

INSTRUCTIONS FOR FILING A COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

GENERAL COMMENTS

This packet contains forms for people who want to file their own divorce in Cobb County, and who have minor children together with their spouse. If you and your spouse do not have minor children together, you should not use this form packet. Instead, use the shorter and simpler version of this document packet called “*Complaint for Divorce without Minor Children.*”

Please read these instructions and each individual form very carefully. Missing or misreading a word could cause you to make serious errors in your case, putting your rights and the direction of your divorce case in jeopardy.

INTRODUCTION

In the State of Georgia, if you want to end your marriage, you must file a *Complaint for Divorce* in the Superior Court. There are two options available to you for filing a divorce case: (1) you can hire a lawyer who will prepare your paperwork and represent you in court, or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a *Final Judgment and Decree of Divorce*, you will be legally able to remarry.

It is advisable to speak with a lawyer before filing any action with the Court; this divorce is no exception to that rule. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. However, you may want to review the forms and instructions in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

Dissolution of a marriage can be a very complicated process. If documents are not completed, signed, notarized and filed as prescribed by law, the divorce pleadings are not in compliance with the law, a judge cannot grant your request for divorce, and may dismiss your case.

If you want a court to grant your divorce, **you must follow the law and you must complete each and every paragraph that applies to your case (but not any paragraph that does not apply to your case).**

Please read and complete the steps listed in this packet in order to finalize, file, and serve your *Complaint for Divorce*.

State law, **O.C.G.A. § 15-19-51**, prohibits court personnel (including staff attorneys, law clerks, calendar clerks, Clerk’s Office staff, and Sheriff’s Department staff) from giving legal advice or answering legal questions. This rule also applies to the Cobb County Law Library.

YOU MAY ESPECIALLY NEED AN ATTORNEY IF:

- The case is contested OR an attorney represents your spouse.
- You or your children are victims of family violence against you by your spouse.
- You want a custody or visitation arrangement that does not exactly fit these forms.
- You are unable to locate your spouse for purposes of having him/her served with this action.
- You and your spouse have a house, pension, or large amount of property or income to be divided.
- You think you may have difficulty getting financial information from your spouse.

Whether your case is contested or uncontested, you should speak with a lawyer before signing a *Settlement Agreement* or filing any other documents with the Court.

FORMS NEEDED TO START YOUR DIVORCE:

If this divorce action **may be contested** (meaning that you do not have a signed *Settlement Agreement*), you must file the following documents along with the *Complaint*:

- Complaint for Divorce*
- Verification*
- Summons*
- Domestic Relations Financial Affidavit*
- Seminar brochure: “*Children Cope With Divorce*”
- Domestic Relations Case Filing Information Form*
- Sheriff’s Entry of Service*

OR

Acknowledgment of Service

OR

All of the following publication paperwork:

- (1) *Affidavit of Diligent Search*
 - (2) *Notice of Publication*, and
 - (3) *Order of Publication, Return of Service, Order Perfecting Service*
- (h) *Notice of Lis Pendens* (if applicable)

Note: We suggest that you consult an attorney if you think you need this form.

- Rule Nisi* (only if you want a hearing on temporary issues)
- Affidavit of Poverty and Order on Affidavit of Poverty* (only if applicable)

Note: Only use this form if you are indigent and cannot afford to pay the filing and service fees. See the list of fees enclosed with this packet.

All of these forms are included in this packet or are available from the Cobb County Law Library, except for the *Sheriff’s Entry of Service* and the *Domestic Relations Case Filing Information Form*, which are available at the Superior Court Clerk’s Office.

If this action is **uncontested** (meaning you have a signed *Settlement Agreement*), you must file the following documents with the *Complaint*:

- Complaint for Divorce*
- Verification*
- Summons*
- Domestic Relations Financial Affidavit*
- Seminar brochure: “*Children Cope With Divorce*”
- Domestic Relations Case Filing Information Form*
- Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* (original signed by Defendant and notary public)

OR

Acknowledgment of Service (original signed Defendant and notary public)

(h) *Notice of Lis Pendens* (only if applicable)

Note: It is unlikely that you will need this document if you have a signed *Settlement Agreement* (see instructions for Paragraph 9 of the Complaint). We suggest that you consult an attorney if you think you need this form.

(i) *Rule Nisi* (only if you want a hearing on temporary issues)

Note: It is unlikely that you will need this document if you have a signed *Settlement Agreement*.

(j) *Affidavit of Poverty* and *Order on Affidavit of Poverty* (only if applicable)

Note: Only use this form if you are indigent and cannot afford to pay the filing and service fees. See the list of fees enclosed with this packet.

(k) *Settlement Agreement* (signed before notaries by both parties)

All of these forms are included in this packet or are available from the Cobb County Law Library, except for the Domestic Relations Case Filing Information Form.

FORMS NEEDED AT THE FINAL HEARING TO FINISH YOUR DIVORCE:

If you do not have a signed *Settlement Agreement*, you will need the following forms when you go to the final hearing in your divorce:

- (a) *Final Judgment and Decree of Divorce With Minor Children (Without Settlement Agreement)*
- (b) *Domestic Relations Case Disposition Form* (Pick up in Clerk’s Office)

If you have a signed *Settlement Agreement*, you will need the following forms when you go to the final hearing your divorce:

- (a) *Final Judgment and Decree of Divorce Incorporating Settlement Agreement*
- (b) *Domestic Relations Case Disposition Form*

The following are detailed instructions on how to complete and file this *Complaint for Divorce with Minor Children*, as well as some of the related documents. (Read these instructions carefully and more than once, if necessary).

STEP 1: PETITION FOR DIVORCE

• **Caption (Heading):**

Fill in your name as the Petitioner and your spouse’s full name as the Respondent. Leave the Civil Action Case Number blank. The clerk will assign a number to your case when you file your *Petition* in the Clerk’s Office. After completing the heading, write your full name again in the space provided just before Paragraph 1.

• **Paragraph 1: Subject Matter Jurisdiction**

Check only one (1) box.

- (a) Check box **a** if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition for Divorce*. (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago.)
- (b) Check box **b** if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. (It is not good enough if your spouse used to live in Georgia in the past, moved away, and has returned more recently than six months ago.)

Note: If you live in Georgia, but not lived here for a full six months, but your spouse has been living here for at least the past six months, you may still use this *Complaint* and file in Georgia. If this is the case, you should check box **b** and cross out the first eleven words (“I am not a resident of the State of Georgia, but...”), so that the sentence is accurate.

- **Paragraph 2: Venue**

The issue of venue in a divorce action is very complicated. It is also very important since the divorce may be defective if venue is not addressed properly. Read these instructions very carefully. If your situation does not seem to fit any of the choices exactly, you should talk to a lawyer. You may not be able to file your case in Cobb County or you may need to make particular changes to this form.

Check only one (1) box.

- (a) Check box **a** if the Respondent currently resides in Cobb County.
- (b) Check box **b** if all of the following are true:
 - (1) The Respondent is not a resident of Cobb County, but resides in Georgia;
 - (2) The two of you lived together in Cobb County at the time you separated;
 - (3) You still live in Cobb County; and
 - (4) The Respondent has moved out of Cobb County only within the past six (6) months prior to you filing this *Complaint for Divorce*.
- (c) Check box **c** if the Respondent does not live in Cobb County and did not live with you in Cobb County at your time of separation, but currently resides in Georgia.
- (d) Check box **d** if you live in Cobb County and the Respondent does not live in Georgia. Then check number (1), (2), or (3) in the same paragraph.

Check only one (1) box. (If both 1 and 3, or 2 and 3 apply, check only 3.)

