

INSTRUCTION FOR COMPLETING AND FILING THE COMPLAINT FOR LEGAL SEPARATION

- Caption: Fill in your name as “Plaintiff”, your address and the number of your marriages (including this marriage).
- Fill in your spouse’s name as “Defendant”, your spouse’s address and the number of your spouse’s marriages (including this marriage).
- The Clerk of Courts will assign a Case Number and Judge when you file the Complaint.
- Paragraph 1: 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 Cuyahoga County for 90 days prior to filing your Complaint 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 and date of birth of each child, and whether the wife is pregnant.
- Paragraph 4: Check each of the reasons (called “grounds”) why you want a legal separation. 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: You must sign the Complaint and provide a daytime phone number.

FILING THE COMPLAINT FOR DIVORCE

You must file the Complaint with the [Clerk of Court](#) located in the Cuyahoga County Courthouse in Room 35, on the ground floor, 1 W. Lakeside Avenue, Cleveland, Ohio 44113. You must also file a [Case Designation Sheet](#) with the Complaint. If there are minor children of the marriage you must file a [Parenting Proceeding Affidavit](#). If you are not receiving public assistance, you may also wish to complete a IV-D Application, authorizing CJFS-OCSS to provide a broader range of services related to the administration of your child support order. Attach the IV-D Application to the Parenting Proceeding Application. You will be required to pay a “filing fee” with the Clerk of Court when you file your Complaint. Please refer to [Rule 1](#) 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 Courts (not by you) by certified mail. You must instruct the Clerk to do this by filing [“Instructions for Service”](#) with the Clerk of Courts.

If the mail is returned to the Clerk from the Postal Service as unclaimed or refused, that information is placed on the [“docket”](#) in your case, and you will be notified by post card. You must then instruct the Clerk to send service by ordinary mail. 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.

PLEASE NOTE: IT IS YOUR RESPONSIBILITY TO MAKE SURE SERVICE IS COMPLETED. THIS WEBSITE DOES NOT EXPLAIN OTHER LEGAL METHODS OF SERVICE. FOR FURTHER INFORMATION REFER TO RULES 4 THROUGH 4.6 OF THE [OHIO RULES OF CIVIL PROCEDURE](#).

**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	:	COMPLAINT FOR LEGAL SEPARATION
CITY, STATE, ZIP CODE	:	
NUMBER OF THIS MARRIAGE _____	:	

1. Plaintiff 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 _____)	_____	(DOB _____)
_____	(DOB _____)	_____	(DOB _____)

and the wife is is not pregnant.

4. Plaintiff seeks a legal separation 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.
- Defendant 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 this Complaint
 - 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, Plaintiff asks that **he/she** be granted a divorce from the Defendant, 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.

Respectfully Submitted,

PLAINTIFF

SIGNATURE

ADDRESS

CITY, STATE, ZIP CODE

MOBILE TELEPHONE NUMBER

EMAIL ADDRESS