

How to File a Complaint for Annulment with Children



This information is provided to as a guide to file an Annulment case with Domestic Relations Court. For more specific legal advice, you should contact an attorney. Court personnel are not permitted to give legal advice.

THE FOLLOWING DOCUMENTS ARE REQUIRED AND MUST BE COMPLETED IN FULL!

Required Forms Checklist:

- | | |
|---|------------------------|
| 1. <input type="checkbox"/> Complaint for Annulment | Your Own or Form 1.12 |
| 2. <input type="checkbox"/> Mandatory Disclosure Order | Form 1.26 |
| 3. <input type="checkbox"/> Administrative Restraining Order | Form 19.0 |
| 4. <input type="checkbox"/> Questionnaire (Must be typed) | Form 1.1 |
| 5. <input type="checkbox"/> Property Statement | Form 4.1 or Form 4.1S* |
| 6. <input type="checkbox"/> Group Health Insurance Affidavit | Form 7.16 |
| 7. <input type="checkbox"/> Affidavit of Income and Expenses and Financial disclosure | Form 7.3 |
| 8. <input type="checkbox"/> Affidavit in Compliance with ORC 3127.23 | Form 2.1 |
| 9. <input type="checkbox"/> IV-D Application | Form ODHS 7076 |
| 10. <input type="checkbox"/> Decree of Annulment (must be submitted prior to final hearing) | Form 911 or 912 |
| 11. <input type="checkbox"/> Copy of Plaintiff's Drivers License or State I.D. | |

*Indicates a Uniform Domestic Relations Form issued by the Supreme Court of Ohio

BEFORE STARTING - IF CHILDREN WERE BORN DURING THE MARRIAGE...

1. ...and custody has already been decided by another Court, the case must be filed as a annulment **WITH** children and the legal status of the children must be addressed in the initial pleading.
2. ...and it is alleged that the spouse is not the parent, you must file the case **WITH** children **UNLESS**:
 - a) The Complaint includes a statement that genetic testing has confirmed that the spouse is not the parent. Genetic test results must be attached to the Complaint.
 - b) The Complaint includes a statement that the children have been adopted. Proof of the adoption must be attached to the Complaint.

Filing Fee / Number of Copies / Forms



Filing Fee

The filing fee is **\$375.00** and is payable by **CASH, PERSONAL CHECK, CERTIFIED CHECK, MONEY ORDER, MASTERCARD, VISA, AMERICAN EXPRESS, or DISCOVER CARD**. If you are paying by credit card, a fee will be added as dictated by this schedule: www.courtclerk.org/forms/pnp_schedule.pdf. When using a credit card, the card holder must be present. Checks and Money Orders are to be made payable to: **CLERK OF COURTS**

Service on Defendant

The documents for annulment must be served to the defendant. The most common method of service is certified mail issued through the Clerk of Courts office. If you are requesting Sherriff's service or hiring a process server, inform the Clerk of Courts at the time of filing. If you have no address for the Defendant and are requesting service by publication or posting, you will need to provide an **Affidavit for Service by Publication (Form 15.0) or Affidavit for Service by Posting (Form 16.5)** and a **Legal Notice (Form 15.1 or 16.6)** at the time of filling. All forms are available on the Domestic Relations Court website.

Required Copies

The Clerk of Courts will retain your original signed documents at the time of filing. Copies must be provided to serve the defendant, for the Court of Domestic Relations, and for your records. Therefore, you must provide the original signed documents and **THREE** sets of copies. If you are requesting service by publication or posting, you must provide the original signed documents and **FOUR** sets of copies. Only **one** copy of the Questionnaire and **one** copy of Plaintiff's driver license or state ID is required.

1. Complaint (Your Own or Form 1.12)

The Complaint for Annulment must be completed in full and signed by the plaintiff.

2 and 3. Mandatory Disclosure (Form 1.26) and Administrative Restraining Order (Form 19.0)

You will not need to fill out information on these forms as they are standing orders issued in every contested divorce case. These forms must be included in each packet of forms presented to the Court for filing. See Local Rules 1.26 and 19.0 for more information regarding these documents.

