

## **INSTRUCTIONS FOR COMPLETING AND FILING THE COMPLAINT FOR DIVORCE**

- Caption:** Fill in your name as “Plaintiff,” and your address.  
Fill in your spouse’s name as “Defendant”, and your spouse’s address.  
The Clerk of Courts will assign a case number when you file the Complaint.
- Paragraphs 1 – 2:** You must have been a resident of the State of Ohio for six months prior to filing your Complaint. You must also have been a resident of Brown County for 90 days prior to filing your Complaint unless an exception applies (see Civ. R. 3 for exceptions to this rule).
- Paragraph 3:** Fill in the date you were married and the city and state where you were married.
- Paragraph 4:** Fill in whether or not you and the other party have children together and if so, please fill in the number of children you and your spouse have together, the name and date of birth of each child and whether the wife is pregnant.
- Paragraph 5:** Check each of the reasons (called “grounds”) why you want a divorce. Check as many of the grounds as apply, however, only select the ones that you can prove. A commonly used ground is “Incompatibility” and “Living Separate and Apart.” “Incompatibility” is only a ground for divorce if your spouse does not deny it.
- Paragraph 6:** The parties should bring an adult witness with them to their final hearing in a divorce case in the event that the other party does not appear.
- Relief:** Check each box indicating the relief you seek.
- Signature:** Sign your name on the first line and on the second line, please provide a current address and daytime phone number.

### **FILING THE COMPLAINT FOR DIVORCE**

File the Complaint with the Clerk of Courts located on the first floor of the Brown County Common Pleas Court, 101 S. Main St., Georgetown, Ohio 45121. You are required to file an Affidavit of Income and Expenses and an Affidavit of Property. If there are minor children of the marriage, you must file a Parenting Proceeding Affidavit. If you are seeking shared parenting, you must also file a Shared Parenting Plan. If you have minor children, you must also attend a parenting program before the Court can issue a party a permanent custody / visitation order (check with the court for more details). You will be required to pay a “filing fee” to the Clerk of Courts when you file your Complaint. Please see Rule 5 of this Court’s Local Rules for the correct amount.

## **SERVICE**

The Court cannot consider your Complaint for Divorce unless it has been “served” on your spouse. The Complaint you file must be “served” by the Clerk of Court (not by you). A commonly used method of service is by certified mail. You must instruct the clerk to do this by filing “Instructions for Service.”

If the mail is returned to the clerk from the Postal Service as unclaimed or refused, that information is posted on the “docket” in your case and you will be notified by mail. You must then instruct the clerk to send service by ordinary mail with a certificate of mailing. To do this, you must file a new “Instructions for Service” form with a copy of the Complaint attached requesting that service be made by regular mail with a certificate of mailing.

**PLEASE NOTE: IT IS YOUR RESPONSIBILITY TO MAKE SURE SERVICE IS COMPLETED. THIS WEBSITE DOES NOT EXPLAIN OTHER LEGAL METHODS OF SERVICE.**