- (1) Check box **1** if the Respondent was a resident of Cobb County, but currently resides in another state (enter the name of the state in the space provided), and the Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute (see O.C.G.A. § 9-10-91[5]).
- (2) Check box **2** if the Respondent has never resided in the State of Georgia and currently resides in another state. Enter the name of the state in the space provided.
- (3) Check box **3** if the Respondent does not live in Georgia, but has acknowledged service of process and has consented to the jurisdiction of the Court. If you check this box, you must file the original signed and notarized form entitled *Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* (this is one form) with this *Complaint*.
- (e) Check box **e** if you reside in Cobb County, but you do not know where the Respondent lives. You must prove to the Court that you have tried to locate the Respondent and cannot find him or her. You must also file the original signed and notarized *Affidavit of Due Diligence* with this *Complaint*. In that *Affidavit*, you will explain to the Court about the steps you took to try to find the Respondent.

Note: In this situation, you will have to serve the Respondent by publication (see Paragraph 3-c below). That means you will not be able to get certain kinds of relief as part of the divorce, such as child support and alimony. However, if the Respondent later acknowledges service, gets served by the Sheriff, or files an *Answer* to the divorce, then your case will not be limited by the restrictions that apply to publication cases.

- **Paragraph 3: Service of Process**

Check only one (1) box.

- (a) Check box **a** if the Respondent has acknowledged Service of Process. If you check this box, you must also file the original signed and notarized *Acknowledgment of Service*.

- (b) Check box **b** if you want the Sheriff's Department to serve the Respondent with this *Complaint* and the other court papers. You must fill in the address where the Respondent should be served and circle whether this is a home or work address.
- (1) Check box **b-1** if the Respondent lives outside of Cobb County and you want the Sheriff's Department to serve him or her. If you check this box, you must inform the Clerk's Office (when you file the case) that the other party must be served by "second original." The clerk will stamp the service copy of your papers as a "second original."
- (c) Check box **c** if you do not know where the Respondent lives and you are serving him or her by publication. Write the Respondent's last known address on the lines provided. You must also file the original signed and notarized *Affidavit of Due Diligence* with this *Complaint*. In that *Affidavit*, you will explain to the Court about the steps you took to try to find the Respondent.

To find more information about Service of Process, read **Step 6** of these instructions.

- **Paragraph 4: Date of Marriage**

Check only one (1) box.

- (a) Check box **a** if you and the Respondent were married with a license and a ceremony, such as one by a clergyman or by a judge at the courthouse. Write the date of the marriage in the space provided.
- (b) Check box **b** if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means that you and the Respondent lived together and held yourselves out as spouse 1 and spouse 2 before January 1, 1997. Write the date you began your common law marriage in the space provided.

- **Paragraph 5: Date of Separation**

In the space provided, write the last date that you and the Respondent separated and remained separated up to the present time. Provide only one date. If you and the Respondent have separated, gotten back together, and then separated again, use the date of the most recent separation.

- **Paragraph 6: Settlement Agreement**

Check this box only if you and the Respondent have signed a *Settlement Agreement* telling the Court the arrangements concerning your minor children (such as custody, visitation, child support, medical expenses, or insurance), how you will divide your joint and marital property and debts, and how you will resolve any other issues between the two of you. The parties must agree voluntarily and this document must be signed by both parties in front of a notary public.

- **Paragraph 7: Minor Children**

Check only one (1) box.

- (a) Check box **a** if you and the Respondent do not have any minor children together (by birth or adoption).

Note: If you and the Respondent do not have minor children together, you should use a different Complaint form, entitled *Complaint for Divorce Without Minor Children*. It is much shorter and simpler.

- (b) Check box **b** if you and the Respondent have minor children together. On the space provided, write the number of minor children that you have together. In the additional spaces, list the name of each child, the sex, date of birth and the parent (or other person) with whom the child lives now. If you have more than five (5) minor children together, you should list the information for the additional children on a separate piece of paper and attach that paper to this *Complaint* (between pages 3 and 4).

- **Paragraph 8: Children’s Current Residence**

In the spaces provided, you must give the Court the address and county where the children live now, and the names of the people living with them. On the last space, tell the Court how long they have been at that address. However, if the children live in a shelter for victims of family violence, do not list the address of the shelter. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county.

- **Paragraph 9: Children’s Past Residences**

You must tell the Court where the children have lived within the past five (5) years. In the spaces provided, tell the Court the dates the children lived at each address, and then list the address next to the correspondent date. However, if the children lived at a shelter for victims of family violence, do not list the address of the shelter. Instead, on the space for the address, list only the name of the shelter and the state where it is located.

- **Paragraph 10: People With Whom the Children Have Lived**

In the spaces provided, list the name of each person with whom the children have lived during the past five (5) years, and then list that person’s current address. However, if any person on the list is living in a shelter for victims of family violence, do not list the address of the shelter. Instead, on the space for the address, list only the name of the shelter and the state where it is located.

- **Paragraph 11: Other Court Cases About the Children**

Check only one (1) box.

- (a) Check box **a** if you have never participated in litigation other than this case (such as filing a case, being served with court papers, testifying as a witness), concerning the custody of or visitation with the children, in this state or any other state.
- (b) Check box **b** if you have participated in litigation other than this case (such as filing a case, being served with court papers, testifying as a witness), concerning the custody of or visitation with the children, in this state or any other state. In the spaces provided, list the court, the case number and the date of any order concerning custody or visitation.

- **Paragraph 12: Other Cases that Could Affect Custody or Visitation in this Case**

Check only one (1) box.

- (a) Check box **a** if you do not have any information about any other case (past or present, in Georgia or another state) that could affect custody or visitation in this case. Examples include other divorces, contempt actions, family violence cases, protective orders, termination of parental rights, legitimations, and adoptions.
- (b) Check box **b** if you do have information about any other case (past or present, in Georgia or another state) that could affect custody or visitation in this case. Examples include other divorces, contempt actions, family violence cases, protective orders, termination of parental rights, legitimations, and adoptions. In the spaces provided, you must tell the Court the name of the court involved, the case number, and the type of case. If you need more space for this answer, use additional paper and attach it to this *Complaint* between pages 5 and 6.

- **Paragraph 13: Others Claiming Custody or Visitation**

Check only one (1) box.

- (a) Check box **a** if you do not know of any person (other than the Respondent) who has physical custody of the children or who claims to have custody or visitation rights to the children.

- (b) Check box **b** if you do know of someone (other than the Respondent) that has physical custody of the children or claims to have custody or visitation rights to the children. In the spaces provided, list the name and present address of each person involved.

• **Paragraph 14: Child Custody**

Note: There are many ways to arrange custody of children. This *Complaint* form does not try to deal with all of them, but only the two most common ones. If you want the Court to order a different custody arrangement other than (a) or (b) below, you should talk to a lawyer. If you want more information about what it means to have full custody or joint legal custody, you may want to read O.C.G.A. § 19-9-6 and also talk to a lawyer. Under Georgia law, the Court must order custody in a way that fits the “best interests of the children.”

Check only one (1) box.

- (a) Check box **a** if you believe it would be in the children’s best interest for the Court to grant full custody (also referred to as “sole custody”) of the children to one person (rather than sharing joint custody). If you believe you should have full custody yourself, then write “Petitioner” in the space provided. If you believe your spouse should have full custody, then write “Respondent” in the space provided. If you believe some other person (such as a grandparent or other relative) should have custody instead of either you or your spouse, you may still be able to use this *Complaint*, but you will need to get advice from a lawyer about how to do it.
- (b) Check box **b** if you believe it would be in the children’s best interest for the Court to grant joint legal custody between you and the Respondent, with one person to have primary physical custody. If you believe you should have primary physical custody yourself, then write “Petitioner” in the space provided. If you believe your spouse should have primary physical custody, then write “Respondent” in the space provided.
- (c) Check box **c** if you want some other custody arrangement. Talk to a lawyer to figure out the best way to explain what you believe is best for the children on the lines provided here.

