



# Summit County Domestic Relations Court

Administrative Judge Katarina Cook

## JUDGE COOK'S COURT

### CHECKLIST WHEN FILING FOR DIVORCE

#### 1. General Information

The information provided below does not constitute legal advice.

The Court strongly encourages parties to consult with an attorney- especially in cases where there are any assets; such as inheritances, real estate, pensions, retirement accounts, and financial accounts that need to be divided. Also, obtaining service on the other party in accordance with the Rules of Civil Procedure can be difficult.

You **MUST** bring a witness to your uncontested divorce hearing to testify as to the grounds for your divorce.

Review the **Local Rules** (“Local Rules”) for important instructions and information.

- The Summit County Domestic Relations Court’s Local Rules can be found at
  - Drcourt.org;
  - Select the “Resources” tab;
  - Select “Rules” from the dropdown menu;
  - Click the link titled “CLICK HERE FOR LOCAL RULES”
- **If you cannot afford the filing fee**, you may want to consider filing a *Motion to Proceed In Forma Pauperis*, asking the Court to proceed without paying for the filing fees.
  - The *Motion to Proceed in Forma Pauperis* as well as the *Motion to Proceed In Forma Pauperis-Financial Disclosure Affidavit* are available at:
    - Drcourt.org;
    - Select the “Forms” tab;
    - Select the “All Forms” section;
  - Filing a *Motion to Proceed In Forma Pauperis* does **not** mean that your filing and other fees will be free, it means you do not have to pay the initial deposit, but at the conclusion of the case, you will be able to pay the court costs on a payment plan.
  - For further information, please refer to Local Rule 40(N) – *Motion to Proceed In Forma Pauperis*.
- If you have retained an attorney or intend to, the Court will only communicate with your attorney.

2. **Options to Consult with an Attorney:**

- The Akron Bar Association’s (ABA) Lawyer Referral Service can match you with an attorney. You will receive up to a 30-minute consultation with an attorney for a non-refundable \$30 fee. For more information about ABA’s Lawyer Referral Service, please visit their website at <https://www.akronbar.org/?pg=LRS> or call (330) 253-5038.
- If your case involves domestic violence, you may be eligible to receive legal assistance from Community Legal Aid.
- You may be eligible through Community Legal Aid for a free or reduced fee attorney. Visit <https://www.communitylegalaid.org/> or call (330) 535-4191.

3. **If you decide to represent yourself (which is called proceeding *pro se*):**

- Visit Ohio Legal Help’s website at <https://www.ohiolegalhelp.org/> for guidance in preparing your documents.
- Also, “Ask an Attorney” is a community outreach program offered by the Akron Bar Association. Members of the community may call to receive free answers to brief legal questions. The program is scheduled on the 2<sup>nd</sup> and 4<sup>th</sup> Fridays of the month from 9:00 a.m. to 11:00 a.m. Call (330) 253-5007 for more information.
- **The primary way the Court will communicate with you is via email.** Please provide the Clerk of Courts with your email address and check your email regularly. Keep in mind, if you are representing yourself, you will be held to the same standard as an attorney and are responsible for completing the necessary paperwork and appearing for your uncontested divorce hearing, and providing the necessary witness.

4. **Filing for Divorce**

- You will need the following documents at the time you file your *Complaint*:
  - *Affidavit of Income and Expenses*- <https://drcourt.org/wp/download/262/>
  - *Affidavit of Property* - <https://drcourt.org/wp/download/265/>
  - *Service Request Form*- <https://drcourt.org/wp/download/273/>
  - *New Case Designation Form*- <https://drcourt.org/wp/download/269/>
- File all of the necessary paperwork with the Clerk’s Office, located at 205 S. High Street, Akron, OH 44308. For questions regarding filing, please contact the Clerk’s Office at (330) 643-2202.

5. **Service (Notice)**

Please note: you are required by the Ohio Rules of Civil Procedure to notify your spouse that you have filed a complaint for divorce. If you have not properly notified the other party, meaning that service is not properly completed, **YOU** must try again until proper service has taken place **and the Judge will NOT sign your Judgment Entry.**

Review Local Rule 3- *Service* for further information and instructions.

For further instructions on how to serve (notify) your spouse, please see the In-State Instructions for Service (<https://drcourt.org/wp/download/2338/>) or Out-of-State / Out-of-Country Instructions for Service (<https://drcourt.org/wp/download/2335/>).

**6. If You or Your Spouse are in Bankruptcy**

- You must provide documentation demonstrating the bankruptcy case has been closed or that there has been a *Relief from Stay* that will have to be filed with the Court. In order to accomplish this, contact the attorney that filed the bankruptcy.
  - In order to obtain these documents, you may contact the United States Bankruptcy Court, Northern District of Ohio, located in the John F. Seiberling Federal Building.
    - Address: 2 South Main St., Akron, OH 44308
    - Phone number: (330) 252-6100
    - Public office hours are Monday through Friday 9:00 a.m. to 4:00 p.m.
    - For more information, please visit <https://www.ohnb.uscourts.gov/content/akron>
  - In order to access case information online:
    - Bankruptcy case information is stored using the PACER computer program.
    - For access to the PACER program, please contact The Support Center at 1-800-676-6856
  - In order to obtain information about your case over the phone, case information is also available 24/7 by calling the Multi-Court Voice Case Informational System toll free at 1-866-222-8029
  - In order to find records for a closed bankruptcy case:
    - Go to <https://www.ohnb.uscourts.gov/content/akron>
    - From the dropdown menu, ECF and Case Info
    - Select Archived Case Search
- If you do not know your case number or you do not have internet access, contact the Northern District of Ohio United States Bankruptcy Court's Clerk's Office during business hours at (330) 252-6100.
- **If you do not provide the *Relief From Stay* or show documentation that the bankruptcy is over, the Judge will NOT sign the Judgment Entry the day of the hearing.**