4. Questionnaire (Form 1.1)

The Questionnaire form, as indicated, must be typed. A Microsoft Word template version is available on Domestic Relations website that you can fill in and print. If you do not have Microsoft's Word program on your computer, you may type and print this document at the self-serve station at Domestic Relations Court's Docket Office, 800 Broadway on the 3rd floor. **It is very important to fully complete every section of this document (social security numbers, parent's names, former marriages, etc.)!**

5. Property Statement (Form 7.3)

This document is an accounting of the financial information of the parties and may be used to establish support and/or identify assets and liabilities of the parties. The Income Section starting on page 1 of this document is divided into separate columns for each spouse. The remaining sections of this document describe affiant's monthly expenses, installment payments, financial disclosure, and other assets and lump sum income. This document must be notarized as it is a written sworn statement.

6. Group Health Insurance Affidavit (Form 7.16)

Access to health insurance for **both parties** is reported in this affidavit. The document is divided into columns for plaintiff and defendant and should be completed as fully and accurately as possible. Health insurance availability and the associated cost may be taken into consideration when calculating child support.

7. Affidavit of Income and Expenses and Financial Disclosure (Form 7.3)

This document is an accounting of the financial information of the parties and may be used to establish support and/or identify assets and liabilities of the parties. The Income Section starting on page 1 of this document is divided into separate columns for each spouse. The remaining sections of this document describe affiant's monthly expenses, installment payments, financial disclosure, and other assets and lump sum income. This document must be notarized as it is a written sworn statement.

8. Affidavit in Compliance with ORC 3127.23

This document identifies the minor child(ren) of the marriage, date(s) of birth, and current and prior addresses of the child(ren). Further statements require disclosure of any proceeding regarding the child(ren) in Ohio or another state as well as names and addresses of individuals other than the parties who claim to have custody or visitation rights with regard to the child(ren). This document must be notarized as it is a written sworn statement. This document must be notarized as it is a written sworn statement.

9. IV-D Application (Form ODHS 7076)

The IV-D Application is an application to receive child support services from Child Support Enforcement Agency. Domestic Relations Court requires this document in all cases involving children. The IV-D Application must be filed **even if the parties do not request an exchange of child support.**

10. Decree of Annulment (With or Without Private Insurance)

A decree of annulment is a court order that legally voids a marriage. It declares that the marriage in question was never valid and thus voidable. You will need to select a decree based on whether or not private health insurance is available to the parties.

The In-Person Filing Process



legal

Come prepared: Please remember that Court staff members are not permitted to give advice.

1. Bring all completed documents to Domestic Relations Docket Office at 800 Broadway on the 3rd floor, Room 3-46. The Docket Office staff will check that all required documents are completed. They will tell you if any paperwork is missing so be sure to refer to the required forms checklist so you don't forget anything.
2. Once the Docket Office approves the completed forms, you will be provided a classification form and be directed to the Clerk of Courts Office, Room 3-47 (both offices are located in the same area on the 3rd floor).
3. The Clerk of Courts office will collect the \$375.00 filing fee, assign a case number, and keep your original set of documents for their file. The extra copies of the documents that you have provided will be stamped and returned to you.
4. Next you will go back to the Docket Office and give one of the stamped set of copies to the Docket Clerk. The staff will enter your case into their system, assign a Judge and a Magistrate, and schedule your hearing. A printout with the Magistrate's name, room number, hearing date, time, and information to prepare for the hearing will be provided.

The E-Filing Process:



1. In order to e-file a Complaint for Annulment, you will have to register for an e-filing account with the Hamilton County Clerk of Courts (<https://efiling.hamiltoncountycourts.org/>).
2. Once your account is established, you can log in and file a new case.
3. Click the File a New Case button and then select Annulment with Children. Follow the prompts to upload all required documents.
4. If your e-filing is accepted by the Court and Clerk of Courts Office, a case number will be assigned and the appropriate documents will be filed on the Clerk's Docket. The Docket Clerk will contact you to schedule the initial hearing.

Additional Questions?

Please contact the Docket Office at 513-946-9043.