• **Paragraph 15: Child Visitation**

Note: There are many ways to arrange visitation for children. This *Complaint* form does not try to deal with all of them, but only the two most common ones. If you want the Court to order a different visitation agreement other than (a) or (b) below, you should talk to a lawyer. As with custody, the law requires that the Court must order visitation in a way that fits the “best interests of the children.”

Check only one (1) box.

- (a) Check box **a** if you believe that one of you should have reasonable visitation with the children. If you believe the Respondent should have reasonable visitation, then write the word “Respondent” on the space provided. If you believe that you should have reasonable visitation, then write the word “Petitioner” on the space provided.
- (b) Check box **b** if you believe that the Respondent’s visitation should be restricted in some way to protect the children. Examples include: not allowing the parent to drink alcohol when the children are with her or him, not allowing the parent to drive with the children, or requiring supervision of visitation by another person. On the lines provided, explain to the Court about the restrictions that you believe are necessary and the reasons for them.

- **Paragraph 16: Child Support**

Note: The Court is required to follow specific guidelines when setting child support. These guidelines, found in O.C.G.A. § 19-6-15, explain what counts as income for setting child support and list specific percentages of gross income to be used as the starting point for setting child support, based on the number of children involved. The guidelines also have a long set of factors that the Court can use to vary the amount of support up or down from the amount that would be set under the listed percentages. You should read the child support guidelines in O.C.G.A. § 19-6-15, which may be found on the Internet at www.ganet.org/services/ocode/ocgsearch.htm or in the Cobb County Law Library.

Check only one (1) box.

- (a) Check box **a** if you are asking the Court to order the Respondent to pay child support. In the first space provided, list the Respondent's gross monthly income (before taxes and any other deductions). Then, in the other two spaces, list the lowest and highest amounts you believe the Respondent should pay each month, based on the percentages and special factors listed in the Georgia child support guidelines. (See note above.) If you do not know the amount of the Respondent's income, write the word "unknown" in all three spaces.
- (b) Check box **b** if you believe that you should pay child support to the Respondent. In the first space provided, list your gross monthly income (before taxes and other deductions). Then, in the other two spaces, list the lowest and highest amounts you believe you should pay each month, based on the percentages and special factors listed in the Georgia Child Support Guidelines. (See note above.)
- (c) Check box **c** if the Court cannot decide this issue in this divorce action because the Court cannot get personal jurisdiction over the Respondent. Generally, this will be because you are serving the Respondent by publication or because the Respondent has never lived in the State of Georgia. (For more information on this, see the note above about service by publication in the instructions above for Paragraph 2-e.)

- **Paragraph 17: Health Insurance for Children**

Check only one (1) box.

- (a) Check box **a** if you want the Court to order the Respondent to maintain medical, dental, and hospitalization insurance for the children.
- (b) Check box **b** if you already provide health insurance for the children, and you want the Respondent to be required to reimburse you for a share of the cost each month.
- (c) Check box **c** if you are not asking the Court to decide this issue.
- (d) Check box **d** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 18: Other Medical Expenses for Children**

Check only one (1) box.

- (a) Check box **a** if you want the Respondent to be responsible for all expenses incurred for the children's medical, dental, and hospital care that are not covered by insurance.
- (b) Check box **b** if you believe that you and the Respondent should share the expenses incurred for the children's medical, dental, and hospital care that are not covered by insurance.
- (c) Check box **c** if you are not asking the Court to decide this issue.
- (d) Check box **d** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 19: Life Insurance to Support Children**

Check only one (1) box.

- (a) Check box **a** if the children depend on the Respondent for support, and you believe the Respondent should maintain a life insurance policy on himself/herself for the support of the minor children. In the space provided, write the amount of insurance you believe the Respondent should maintain for the children's benefit.
- (b) Check box **b** if you are not asking the Court to decide this issue.
- (c) Check box **c** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 20: Alimony**

Note: If you want alimony, but do not have proof of the Respondent's income, you should see a lawyer. There are procedures called "discovery" that may be used to try to determine the income. The key issue in deciding alimony is the income of both parties.

Check only one (1) box.

- (a) Check box **a** if you are financially dependent on the Respondent and want the Court to order the Respondent to pay alimony for your support.
- (b) Check box **b** if you are not asking the Court to order alimony payments for your support.
- (c) Check box **c** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 21: Marital Property**

Notes:

- All property that was acquired by either party during the marriage is considered marital property (no matter whose name is on the title), except for gifts and inherited property.
- If the marital home or other real estate is titled in the Respondent's name alone (or you are not sure whose name is on the property deed), you must file a separate document called a *Notice of Lis Pendens*. If you do not file a *Lis Pendens*, and the property is sold before the divorce becomes final, you will not be able to get the home (or a share of it) as part of the divorce because it will be gone. See a lawyer if this may apply to your case.
- If the marital home belonged to one of the parties before the marriage, it still may be claimed as marital property if its value has increased (or the mortgage has decreased) during the marriage. See a lawyer if this may apply to your case.
- If you or the Respondent have rights to a pension that have built up during the marriage, the pension may be considered marital property. Figuring out the value of a pension (and writing the proper QDRO order if it is distributed in the divorce) is very complicated. See a lawyer if this may apply to your case.
- If you think the Respondent may have acquired assets during the marriage that are unknown to you, the law has procedures to use (called "discovery") to try to find out about those assets. If it is important to you to try to learn more about the Respondent's assets, you should see a lawyer.

Check only one (1) box.

- (a) Check box **a** if you and the Respondent have already divided your marital property and you are both satisfied with the division.
- (b) Check box **b** if you and the Respondent did not acquire any property during your marriage (or if the property is already all gone).
- (c) Check box **c** if you and the Respondent did acquire property during your marriage and you are asking for a fair division of that property.

Note: If you check this box, you must provide the Court with information about the property that you and the Respondent have acquired at any time during the marriage. Use the spaces provided under box **c** to describe the property and check each box that applies. Use additional paper if necessary, and attach the paper to this *Complaint*, between pages 8 and 9. Carefully read the “Notes about Marital Property” section at the beginning of the instructions for Paragraph 21.

- (d) Check box **d** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 22: Joint or Marital Debts**

Note: Creditors are not parties in your divorce cases. Consequently, the Court cannot take away creditors’ rights in the divorce. This means that the Court cannot prevent creditors from trying to collect from any person who is liable to a particular debt. However, the Court can enter an order in the divorce case that says one party or the other must pay a particular marital debt. If the responsible party does not pay as ordered, s/he may be held in contempt.

Check only one (1) box.

- (a) Check box **a** if you and the Respondent do not have any joint or marital debts.
- (b) Check box **b** if you and the Respondent have joint or marital debts. In the spaces provided, list each creditors (for example, Visa, MasterCard, etc.), the balance owed, and who you believe should pay each debt. Use additional paper if necessary, and attach it to the *Complaint* between pages 9 and 10.
- (c) Check box **c** if this issue cannot be decided by the Court in this divorce action because the Court cannot get personal jurisdiction over the Respondent. (See the instructions above for Paragraph 16-c.)

- **Paragraph 23: Restraining Order Where Violence Has Occurred**

Do not check this box if there has not been any history of violent acts against you by the Respondent.

Check this box only if there has been a history of violence by the Respondent toward you, and you are afraid that the Respondent will continue the violent acts or harassment against you.

The restraining order in a divorce is not enforceable by warrantless arrest. It can only be enforced by a *Motion for Contempt*.

Note: If there has been recent violence (or past violence plus a recent threat to renew that violence), you should consider filing a Temporary Protective Order (TPO) immediately. A TPO provides *much* stronger and faster protect than a restraining order in a divorce case. There is no charge for filing a TPO petition, and free help is available for filing one. Contact the Women’s Resource Center at 404-688-9436 to get more information about TPOs.

