

### **Can the Court appoint an attorney for me?**

There is no provision in Ohio law for the appointment of attorneys in civil cases except for the putative father in a paternity case or for a person accused of violating a court order in a contempt proceeding. In either case, to qualify for appointed counsel, the party must be indigent. If so, the Court will appoint an Attorney. You must request appointed counsel at the first hearing scheduled in the case.

### **Can the Court recommend an attorney for me?**

Court personnel are not permitted to recommend specific attorneys or law firms. Parties may contact the Cleveland Metropolitan Bar Association attorney referral service. The Bar Association can refer you to an attorney in good standing who takes cases in the area of domestic relations. Parties may also consider asking friends for recommendations or consulting the Yellow Pages of the telephone book. If you have low income, legal services may be available through the Legal Aid Society of Cleveland.

### **Can I represent myself or should I get an attorney?**

The law permits you to represent yourself. However, domestic relations cases are often complicated and the Court cannot give you legal advice and tell you what you should do. You will be expected to know the law and follow the Ohio Rules of Civil Procedure, the Ohio Rules of Evidence, and the Local Rules of the Domestic Relations Court in preparing and presenting your case. Often, people who start out representing themselves become overwhelmed and find they need an attorney. You are strongly encouraged to seek advice and assistance from competent legal counsel. Legal services may be available to you if you cannot afford to hire a private attorney.

### **May I represent a family member or a friend?**

No. The law permits persons who are not lawyers to represent themselves. Non-lawyers do not have the right to represent other persons, and are prohibited from doing so. Please be aware that persons who try to help other people by drafting and completing documents for them, and telling them how to present their case may be engaging in the unauthorized practice of law, and may be subject to penalties. Please refer to [Ohio Revised Code Section 4705.01](#)

### **Can I file for divorce in Ohio if I live in another state?**

Only Ohio residents may file for divorce in Ohio.

### **What if I cannot afford to pay filing fees?**

Payment of the advance deposit can be waived if the person who wishes to file is indigent for purposes of filing a case. Affidavits of Indigency are available through the Clerk of Court.

### **What happens if I do not serve the opposing party before the court hearing in my case?**

The Court may dismiss your petition, complaint or motion. The Court does not have authority to proceed if the opposing party is not served according to the [Ohio Rules of Civil Procedure](#)

### **How can I monitor what is happening on my case?**

The status of a case can be determined by viewing the civil docket of the [Clerk of Court Website](#). You may search the docket using the Domestic Relations case category by a party's name or case number. The docket will show the names, addresses and phone numbers of all parties and attorneys, what pleadings have been filed, whether service has been perfected, whether the Court has issued any rulings, the dates of any hearings, and court costs. Your attorney can also provide this information.

The Court will mail a notice of a hearing to you.

### **What documents do I need to bring for my uncontested divorce hearing?**

You will need the following:

- Judgment Entry for Divorce
- Signed Separation Agreement or In-Court Agreement (if you have one)

If you have children you will also need:

- Private Health Insurance Questionnaire
- Child Support Computation Worksheet
- Parent Education Seminar certificate (if not already filed)
- Parenting Proceeding Affidavit (if not already filed)
- Shared Parenting Plan (if you have one)

You must also bring verification of your income. The Judge or magistrate may also ask you questions about aspects of your judgment entry or agreement for which you may need documentation.

### **What documents do I need to bring for my dissolution hearing?**

- Judgment Entry of Dissolution
- Signed Separation Agreement

If you have children you will also need:

- Private Health Insurance Questionnaire
- Child Support Computation Worksheet
- Parent Education Seminar certificate (if not already filed)
- Parenting Proceeding Affidavit (if not already filed)
- Shared Parenting Plan (if you have one)

You must also bring verification of your income. The Judge or magistrate may also ask you questions about aspects of your judgment entry or agreement for which you may need documentation.

### **How long will my hearing last?**

It depends on the nature of the hearing. A hearing is a broad term and can mean an attorney conference, status conference, pre-trial, or trial. Hearings, except for trials, are generally scheduled for 30-60 minutes. However, depending on the type of hearing, the people present, the nature of the case and the issues involved, it is not uncommon for a hearing to take longer. Every case is unique and may require more or less time than the amount allotted.

### **Can I change my hearing date if I am unable to come to Court?**

You can request a continuance. Filing a motion for continuance does not guarantee it will be granted. You must check to see if the motion was granted or denied. You can do this by checking online or by calling the Domestic Relations Court. A copy of the Motion for Continuance must be served upon the opposing party. If your motion was not granted, the hearing will take place as scheduled, even if you are not there. Continuances should not be filed at the last minute and without good reason. If there are multiple parties and attorneys on the case a last minute continuance will inconvenience them and the Court.

### **Who should I notify if I change my address?**

Notify the Court in writing if you have a case pending. If you have a child support order you must notify the Child Support Enforcement Agency (CSEA) of your current mailing address, residence address, and telephone number at all times.

### **What if I do not show up or I am unprepared for the hearing in my case?**

If you are the person seeking relief the Court may dismiss the action for failing to prosecute. If you are not the person seeking relief the Court may proceed and issue a ruling that is unfavorable to you. It is very important to attend all court hearings scheduled in your case.

