




# WHAT IS SPOUSAL SUPPORT?


Changes in Ohio law have substituted the term spousal support for what once was called alimony. Courts award spousal support, if reasonable and appropriate, only after a property division. The court may consider many specific factors in making an award. Some of these factors are the ages, earning ability and health of the parties, the length of the marriage and the standard of living during the marriage. The court also may consider any other relevant factors.

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To view our outreach schedule or find out more information, please visit our website at [WWW.COURTHOUSETOYOU.COM](http://WWW.COURTHOUSETOYOU.COM).



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# DIVORCE, DISSOLUTION & SEPARATION

## MIKE FOLEY

MONTGOMERY COUNTY  
CLERK OF COURTS





## WHAT IS LEGAL SEPARATION?

A legal separation does not legally end a marriage but allows the court to issue orders concerning property division, spousal support, allocation of parental rights and responsibilities (including parenting time and child support). The parties remain married, but live separately. When a court grants a legal separation, each party must follow the court's specific orders. The legal steps are nearly the same as for a divorce.

## WHAT IS A DISSOLUTION OF A MARRIAGE?

A dissolution of marriage is an action where the parties mutually agree to terminate their marriage. Neither party has to prove grounds to end a marriage by dissolution. A dissolution petition is jointly filed after the husband and wife have signed a separation agreement regarding all property, spousal support and any child-related issues. After filing the petition, the parties must wait at least 30 days before the court will hear their case, which must be heard within 90 days of filing. At the hearing, the court will review the separation agreement, ask about the assets and liabilities and any parenting issues, and determine whether the parties understand and are satisfied with the settlement. If the court is satisfied that the parties agree and desire to end their marriage, the court will grant a dissolution and make the separation agreement a court order.

## WHAT IS A DIVORCE?

Divorce is a civil lawsuit to end a marriage. The parties ask the court to make the final decisions concerning property division, spousal support and matters regarding the children.

One spouse, the plaintiff, files a complaint with the clerk of court to start a divorce. In the complaint, plaintiff must claim and eventually prove the appropriate statutory grounds for divorce. Discuss the statutory grounds and facts with your attorney.

The clerk of court "serves" upon the other spouse, the defendant, a copy of the complaint and a summons. Service is generally made by certified mail or personal delivery. If the defendant's residence is unknown, a legal notice will be published in a newspaper. The defendant has 28 days after service of the complaint and summons to file an answer to respond to the complaint. The defendant may file a counterclaim requesting a divorce, stating the grounds the defendant believes apply. The plaintiff files a reply in response to the counterclaim.

Most divorce cases are eventually settled by agreement. A proposed divorce decree is prepared, signed by the parties and submitted to the court for approval. After a short hearing, the agreement is approved by the judge and becomes a court order.

If the parties cannot resolve all of their disputed issues, evidence is presented in a contested trial. The court will review the parties' evidence and make its decision based on Ohio law.

## DIVORCE, DISSOLUTION & SEPARATION

Ohio law provides three ways for a husband and wife to end or alter their marital relationship: legal separation, divorce and dissolution of marriage. (A fourth way—annulment—will not be discussed here.) To obtain a dissolution or divorce, you must live in Ohio for at least six months before filing. The law does not require persons seeking a legal separation to live in Ohio for any particular length of time before filing. The terms visitation and companionship describe the rights of non-parents, such as grandparents. Parenting time refers to the time parents spend with their children.