- **Paragraph 24: Restore Former Name**

Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the name you want to have restored.

Note: This is not a name change action and cannot be used for anyone except spouse 1 or spouse 2 in this divorce action.

- **Paragraph 25: Grounds for Divorce**

Check only the boxes that you can prove in court if your case goes to trial.

- (a) Check box **a** if there is no hope that you and the Respondent can save this marriage. This is the language for grounds in most cases, and may be the only grounds you choose. It is the basis for granting a divorce when fault is not proven. It can and should also be used as a “back-up,” if you check other grounds based on some kind of fault.
- (b) Check box **b** if the Respondent has committed acts of cruelty against you. On the spaces provided, you must tell the Court what cruel acts the Respondent did to you.
- (c) Check box **c** if the Respondent had sexual relations with someone else while you have been married to each other.
- (d) Check box **d** if the Respondent left you intentionally and has not come back for at least a year.
- (e) Check box **e** if you can prove and want to state other grounds for divorce. You must research the law under O.C.G.A. § 19-5-3, and tell the Court what other grounds for divorce you are asserting. Use the space provided or attach additional paper between pages 10 and 11.

- **Final Paragraph: Request for Relief**

Check only the boxes that apply.

- (a) Check box **a** if you want the Court to grant you a total divorce from the Respondent. Make sure you have also completed Paragraph 25.
- (b) Check box **b** if you want the *Settlement Agreement* signed by you and the Respondent to be incorporated in the *Final Judgment and Decree of Divorce*. Make sure you have also completed Paragraph 6 and that both parties have signed the *Settlement Agreement* in front of a notary public.
- (c) Check box **c** if you want the Court to order custody and visitation according to Paragraphs 14 and 15. Make sure you have completed those paragraphs.
- (d) Check box **d** if you want the Court to order child support, health insurance, medical expenses, and life insurance according to Paragraphs 16, 17, 18, and 19. Make sure you have completed those paragraphs.
- (e) Check box **e** if you want the Court to order the Respondent to pay alimony for your support. Make sure you have completed Paragraph 20.
- (f) Check box **f** if you want the Court to divide the marital property as described in Paragraph 21. Make sure you have correctly and completely filled out Paragraph 21, after carefully reading the notes at the beginning of the instructions for that paragraph.
- (g) Check box **g** if you want the Court to assign responsibility for payments of joint or marital debts as described in Paragraph 22. Make sure you have correctly and completely filled out Paragraph 22, after carefully reading the notes at the beginning of the instructions for that paragraph.

- (h) Check box **h** if you want the Court to temporarily and permanently restrain the Respondent from harassing you or committing any further acts of violence toward you. Make sure you have completed Paragraph 23.
- (i) Check box **i** if you want the Court to restore your former or maiden name according to Paragraph 24. Make sure you have completed that paragraph.
- (j) Check box **j** if you want the Court to schedule a *Rule Nisi* (hearing on temporary issues). Complete a *Rule Nisi* form for the Court to complete and sign. See additional information about this in Step 7 below.
- (k) Check box **k** as a “back-up” to allow for any other relief the Court finds appropriate in your case.

- **Signature and Date**

To finish the *Complaint* form, add the date on which you are signing it, sign your name in the space provided on the last page, write your address and a daytime telephone number where the Court staff could reach you if necessary. However, if you are living in a shelter for victims of family violence, do not list the address of the shelter. Instead, you should write another address where you can be sure that you will receive any information that is mailed to you by the Court or the Respondent.

STEP 2: VERIFICATION FORM

The *Verification* form must be filled out with the *Complaint for Divorce*. In the caption, insert your name as the Petitioner and your spouse’s name as the Respondent. Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your case in the Clerk’s office. Insert your name in the space underneath the word “Verification,” which is the title of this document. In the next space, insert the title of the document you are verifying as true, which is “*Complaint for Divorce With Minor Children*.”

Before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Complaint for Divorce* is true. You should re-read the *Complaint* one more time, from start to finish, to make sure it is all true. Then take the *Complaint* and this *Verification* to a notary public. (See pages 2 and 3 above to find out the other forms you will need to have notarized.) Sign your name in front of the notary public in the space provided, and check the box to indicate that you are the Petitioner. The notary must complete the rest of the *Verification* form after you sign it under oath. The staff at the Cobb County Superior Court Clerk’s Office can notarize this document for free, but you must have proper identification.

STEP 3: OTHER DOCUMENTS & COPIES

To start your divorce case, you must complete and file several other forms in addition to the *Complaint* and *Verification*. Some of these forms need to be signed in front of a notary public. (The forms you will need are listed on pages 2 and 3 of these instructions.)

After you have finished filling out all of the required papers to start your case, and all have been signed (in front of a notary public where required), make two (2) complete sets of copies of all papers that you are going to file. Then, separate the copies into three packets: (1) all of the originals for the court, (2) one set of copies for your spouse (called the “service copy”), and (3) one set of copies for you to keep for your own records.

STEP 4: FEES

The court filing fee for a divorce action may be obtained from the Superior Court Clerk’s Office. You should contact someone in that office to determine what forms of payment are acceptable. The phone number to the Superior Court Clerk’s Office is 770-528-1300.

In addition, there is a service fee of \$50.00, if the Cobb County Sheriff’s Department is going to serve this action.

Note: If you have a low income and feel that you cannot afford to pay these fees, you can ask the Court to waive the court filing fee and service fee. To do this, you should file the *Poverty Affidavit* and *Order on Poverty Affidavit* forms along with your other forms that you have taken to the Clerk’s Office. A judge must sign

the *Order* approving the *Poverty Affidavit*, before the filing of your case can be completed by the Clerk's Office staff. If the judge signs the order of approval, both the filing fee and the service fee are waived. If the judge does not approve your *Poverty Affidavit*, you must pay all fees before your case will proceed.

If you are serving the Respondent by publication (because you do not know where she or he can be found for service), there is a publication fee charged by the newspaper that publishes the notice. This fee will have to be paid separately from the Clerk's Office fees. Even if the judge approves your *Poverty Affidavit*, you will have to pay this fee of \$80.00 (subject to change) to *The Marietta Daily Journal*.

STEP 5: FILING

After you have completed, signed (in front of a notary, where applicable), copied, and sorted all of your paper work, you are ready to file your case. Take all three (3) sets of forms (with the Court's set on top), along with your case or money orders to pay the fees, to the Cobb County Superior Court Clerk's Office. Give all three sets of documents to the clerk.

Tell the clerk if there have ever been cases about you in this court so that the case can be assigned to the proper judge. If your paperwork is complete, the clerk will keep the originals for the Court's file. Once your fees have been paid or a *Poverty Affidavit* has been approved by the judge, the clerk will write the case number on the top of the set of your copies, stamp them, and return them to you. Keep these copies for your records. Your divorce case has now been filed, but you still need to arrange for service (unless you have filed an *Acknowledgment of Service*). You should use the third set of copies for service.

STEP 6: SERVICE

Service is the required formal process of notifying the Respondent that the divorce action has been filed. There are three ways for service to be completed: (1) the Respondent signs an *Acknowledgment of Service*, (2) service by the Sheriff's Department or other approved process server, or (3) by publication.

- **Service by Acknowledgement of Service**

This is the easiest and least expensive method, but only if the Respondent is cooperative and willing to sign an *Acknowledgment of Service* form in front of a notary public. You cannot sign for the Respondent, and you cannot sign as the notary witnessing the Respondent's signature, nor is it good enough for the Respondent to sign without the signature being witnessed by a notary public.