### **Why are my court costs so high?**

Court costs, for the most part, are established by the legislature. The Clerk of Court is responsible for assessing and collecting those costs. Court costs for the handling of a case include charges for serving summons and subpoenas, sending court notices, legal research, court reporting, computer, legal publications, sheriff, and Domestic Relations Court services such as referrals to Family Conciliation Services. Generally, court costs are higher in cases involving minor children and cases that do not resolve quickly.

### **What is the difference between a Judge and a Magistrate?**

Judges are attorneys as well as elected officials. Magistrates are experienced attorneys who have been appointed by the Court to decide cases. A Judge may or may not refer a case to a magistrate. Proceedings in cases referred to a magistrate are governed by [Ohio Civil Rule 53](#).

### **What is a Magistrate's Decision?**

A "Magistrate's Decision" contains written findings of fact and conclusions after evidence has been taken. The Magistrate's Decision will include a recommendation to the Judge assigned to the case as to what the final order should be. The Magistrate's Decision is filed with the Clerk of Court who will mail it to the parties, or their counsel, if represented, within three days of filing.

### **What is a Judgment Entry?**

A Judgment Entry is a written document signed by a Judge and contains a Judge's order. It is also referred to as a court order, decree or journal entry. An agreed judgment entry or a consent decree is a court order that approves an agreement made by the parties.

### **Will the Court send me a copy of my final papers?**

The Court will not send you a copy of the final divorce papers unless you request in writing that a copy be sent to you. Fees must be paid in advance.

### **How can I get a certified copy of my divorce/dissolution/legal separation/annulment Judgment Entry?**

Certified copies of your Judgment Entry may be obtained through the Clerk of Court of the Court that granted the divorce/dissolution/legal separation/annulment.

### **What is a QDRO?**

A Qualified Domestic Relations Order (QDRO) is a special order that directs how pension plans are to be divided. QDROs are governed by Federal law and are subject to the approval of the pension plan administrator. Because QDROs are complicated you are encouraged to contact an attorney if you have a pension plan that must be divided.

### **Where do I report for my uncontested divorce or my dissolution hearing?**

Report to the courtroom indicated on your notice, one-half hour before the scheduled time. Courtrooms are located on the third floor. Courtroom staff will give you your case file. Take the case file and your documents to the Journal Department in room 306 on the same floor. Journal Department staff will review your documents to ensure that all necessary documents and forms are complete.

- If you have minor children but do not have shared parenting, your Judgment Entry must name a residential parent and legal custodian and must include a parenting time schedule for the non-residential parent. It must also include provisions for child support and medical support, and all language necessary for administration of the order by the Child Support Enforcement Agency (CSEA).

- If you have minor children and do have a shared parenting plan, your Judgment Entry must contain provisions for child support and medical support, and all language necessary for administration of the order by the CSEA.
- If you do not have minor children but there is to be a spousal support order paid through the CSEA, your Judgment Entry must contain all language necessary for administration of the order by the CSEA.

If your documents are not properly written or if you are missing needed forms, you will be given an opportunity to make corrections. It is your responsibility to have the paperwork completed properly. If the corrections cannot be made that day the Judge may continue your hearing to another day. Once the documents are complete, the Journal Department staff will approve and stamp your Judgment Entry. Return to the courtroom for your hearing.

### **What can I do if my former spouse is not complying with a court order?**

The matter can be brought to the attention of the Court by way of a Motion to Show Cause. The motion must identify the specific court order that has been violated.

### **What can I do if my former spouse has been found in contempt of court and has not met the condition to purge the contempt?**

Please refer to the judgment entry that finds your former spouse in contempt.

### **If I learn that a warrant has been issued for my arrest, can I surrender myself?**

Yes. Call the Court's Enforcement Services Department to arrange for a voluntary body attachment. A hearing will be scheduled that you must attend. Failure to come to the hearing will cause the warrant to be reactivated.

### **Must we use the Standard Parenting Guidelines?**

No. Parents are free to agree to other terms, so long as parenting rights and responsibilities are addressed and a parenting schedule is created.

The Standard Parenting Guidelines contain a schedule for parenting time that is commonly used in the allocation of parental rights and responsibilities. They were developed to ensure that the post-divorce needs of children and parents are addressed. The schedule provides for mid-week and weekend parenting time on a four-week schedule for a non-residential parent, as well as holidays, days of special meaning and vacation. The Guidelines also set forth parameters regarding:

- Child's response to Parenting Time
- Exercise of Parenting Time
- Cancellation of Parenting Time by Non-Residential Parent
- Keeping the Children Together
- Returning the Child after Exercising Parenting time
- Promptness

- Transportation
- Clothing
- Schoolwork
- Address and Telephone Numbers
- Illness or Injury of a Child
- Children's Activities
- Telephone Calls
- Employment of Parents
- Non-Compliance with Court Order
- Notice of Relocation
- Access to Records, Day Care, Student Activities

### **How can I get evidence to prove my case?**

Rules 26 through 37 of the [Ohio Rules of Civil Procedure](#) , called "Discovery", provide methods for obtaining information from an opposing party that you might need to prove your claim to the Court, or know about your opponent's claim. Rule 45 of the

### **[Ohio Rules of Procedure](#)**

(Subpoenas) provides a method of requiring witnesses to come to your hearing to testify on your behalf.

**The Court cannot assist you in completing these processes.**

You must gather your own evidence. or hire an attorney to assist you.