

INSTRUCTION FOR COMPLETING AND FILING THE ANSWER AND COUNTERCLAIM

Caption: Fill in your spouse's name as "Plaintiff", your spouse's address and the number of your spouse's marriages (including this marriage).

Fill in your name as "Defendant", your address and the number of your marriages (including this marriage).

Fill in the Case Number and Judge that appear on the Complaint.

ANSWER

Paragraphs 1 through 7: State whether you "admit" or "deny" each paragraph of the Complaint by marking the appropriate box for each numbered paragraph corresponding to the paragraphs numbered in the Complaint.

COUNTERCLAIM

Paragraph 1: You must have been a resident of the State of Ohio for six months prior to filing your Counterclaim. You must also have been a resident of Cuyahoga County for 90 days prior to filing your Counterclaim unless an exception applies (See [Ohio Civil Rule 3](#) for exceptions to this rule).

Paragraph 2: Fill in the date you were married, and the City and State where you were married.

Paragraph 3: Fill in the number of children you and your spouse have together, the name(s) and date(s) of birth of each child, and whether the wife is pregnant.

Paragraph 4: Check each of the reasons (called "grounds") why you want a divorce. Only select the ones that you can prove. A commonly used ground is "Living Separate and Apart". "Incompatibility" is only a ground for divorce if your spouse does not deny it.

Paragraph 5: Check whether you and your spouse own real property, and, if so list the addresses.

Paragraph 6: Check whether you and your spouse have already divided personal property (including financial accounts) accumulated during the marriage. List personal property not already divided.

Paragraph 7: Check whether you and your spouse have marital debts, and if so list them.

Relief: Check each box indicating the relief you seek.

Signature: Sign the Answer and Counterclaim, and provide a current address and daytime phone number.

FILING THE ANSWER AND COUNTERCLAIM

You must file the Answer and Counterclaim with the [Clerk of Court](#) located in Room 35 on the ground floor of the Cuyahoga County Courthouse, 1 W. Lakeside Avenue, Cleveland, Ohio 44113. If there are minor children of the marriage you must also file a [Parenting Proceeding Affidavit](#). You will be required to pay a "filing fee" with the Clerk of Court when you file your Answer and Counterclaim. Please refer to [Rule 1](#) of this Court's Local Rules for the correct amount.

CERTIFICATE OF SERVICE

You must mail a copy of the Answer and Counterclaim to the other party (or his/her lawyer). To certify that you have done so, you must attach a Certificate of Service to the Answer and Counterclaim. A form is included in this package for your convenience. Fill in the name and address in the spaces provided, and sign the form.

**COURT OF COMMON PLEAS
DIVISION OF DOMESTIC RELATIONS
CUYAHOGA COUNTY, OHIO**

PLAINTIFF	:	CASE NO. _____
ADDRESS	:	
CITY, STATE, ZIP CODE	:	
NUMBER OF THIS MARRIAGE _____	:	
vs	:	JUDGE _____
DEFENDANT	:	
ADDRESS	:	ANSWER AND COUNTERCLAIM
CITY, STATE, ZIP CODE	:	
NUMBER OF THIS MARRIAGE _____	:	

Now comes Defendant and states the following as his/her Answer and Counterclaim to Plaintiff's Complaint:

ANSWER

1. Defendant admits denies the allegation contained in paragraph one of Plaintiff's Complaint.
2. Defendant admits denies the allegation contained in paragraph two of Plaintiff's Complaint.
3. Defendant admits denies the allegation contained in paragraph three of Plaintiff's Complaint.
4. Defendant admits denies the allegation contained in paragraph four of Plaintiff's Complaint.
5. Defendant admits denies the allegation contained in paragraph five of Plaintiff's Complaint.
6. Defendant admits denies the allegation contained in paragraph six of Plaintiff's Complaint.
7. Defendant admits denies the allegation contained in paragraph seven of Plaintiff's Complaint.

COUNTERCLAIM

1. Defendant has been a resident of the State of Ohio for at least six (6) months and a resident of Cuyahoga County for more than ninety (90) days immediately prior to filing this Complaint.

2. Plaintiff and Defendant were married on _____, in _____, _____.

3. There is/are _____ child(ren) born as issue of this marriage, whose name(s) and date(s) of birth is/are as follows:

_____ (DOB _____)
_____ (DOB _____)
_____ (DOB _____)

and the wife is is not pregnant.

4. Defendant seeks a divorce on the following ground(s):

- Plaintiff and Defendant have lived separate and apart without interruption and without cohabitation for at least one year.
- Plaintiff and Defendant are incompatible.
- Plaintiff has been guilty of the following:
 - Gross Neglect of Duty
 - Extreme Cruelty
 - Adultery
 - Bigamy
 - Habitual Drunkenness
 - Willful Absence of one year or more
 - Imprisonment at the time of filing of this Counterclaim
 - Fraudulent Marriage Contract

5. Plaintiff and Defendant do not own any real property
 own real property located at:

6. Plaintiff and Defendant have acquired certain personal property during the marriage.

- This property has been divided.
- The following property has not been divided

7. Plaintiff and Defendant have no debts
 have the following debts:

WHEREFORE, Defendant asks that Plaintiff's Complaint be dismissed, that **he/she** be granted a divorce from the Plaintiff, and that **he/she** be granted the following relief:

- Allocation of parental rights and responsibilities or shared parenting
- Child support including medical support;

- Spousal support;
- Ownership of the real property located at _____;
- An equitable division of personal property and/or debts;
- Restoration of maiden name _____;

and that **he/she** be awarded such other relief as the Court finds fair, just and equitable, including that the cost of this action be paid by Defendant.

PRINT NAME

SIGNATURE

ADDRESS

CITY, STATE, ZIP CODE

MOBILE TELEPHONE NUMBER

EMAIL ADDRESS

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the attached Answer and Counterclaim by ordinary U.S. mail on _____, 20__ to:

Name: _____

Address: _____

City/State/Zip: _____

SIGNATURE