There are two different *Acknowledgment of Service* forms available from the Cobb County Law Library:

- (1) The *Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case* is appropriate if you and the Respondent have reached an agreement and will be signing a *Settlement Agreement*. This form is best because it includes the consent to the present case in the same form with the acknowledgement, so you are saved a step later.
- (2) The plain *Acknowledgment of Service* form is appropriate if you and the Respondent have not reached a complete agreement yet, but the Respondent is willing to acknowledge service. This saves the Respondent the possible embarrassment or inconvenience of being served by the deputy sheriff, but does not give up the Respondent's right to file an *Answer* and have a trial if an agreement is not reached.

To use this method of service, you need to complete the appropriate form and have the Respondent sign it in front of a notary public. You should then file it with your other papers, as explained in Steps 3, 4, and 5 above.

- **Service by Sheriff's Department**

This is the usual way for service to be completed. It is sometimes called "Personal Service," which means that the deputy sheriff or other court-approved process server hands the papers to the Respondent in person. The forms provided by the Superior Court of Cobb County do not include the special motion and order required to have a special process server appointed. Therefore, if the Respondent will not sign an acknowledgement, and you know an

address where the Respondent can be served, you should make arrangements for the Sheriff's Department to serve the papers.

If the Respondent can be served in Cobb County, then the Cobb County Sheriff's Department can serve the papers. You may pay the service fee at the Clerk's Office when you file the case, and leave the service copy of the papers with the clerk. The clerk will forward your payment and legal documents to the Sheriff's Department for service.

Note: If you prefer, you may take the fee and service copy of the papers directly to the Sheriff's Department yourself (after you have completed Step 5 above). The Sheriff's Department is not at the jail; it is located in the Superior Court building.

If the Respondent must be served in another county or state, the Cobb County Sheriff's Department cannot serve the papers. You will need to arrange for service directly with the Sheriff's Department of the proper county. You should find out the amount of the fee, and take or send it to the proper Sheriff's Department, along with the service copy of the papers.

Whether you have service completed by the Cobb County Sheriff's Department or some other Sheriff's Department, you should make sure the service copy includes the *Sheriff's Entry of Service* form. After the Sheriff's Department completes service, they will send the white and yellow copies to the Clerk's Office, which will then send the yellow copy to you (if you have properly filled out the form).

- **Service by Publication**

This is a method of last resort. If you can find the Respondent, you must use one of the other two previously described methods of service. If you do not know where the Respondent lives or works, and you cannot find that information out, this is your only choice of service method. You must prove to the Court that you have tried to locate the Respondent and cannot find him/her.

Using service by publication places special limitations on your divorce case, because the Court will not have "personal jurisdiction" over the Respondent. You will not be able to get certain kinds of relief, such as child support and alimony, as part of the divorce. However, if the Respondent later acknowledges service, gets served by the sheriff, or files an *Answer* to the divorce, then your case will no longer be limited by the restrictions that apply to publication cases.

To serve by publication, you will need to prepare and file the following three (3) forms:

- Affidavit of Diligent Search*
- Notice of Publication, and*
- Order of Publication, Return of Service, and Order Perfecting Service*

In the *Affidavit of Due Diligence*, you will explain to the Court the steps you took to try to find the Respondent. You must make reasonable effort to find the Respondent before you fill out this form, which is available through the Cobb County Law Library and has its own set of instructions. The other two forms are available through the Clerk's Office.

If you know you must use service by publication when you prepare your *Complaint for Divorce*, then you should prepare all three above listed forms at that time. However, if you have already filed your divorce case, and have tried to complete service by a different method, you can still request the Court's permission to serve by publication.

After you file the forms and if the Court grants permission, the judge will then sign an *Order of Publication*. You will need to pay the cost of publication (\$80.00) at the Clerk's Office. The *Notice of Publication* will then be published in the county's official legal newspaper, called *The Marietta Daily Journal*, four times (usually four weeks in a row). The Respondent will then have 60 days to file an *Answer* if s/he wants to contest the case.

To be on the safe side, you should also mail a set of all the papers, called the "service copy," to the Respondent's last known address. Be sure to put enough postage on it, and be sure to list a return address so that the post office can return it to you if they are unable to deliver it.

After the *Notice of Publication* has been published all four times, you should receive an *Affidavit of Publication* from *The Marietta Daily Journal* stating that publication is complete. You must bring this *Affidavit of Publication*

with you to your hearing in order to prove that service by publication has been completed. Usually the judge will then sign the *Order Perfecting Service* (part of the three-part form listed above) at the hearing, showing that the Court has reviewed the service and finds that it was done properly.

If you later find out where the Defendant lives or works (before the case is over), you should arrange for the Sheriff's Department to serve the Respondent or for the Respondent to acknowledge service.

STEP 7: HEARINGS

After you have filed your case, and the Respondent has been properly served, you are ready for the next step, which is either a temporary hearing (called a *Rule Nisi*) or the final hearing.

- **Temporary Hearing (Rule Nisi)**

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a *Rule Nisi* temporary hearing. In a divorce without minor children, temporary issues may include alimony, living arrangements, use of an automobile, or who is responsible for certain payments while the divorce is pending.

To schedule a *Rule Nisi* temporary hearing, you should complete a *Rule Nisi* form which has its own separate instructions. If you know you want a temporary hearing when you are getting ready to file your divorce case, you can copy, sort, and file the *Rule Nisi* form with your other paperwork. (See steps 3, 4, and 5 above). After your case is filed with the Clerk's Office, you should take the original copy of the *Rule Nisi* and at least one copy to the office of the judge assigned to your case. The judge's staff will schedule a date for the *Rule Nisi* and fill out that part of the *Rule Nisi* form.

- **Final Hearing**

- With a Signed *Settlement Agreement*

If you have a signed *Settlement Agreement*, you may arrange to have the final hearing take place any time at least 31 days after the Respondent was personally served (or the *Acknowledgment of Service* was filed with the Clerk). Most of the judges and other court personnel call this type of hearing an "uncontested" divorce hearing. The judges schedule them in different ways. You should check with the staff for the judge assigned to your case to find out how that particular judge schedules these hearings.

If the Respondent signed the form called *Acknowledgement of Service, Consent to Jurisdiction and Venue, and Consent to Present Case*, then you are not required to give the Respondent notice of the date and time of the final hearing.

If the Respondent signed the other *Acknowledgement of Service* form (which does not waive the right to notice of the hearing), then you should mail a notice to the Respondent, telling the date, time, and place of the final hearing. Then, you should file a *Certificate of Service* with the Superior Court Clerk's Office (showing that you mailed or delivered proper notice to the Respondent).

Some judges will even finalize a divorce action without any final hearing. This is through a process called "Judgment on the Pleadings." The Cobb County Law Library does not yet have a form motion for this purpose, but you should check with your judge's staff to find out if one is required.

- Without a Signed *Settlement Agreement*

If you do not have a signed *Settlement Agreement*, then your final hearing may take place any time at least 46 days after the Respondent was personally served (or the *Acknowledgment of Service* was filed with the Clerk). If the service was by publication, the hearing may take place any time after 61 days from the date of the first publication. The judges schedule these final hearings in different ways. You should check with the staff for the judge assigned to your case, and make sure you make it clear to them that there is not a signed settlement agreement.

Sometimes the judge's staff will mail notice of the hearing date to both parties. However, to be on the safe side, you should also mail a copy of the hearing notice to the Respondent. Then, you should file a *Certificate of Service* with the Superior Court Clerk's Office (showing that you mailed or delivered proper notice to the Respondent).

- Before Hearing Dates

Whether temporary or final, you must prepare your case to be presented to the Court before your hearing dates. You are your main witness. You must also gather other evidence (such as documents and photographs), and you must arrange for any other witnesses that you want to have testify at the hearing. You must also prepare the proper documents to be provided to the judge at (or soon after) the hearing.

For a temporary hearing, you may use *Affidavits* from witnesses, so that they do not have to testify in person. However, there are special procedures for this. See *Uniform Superior Court Rule 24.5*.

