evidence may make something **easier to understand**. "A picture is worth a thousand words." Some things are hard to explain in words, while a drawing or photograph is descriptive and clear.

How Do I Present Evidence to the Court?

Each court is different, but in most courts, you can't just walk into court with a photograph or document and show it to the judge or jury. There are many things you must do before the court will even look at the evidence you have. Further, there are many different types of evidence, and the rules for using each type of evidence are different. Once you follow these rules, your evidence will be "admitted".

Steps to Follow to Admit Evidence

→ Before you ever go to court, think about the evidence you want to use to prove your case. Mark each piece of evidence with an exhibit number (attach a sticker labeled "Exhibit 1," "Exhibit 2," etc.)



Bring these marked Exhibits with you to court. When you want to show the court one of the exhibits, do the following things:

- 1 Show the exhibit to the other party or the other party's attorney.
- 2 Then "lay the foundation" for the evidence. To do this, you must show that the evidence is relevant to your case and authentic (not a forgery). Depending upon what you want the court to consider, follow the rules listed in this pamphlet for "laying the foundation" - explaining why and how the exhibit is connected to your case.
- 3 Either you or your witness must testify about the exhibit.
- 4 Ask the court to admit the exhibit into evidence. The other party or attorney may object to the exhibit for some reason. Try to answer these objections as best you can. If you can't, let the judge decide.
- 5 If there are no objections from the other party, or the judge has ruled in your favor, ask the court to "admit the Exhibit into evidence."

Laying the Foundation for Photographs

1. Explain why a photo is connected to your case. For example:

"This photo shows the injury I suffered after my ex-boyfriend punched and kicked me."



2. Explain how you know about what is in the photo. For example:

"I had my sister take this photograph within 2 hours after the incident occurred and went to get the film developed myself the following day."

3. Explain that the photo is timely. For example:

"At the bottom right-hand corner of the photo is the date on which it was taken. As you can see, the photo was taken on the same day that the incident occurred, which is also the same day the police arrested my ex-boyfriend."

4. Explain that the photo "fairly and accurately" shows what is depicted in the photo as it appeared on the date relevant to your case. For example:

"This photo is a fair and accurate depiction of how my face and side looked 2 hours after the incident and for the next two weeks."

TIP:

When using photographs, it is best to use color photos and enlarge them, if possible.

Foundation for Letters

1. Explain why the letter is connected to your case. For example:

"This is the letter that I received from my ex-boyfriend shortly before he beat me up."

2. Explain when and how you got the letter. For example:

"This letter was shoved under the door to my apartment some time before 6:00 p.m. on Wednesday, January 2, 2001. I found it on the floor when I came home from work that day."

3. Prove that the signature is that of a party to the case. Ways to prove this:

- Explain to the court: that you are familiar with the other party's signature, how you came to know that person's signature, and that it is your opinion that the signature on the letter is the other party's signature.

- Call a witness who is familiar with the party's signature, and ask the witness:

"Do you know the other party in this case? Are you familiar with the party's signature? How?"

Then show them the letter and ask "Is this the other party's signature?"

- Call the person who signed the letter. Show the witness the document, and ask the witness if that is his or her signature. (Only do this if you think they will admit to it).

4. Explain that the letter is in the same condition now as when you received it. ("The letter was kept in a safe place and nothing has been changed since I received it.")

TIPS

Do not read anything from the letter until the court has admitted it into evidence.

If the other party objects to the letter saying that it is hearsay, respond by saying: "The letter shows the letter writer's state of mind".

Laying the Foundation for Documents and Records From Businesses

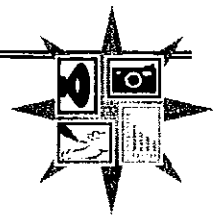
1. Explain how the document or record is related to your case.

2. Call a witness from the business/agency that produced the record, ask the witness what his or her responsibilities are at the business/agency and how he or she is involved in record keeping.

3. Show the witness the record and ask him/her if it is a record from the business/agency.

4. Ask the witness:

- ▶ Was the record made by a person with knowledge of the acts or events appearing on it.
- ▶ Was the record made at or near the time of the acts or events appearing on it.
- ▶ Is it the regular practice of the business/agency to make such a record, and
- ▶ Was the record kept in the course of a regularly conducted business activity.



TIP

If the record is certified (a statement is attached to the record stating that it is in fact a record from a public agency or it has an agency seal on it) you do not need to do anything before you show it to the judge. Just let the judge know it is certified.