**7. If Your Divorce is Without Children- Documents Required for your Uncontested Divorce Hearing**

- Before your uncontested divorce hearing you will also need to complete the *Final Judgment for Divorce Without Children*. This is the form that has a space for the Judge's signature on the last page. It is **not** the same document as the *Complaint* that you filed to open your case.
- All of these documents are available on the Court's website.
  - Go to [www.drcourt.org](http://www.drcourt.org);
  - Select the "Forms" tab;
  - Select the "Divorce without Children" section.
- You must have all of your documents completed and organized when you come to Court for your uncontested divorce hearing.
- The Court will provide a reminder email with additional instructions a few days before your uncontested divorce hearing.
- **Failure to complete service, bring an appropriate witness, complete the necessary paperwork, or appear at your uncontested divorce hearing may result in your hearing being continued and/or your case being dismissed.**

#### 8. **If Your Divorce is With Children**

- In addition to the above section, the following is also required:

#### **Remember the Children Program**

- Before your uncontested divorce hearing, you **MUST** complete the **Remember the Children Program**.
  - Review Local Rule 32.01- *Remember the Children*.
  - This program is available on the Court's website and can be taken in increments at your convenience.
    - Go to [www.drcourt.org](http://www.drcourt.org), select the "Remember the Children" tab;
    - If you have any problems, please call Family Court Services at (330) 643-2355.
  - Once you have completed **The Remember the Children Program**, a certificate will be provided to the Court. Bring a copy of your certificate to your uncontested divorce hearing.

#### **Documents Required for your Uncontested Divorce Hearing**

- Because your divorce is with children, you also need to consider how parenting time and responsibilities will be divided. You must complete the following documents before your uncontested divorce hearing:

- *Either a Shared Parenting Plan-* <https://drcourt.org/wp/download/2109/> or a *Parenting Plan-* <https://drcourt.org/wp/download/2114/>;
  - Select a *Parenting Time Schedule-* see Instruction Sheet <https://drcourt.org/wp/download/2047/>;
  - *Final Judgment Entry for Divorce With Children-* . <https://drcourt.org/wp/download/318/>.
- Click the links provided above to access these documents.
  - All of these documents are also available on the Court’s website.
    - Go to [www.drcourt.org](http://www.drcourt.org);
    - Select the “Forms” tab;
    - Select the “Divorce with Children” section.
  - In addition, you will also need to provide an Administrative Order from the Child Support Enforcement Agency, (“CSEA”) which includes your SETS number, any arrearages, and health insurance information.
  - The *Child Support Worksheet* should already have been filed with your Complaint and must be completed and filed before your hearing:
  - To obtain the CSEA documentation:
    - Go to the Summit County Prosecuting Attorney’s website, <https://prosecutor.summitoh.net/home/Home.html>
      - Go to the Division’s tab;
      - Select “Child Support;”
      - Select the tab “CSEA Forms and Information;”
      - Complete an Application for Child Support Services.
      - Contact Summit County CSEA with any questions at (330) 643-2765.
  - You must have all of your documents completed and organized when you come to Court for your uncontested divorce hearing.
  - The Court will provide a reminder email with additional instructions a few days before your uncontested divorce hearing.
  - **Failure to complete service, bring an appropriate witness, complete the necessary paperwork, or to appear at your uncontested divorce hearing may result in your hearing not going forward and/or your case ultimately being dismissed.**

## 9. What to Expect at Your Uncontested Divorce Hearing

- Review Local Rule 36- *Court Decorum*.
- No child(ren) should be brought into the Courthouse unless instructed to by court personnel or the child is a witness in a hearing being held that day. If you or your witness

appear with child(ren) in violation of this rule, you will be instructed to leave the Courthouse and your hearing will be continued to a future date unless you can make alternate arrangements for childcare within 15 minutes of the time of your hearing.

- Please arrive at least five minutes prior to your scheduled hearing time.
- Check in with the Security Bailiff on the fourth floor.
- Make sure you have neat and organized copies of your final documents.
- Be certain your witness appears and is on time.
- Before entering the courtroom, make sure to remove any hats and silence or turn off any mobile devices.
- If your hearing goes forward and the Judge signs your *Judgment Entry*, it is your responsibility to make sure the signed *Judgment Entry* and any other final documents are filed with the Clerk's Office. After you have provided your final documentation to the Clerk's Office, it is then the Clerk's Office's responsibility to correctly process and timestamp your paperwork.
  - It may take anywhere from two (2) to five (5) business days for the Clerk's Office to process your paperwork. Please contact the bailiff if you do not see a time-tamped *Judgment Entry* on the docket within five (5) business days.
    - For Judge Cook's bailiff, call (330) 643-2357
    - For Judge Hightower's bailiff, call (330) 643-2080
- Once the *Judgment Entry* has been timestamped, a copy will be sent to you in the mail.
- If you cannot wait for your copy to be sent in the mail or you would like to receive a copy of the *Judgment Entry* in a different manner, please contact the Clerk's Office at (330) 643-2202.

**\*Note: These procedures are for Judge Cook's Court only. If you have questions about a Judge Hightower case, please call Judge Hightower's bailiff, at (330) 643-2080.**