At the final hearing, *Affidavits* are not proper evidence. Your witnesses (if any) must testify in person at the hearing.

If you have a Final Divorce Hearing set on a case involving minor children, be sure to bring one of the following to the hearing:

- (a) *Settlement Agreement* – completed, signed, and notarized by both parties. Be sure that the *Settlement Agreement* includes the attached *Parenting Plan*, which is consistent with the provisions for visitation contained in your *Settlement Agreement*. (Exhibit A – Visitation Schedule).
- (b) *Final Judgment and Decree of Divorce With Minor Children* completed for the judge to review. Be sure to attach a *Parenting Plan* with your *Final Judgment*, which is consistent with the provisions for visitation included in your *Final Judgment and Decree*. (Exhibit A – Visitation Schedule).

The Cobb County Law Library has materials to help you prepare for the hearings. You should also talk to a lawyer about the hearing to learn more about how to present your case.

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

My name is _____, and I am representing myself in this divorce action. In support of my case, I state as follows:

1. **Subject Matter Jurisdiction:** I am the Petitioner in this action, and:

[Check only one (1) box.]

- (a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.
- (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. **Venue:** My spouse's name is _____, and s/he is the Respondent in this action.

[Check only one (1) box.]

- (a) The Respondent is a resident of Cobb County and is subject to the jurisdiction of this Court.
- (b) The Respondent is a resident of Georgia in _____ County, but the Respondent and I lived together in Cobb County, and the Respondent has only moved away from Cobb County within the past six months before the date of my filing this action.
- (c) The Respondent is a resident of Georgia in _____ County, and I live in Cobb County. The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (d) The Respondent is not a resident of the State of Georgia, but I am a resident of Cobb County, Georgia, and:

[Check only one (1) box.]

- (1) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of _____. The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).
- (2) The Respondent has never resided in the State of Georgia and currently resides in the State of _____.

(3) The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(e) I am a resident of Cobb County and the Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it herein by reference.

3. **Service of Process:** The Respondent shall be sued as provided under O.C.G.A. § 9-11-4, in the following manner:

[Check only one (1) box.]

(a) The Respondent has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Respondent) with this *Complaint*.

(b) The Respondent may be served by the Sheriff's Department at the Respondent's residence/work address, which is as follows:

(c) The Respondent resides outside of Cobb County, and shall therefore be served by second original, as provided under O.C.G.A. § 9-10-72. Service shall be made by the sheriff's department of the county where the Respondent resides.

(d) The Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Respondent shall be served by publication as provided under O.C.G.A. § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Respondent's last known address is as follows:

4. **Date of Marriage:**

[Check and complete only on (1) box.]

(a) The Respondent and I were lawfully married on _____.

(b) The Respondent and I are married by common law because we lived together and held ourselves out as spouse 1 and spouse 2 as of _____ which was a date prior to January 1, 1997.

5. **Date of Separation:** The Respondent and I last separated on _____, and we have remained in a true state of separation since that date.

6. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Respondent and I have entered into a *Settlement Agreement*, which we both want to incorporate into the *Final Judgment and Decree of Divorce*. The *Settlement Agreement* has been signed by each of us in

front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Complaint*.

7. Minor Children:

[Check only one (1) box. If there are no minor children, you may use a different form, which is much shorter. See instructions.]

- (a) The Respondent and I do not have any minor children together.
- (b) The Respondent and I are the parents of _____ minor children, listed below:

Name of Child	Sex	Date of Birth	Lives with (Petitioner, Respondent, Other)

8. **Children’s Current Residence:** The minor children currently live at _____
 _____ in _____ County,
 with the following people: _____

 The children have lived at this address since approximately _____.

9. **Children’s Past Residences:** During the past five years, the children have lived at the following addresses:

Name of Person	Person’s Current Address

10. **People With Whom Children Have Lived:** During the past five years, the children have lived with the following people:

Name of Person	Person's Current Address

11. **Other Court Cases About Children:**

[Check only one (1) box.]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody or visitation with the minor children in this or any other state.
- (b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number, and date of any order concerning custody or visitation under the other litigation are as follows:

12. **Other Proceedings That Could Affect Custody or Visitation in This Case:**

[Check only one (1) box.]

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this case or another state. The court, the case number, and the nature of the proceeding are as follows:

13. Others Claiming Custody or Visitation:

[Check only one (1) box.]

- (a) I do not know of any other person who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children.
- (b) I know of someone who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children. The names and present addresses of the person(s) are:

Name of Person	Person's Current Address

14. Child Custody: I believe that the following custody arrangement is in the best interests of the children:

[Check and complete only one (1) box.]

- (a) They should be in the full custody of the _____.
- (b) The Petitioner and Respondent should share joint legal custody, with primary physical custody to the _____.
- (c) _____

15. Child Visitation: I believe that the following visitation arrangement is in the best interests of the children:

[Check and complete only one (1) box.]

- (a) The _____ should have reasonable visitation.
- (b) Visitation for the Respondent should be limited in the following way, for the following reasons:

16. Child Support:

[Check and complete only one (1) box.]

- (a) The Respondent has income or is capable of earning sufficient money to support the minor children. Based on the Respondent's gross income of \$_____ per month, and the Georgia Child Support Guidelines (O.C.G.A. § 19-6-15), the Respondent should pay an amount of support between \$_____ and \$_____ per month.
- (b) Based on my gross income of \$_____ per month, and the Georgia Child Support Guidelines (O.C.G.A. § 19-6-15), I can pay the Respondent an amount of child support between \$_____ and \$_____ per month.
- (c) The issue of child support cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

17. Health Insurance for Children:

[Check only one (1) box.]

- (a) The Respondent should be ordered to maintain a policy for medical, dental, and hospitalization insurance for the minor children.
- (b) I already provide health insurance for the children, and the Respondent should be required to reimburse me for a fair share of the cost each month.
- (c) I am not asking the Court to address this issue in this case.
- (d) The issue of health insurance cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

18. Other Medical Expenses for Children:

[Check only one (1) box.]

- (a) The Respondent should be responsible for all expenses incurred for the children's medical, dental, and hospital care that are not covered by insurance.
- (b) The Respondent and I should share the cost of expenses incurred for the children's medical, dental, and hospital care, that are not covered by insurance.
- (c) I am not asking the Court to address this issue in this case.
- (d) The issue of health care expenses for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

19. Life Insurance Support to Children:

[Check only one (1) box.]

- (a) The children depend on the Respondent for support, and therefore the Respondent should maintain a policy of insurance on the Respondent's life, with a face amount of \$_____, for the benefit of the minor children. The Respondent should maintain a policy for so long as at least one of the children is a minor or is otherwise entitled to child support.
- (b) I am not asking the Court to address this issue in this case.

- (c) The issue of life insurance for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

20. Alimony:

[Check only one (1) box.]

- (a) I am financially dependent on the Respondent and need the Court to order the Respondent to pay alimony for my support.
- (b) I am not asking for alimony.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

21. Marital Property:

[Check only one (1) box.]

- (a) The Respondent and I have already divided our marital property, and we are both satisfied with the division.
- (b) The Respondent and I do not have any property acquired during our marriage.
- (c) The Respondent and I have acquired the following property during our marriage, and I am asking for a fair division of this property:

[Check and complete all that apply.]

- House located at _____.
- Other real estate, located at _____.
- Mobile home (model: _____, year: _____).
- Pension (mine, worth \$ _____; Respondent's, worth _____).
- Motor vehicles listed here:
 - Model/year: _____
 - Model/year: _____
 - Model/year: _____
- Furniture:
 - Listed here: _____

 - Listed on a separate paper attached to this *Complaint*.
- Bank account and/or other investments:
 - Listed here: _____

 - Listed on a separate paper attached to this *Complaint*.
- Other property:
 - Listed here: _____

- (d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Respondent.

