

# Your Guide to Filing a Divorce



## Divorce

Divorce is a civil lawsuit filed to end a marriage

- One spouse must have been a resident of the state of Ohio for at least six (6) months prior to filing for divorce<sup>1</sup>
- One spouse (the plaintiff) files a complaint with the clerk of court to start a divorce proceeding against the other spouse (the defendant)
  - Complaint must state the appropriate grounds for divorce
    1. Grounds include<sup>2</sup>:
      - a. Either party being already married at the time of the marriage from which divorce is being sought
      - b. Willful absence of the defendant spouse for a period of one year
      - c. Adultery
      - d. Extreme cruelty
      - e. Habitual drunkenness
      - f. Imprisonment at the time the divorce is being sought
      - g. Incompatibility, unless denied by either spouse
- The clerk of court will serve the defendant with a copy of the complaint and a summons
- The defendant then has 28 days after service to file an answer. Defendant may also counterclaim requesting a divorce and stating their grounds for divorce
  - The plaintiff should file a response to the counterclaim

## Temporary Orders

Temporary orders may be issued by the court while the divorce is pending and before the final decision.

- Can provide for: use of the marital residence or a vehicle, allocation of parental rights, child support, spousal support, and the responsibility to pay debts.

## Restraining Orders

Restraining orders, including mutual restraining orders, may be issued to restrict or prohibit one or both of the spouses (or others) from certain behaviors including:

- Harassment or abuse of a spouse
- Transfer or disposition of marital funds or assets
- Moving children to another state

## Definitions

**Pro Se:** representing oneself; no attorney present to represent you

**Settlement:** voluntary agreement to end a dispute by mutually agreed upon terms

**Serve:** to give notice of the divorce action

- Methods of service:
  1. Certified or commercial carry mail
  2. Personal delivery
  3. If no known residence: by publication in a newspaper
  4. Residence service

**Summons:** informs the defendant that they are required to appear in court

## Sources

<sup>1</sup> <https://codes.ohio.gov/ohio-revised-code/section-3105.62>

<sup>2</sup> Rule 3105.17 (A) lists all the grounds

<sup>3</sup> <https://codes.ohio.gov/ohio-revised-code/section-3105.01>

For information about free legal assistance please contact the Ohio Legal Services at 866-lawohio (866-529-6446) or [www.ohiolegalhelp.org](http://www.ohiolegalhelp.org).

The Ohio Domestic Violence Network (ODVN) is a statewide coalition of domestic violence programs, supportive agencies, and concerned individuals working together to stop domestic violence through education, information and training for those who are affected by domestic violence, and by promoting social and systems change.

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[www.odvn.org](http://www.odvn.org)  
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