22. Joint or Marital Debts:

[Check and complete only one (1) box.]

- (a) The Respondent and I do not have any outstanding joint or marital debts.
- (b) The Respondent and I have the following outstanding joint or marital debt, and responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

- (c) The issue of dividing joint or marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Respondent.

23. Restraining Order Where Violence Has Occurred:

[Read instructions carefully, and check only if applicable.]

- There is a history of physical violence by the Defendant toward me, and I am afraid that the Respondent will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

24. Restore Former Name:

[Check only if applicable.]

- My former name is _____, and I am asking the Court to restore that name to me.

25. Grounds for Divorce: My grounds for divorce from the Respondent are:

[Check the ones that you can prove at trial.]

- (a) **Our marriage is irretrievably broken.** The Respondent and I can no longer live together and there is no hope that we will get back together.

- (b) **Cruel Treatment.** The Respondent committed the following acts of cruel treatment toward me:

- (c) **Adultery.** The Respondent has had sexual intercourse with someone else during our marriage.

- (d) **Desertion.** The Respondent has intentionally and continually deserted me for at least a year.

- (3) **Other grounds** from the list in O.C.G.A. § 19-5-3, as explained here:

FOR THESE REAONS, I REQUEST THE FOLLOWING RELIEF:

[Check all that apply.]

- (a) That I be granted a total divorce from the Respondent;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the custody and visitation for the children be ordered according to Paragraphs 14 and 15;
- (d) That child support, health insurance, medical expenses, and life insurance for the support of the children be ordered according to Paragraph 16, 17, 18, and 19;
- (e) That the Respondent be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 21;
- (g) That our joint and marital debts be divided according to Paragraph 22;
- (h) That the Respondent be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (i) That my former name be restored according to Paragraph 24;
- (j) That a *Rule Nisi* be scheduled by the Court to decide on the relief I have requested;
- (k) That the Court issue its *Standing Order*;
- (l) That the Court order any and all other relief that the Court finds appropriate.

Signed this _____ day of _____.

[day] [month] [year]

(Sign your name here before Notary) Petitioner, *Self-Represented*

Petitioner's Name (print or type): _____

Petitioner's Address: _____

Petitioner's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____ and Respondent: _____		Civil Action File No.: _____
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DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

(1) Your Name:		Your Age:
Spouse's Name:		Spouse's Age:
Date of Marriage:	Date of Separation:	
Names and birth dates of children for whom support is to be determined in this action:		
Name	Date of Birth	Resides with
Names and birth dates of your other children:		
Name	Date of Birth	Resides with
(2) SUMMARY OF YOUR INCOME AND NEEDS: (fill out this part after you complete pages 2-5)		
(A) Gross Monthly Income (from Item 3A below)		\$
(B) Net Monthly Income (from Item 3B below)		\$
(C) Average Monthly Expenses (Item 5A below)		\$
Monthly Payments to Creditors (Item 5B below)		\$
Total Monthly Expenses & Payments to Creditors (Item 5C below)		\$

(3) (A) YOUR GROSS MONTHLY INCOME: (Complete this section or attach Child Support Schedule A). (All income must be entered based on monthly average regardless of date of receipt. Where applicable, income should be annualized)	
Salary or Wages — ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS	\$
Commissions, Fees & Tips	\$
Income from self-employment, partnership, close corporations and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Rental income (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Bonuses	\$
Overtime Payments	\$
Severance Pay	\$
Recurring Income from Pensions or Retirement Plans	\$
Interest and Dividends	\$
Trust income	\$
Income from Annuities	\$
Capital Gains	\$
Social Security Disability or Retirement Benefits	\$
Worker's Compensation Benefits	\$
Unemployment Benefits	\$
Judgments from Personal Injury or Other Civil Cases	\$
Gifts (cash or other gifts that can be converted to cash)	\$
Prizes & Lottery Winnings	\$
Alimony and maintenance from persons not in this case	\$
Assets which are used for support of family	\$
Fringe Benefits (if significantly reduce living expenses)	\$
Any Other Income (Do not include means-tested public assistance, such as TANF or food stamps.)	\$
TOTAL Gross Monthly Income (also write in 2A on page one)	\$
(3)(B) Net Monthly Income From Employment (deducting only state and federal taxes and FICA) (also write in 2B on page one)	\$

Your Pay Period (i.e., monthly, weekly, etc.):	Number of Exemptions Claimed by You for Tax Purposes:
--	--

(4) ASSETS

(List all assets here, including both non-marital and marital property. If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)

Description	Value	Separate Asset of Petitioner	Separate Asset of Respondent	Basis of the Claim (pre-marital, gift, inheritance, etc.)
Cash	\$	\$	\$	
Stocks, Bonds	\$	\$	\$	
CD's / Money Market Accounts	\$	\$	\$	
Bank Accounts (list each account below):				
(1)	\$	\$	\$	
(2)	\$	\$	\$	
(3)	\$	\$	\$	
Retirement Pensions, 401(k), IRA or Profit-Sharing	\$	\$	\$	
Money Owed to You (or Spouse)	\$	\$	\$	
Tax Refund Owed to You	\$	\$	\$	
Real Estate (list properties & mortgages):				
Home	\$	\$	\$	
Debt owed on Home	\$			
Other Real Estate	\$	\$	\$	
Debt owed on Other Real Estate	\$			
Automobiles / Vehicles (list vehicles & amounts owed on each one):				
(1)	\$	\$	\$	
Debt owed on Vehicle (1)	\$			
(2)	\$	\$	\$	
Debt owed on Vehicle (2)	\$			

(4) ASSETS (continued)				
Description	Value	Separate Asset of Petitioner	Separate Asset of Respondent	Basis of the Claim (pre-marital, gift, inheritance, etc.)
Life Insurance (net cash value)	\$	\$	\$	
Furniture / Furnishings	\$	\$	\$	
Jewelry	\$	\$	\$	
Collectibles	\$	\$	\$	
Other Assets (specify):	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
TOTAL ASSETS	\$	\$	\$	

(5)(A) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD

HOUSEHOLD EXPENSES

Mortgage or Rent Payments	\$	Gas	\$
Property taxes	\$	Repairs & Maintenance	\$
Homeowner's / Renter's Insurance	\$	Lawn Care	\$
Electricity	\$	Pest Control	\$
Water	\$	Cable TV / Internet Access	\$
Garbage & Sewer	\$	Misc. Household & Grocery Items	\$
Telephones		Meals Outside Home	\$
Residential Lines	\$	Other (specify)	\$
Cellular Telephones	\$		\$

AUTOMOTIVE

Gasoline & Oil	\$	Auto Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$

OTHER VEHICLES (boats, trailers, RVs, etc.)

Gasoline & Oil	\$	Tags / Registration / License	\$
Repairs & Maintenance	\$	Insurance	\$

CHILDREN'S EXPENSES			
Child Care (total monthly cost)	\$	Allowance	\$
School Tuition	\$	Children's Clothing	\$
Tutoring	\$	Diapers	\$
Private lessons (e.g., music, dance)	\$	Medical, Dental, Prescriptions (out-of-pocket uncovered expenses)	\$
School Supplies / Expenses	\$	Grooming / Hygiene	\$
Lunch Money	\$	Gifts from children to others	\$
Other Educational Expenses (list type & amount):		Entertainment	\$
_____	\$	Activities (including extra-curricular, school, religious, cultural, etc.)	\$
_____	\$	Summer Camps	\$
OTHER INSURANCE			
Health Insurance	\$	Life Insurance	\$
Children's portion:	\$	Relationship of Beneficiary:	
Dental Insurance	\$	Disability Insurance	\$
Children's portion:	\$	Other Insurance (specify)	\$
Vision Insurance	\$		\$
Children's portion:	\$		\$
YOUR OTHER EXPENSES			
Dry Cleaning & Laundry	\$	Publications	\$
Clothing	\$	Dues, Clubs	\$
Medical / Dental / Prescription (out-of-pocket uncovered expenses)	\$	Religious & Charities	\$
Your Gifts (special holidays)	\$	Pet expenses	\$
Entertainment	\$	Alimony Paid to Former Spouse	\$
Recreational Expenses (e.g., fitness)	\$	Child Support Paid for other children	\$
Vacations	\$	Date of initial CS order:	
Travel Expenses for Visitation	\$	Other (attach sheet to list)	\$
TOTAL ABOVE MONTHLY EXPENSES (also write on first line of 2C on page one)			\$

(5)(B) YOUR PAYMENTS & DEBTS TO CREDITORS					
To Whom	Balance Due	Monthly Payments	(Please check one)		
			Joint	Petitioner	Respondent
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
Total Monthly Payments to Creditors (also write this total on line 2 of 2C on page one)				\$	
(5)(C)TOTAL MONTHLY EXPENSES (<i>Total Expenses from final line on page 5 + Total Monthly Payments to Creditors above</i>) (also write this total on line 3 of 2C on page one)				\$	

 (Sign your name before Notary) Petitioner Respondent, *Self-Represented*
 Name (print or type): _____
 Address: _____

 Daytime Telephone Number: _____

Sworn to and affirmed before me, this
 _____ day of _____.

NOTARY PUBLIC
 My commission expires: _____
 (Notary Seal)

NEW CHILD SUPPORT GUIDELINES EFFECTIVE JANUARY 1, 2007 FOR ALL PENDING CASES

Georgia's new child support guidelines require new paperwork in all pending cases involving child support issues. Both parties must file completed Child Support Worksheets and Schedules as a part of their case in addition to the Domestic Relations Financial Affidavit. Uniform Superior Court Rule 24.2 (enclosed) requires that you file a completed worksheet and financial affidavit with your complaint.

Where can I get help completing the Worksheet and Schedules?

Selecting, interpreting, and filling out forms all constitute legal advice. O.C.G.A. § 15-19-51 states that it is illegal for anyone but a duly licensed attorney to give legal advice; therefore, we cannot help you complete these forms in the Law Library. Below is a list of places that will be able to help you: **Cobb County Bar Association**

Lawyer Referral Hotline
(770) 424-7149
Monday-Friday
9a.m. to 4:30p.m.
www.cobbbar.org

Atlanta Legal Aid, Cobb Office
30 South Park Square
Marietta, Georgia 30090
(770) 528-2565
www.atlantalegalaid.org

Cobb County Family Law Workshop
(770) 528-8100
www.cobbcounty.org/flw

Hispanic Outreach Law Project*
Provides Spanish Speaking Attorneys
(404) 377-5381

Georgia Senior Legal Hotline*
(404) 657-9915

* *Services of Atlanta Legal Aid*

What if I want to complete the Worksheet & Schedules on my own? Where can I get the documents?

A Guided Electronic Worksheet is available online over the Internet through Child Support Services at <https://services.georgia.gov/dhr/cspp/do/public/SupportCalc>. Once you are there, you will select the Guided Worksheet option and click the Next button at the bottom of the screen. You will answer a series of questions about the household income and child rearing expenses for both parents. The Electronic Worksheet will automatically figure out the child support obligation of both parents. It will also fill out the Worksheet and Schedules for you. The Worksheet is long and complicated, so you may need to work on it several times. If this is the case, you may save the Worksheet online and work on it later. You will be given a confirmation number that you will enter every time you work on the Worksheet. This confirmation number is very important because it is unique to your specific worksheet. *If you lose your confirmation number, you will not have access to your saved worksheet!* Once you have completed the Worksheet, you will be given the option to submit the information for access by the Judge. In order to submit the Worksheet to the Judge electronically, you will be asked to input your Civil Action Number. Your Civil Action Number will be assigned when your case is filed.

Where can I go to get on the Internet?

Cobb County Public Libraries have free public Internet access. Local Law Libraries have free public Internet access as well, as long as you are doing legal research. Both libraries allow printing for a small fee. See the following page for a list of local libraries in your area where you can access a computer.

Important Points about Worksheets and Schedules:

- Both parents are required to file a Child Support Worksheet and Schedules.
- There is a difference between filing and electronically submitting the Worksheet and Schedules. The original worksheet and Schedules are filed with the Superior Court Clerk's Office. After you submit electronically, you should check with the Court to see if a hard copy is preferred, and also to make sure that the Judge's office has a copy of your confirmation number. Your confirmation number is unique to your Worksheet and Schedules. *If you lose your confirmation number, you will not have access to your saved worksheet!* You will have to start over again if you need to print or make changes.
- After the Worksheet is submitted electronically, it cannot be retrieved to print. Remember to print out the original Worksheet before submitting it to the Judge.
- Documents used to complete your Worksheet will need to be brought with you to Court.

Local Libraries with Computer Access

www.cobbcat.org

Central Library

266 Roswell Street
Marietta, GA 30066
(770) 509-2725

Acworth Library

4569 Dallas Street
Acworth, GA 30101
(770) 917-5165

Merchant's Walk Library

1315 Johnson Ferry Road
Marietta, GA 30068
(770) 509-2730

East Marietta Library

2051 Lower Roswell Road
Marietta, GA 30068
(770) 509-2711

Gritters Library

880 Shaw Park Road
Marietta, GA 30066
(770) 528-2524

Hattie G. Wilson Library

350 Lemon Street
Marietta, GA 30060
(770) 528-2526

Kemp Memorial Library

4029 Due West Road, NW
Marietta, GA 30060
(770) 528-2527

Mountain View Regional Library

3320 Sandy Plains Road
Marietta, GA 30066
(770) 509-2725

Powder Springs Library

4262 Marietta Street
Powder Springs, GA 30127
(770) 439-3600

Sibley Library

1539 South Cobb Drive
Marietta, GA 30060
(770) 528-2520

Stratton Library

1100 Powder Springs Road
Marietta, GA 30064
(770) 528-2522

West Cobb Regional Library

1750 Dennis Kemp Lane
Kennesaw, GA 30152
(770) 528-4699

Kennesaw Library

2250 Lewis Street
Kennesaw, GA 30144
(770) 528-2529

Cobb County Law Library

12 East Park Square
Marietta, GA 30090
(770) 528-1884
www.lawlibrary.cobbcountyga.gov

Cherokee County Law Library

90 North Street
Canton, GA 30114
(678) 493-6175

Fulton County Law Library

185 Central Avenue
Atlanta, GA 30303
(404) 730-4544
www.fultoncourt.org/lawlibrary

Gwinnett County Law Library

75 Langley Drive
Lawrenceville, GA 30045
(770) 822-8575
www.gcll.org/Facility_hours.htm

Forsyth County Law Library

118 Castleberry Road, Suite 10
Cumming, GA 30040
(770) 205-4610
www.forsythco.com/department.asp?DeptID=118

Clayton County Law Library

Harold R. Banke Justice Center
9151 Tara Boulevard, Suite 3CA01
Jonesboro, GA 30236
(770) 477-3415

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

ACKNOWLEDGMENT OF SERVICE

I am the Respondent in this case. I hereby acknowledge that I have received a copy of the *Complaint for Divorce*, and the following other documents: _____

I waive formal process, but I do not waive further notice, or my right to raise any defenses I may have in this action. Should further notice be required for any reason, the notice should be mailed to me at the address below.

(Sign your name here before Notary) Respondent, *Self-Represented*

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

**ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION AND VENUE,
AND CONSENT TO PRESENT CASE**

I am the Respondent in this case. I hereby acknowledge that I have received a copy of the *Complaint for Divorce*, and I hereby waive formal process, and consent to both jurisdiction and venue in the State of Georgia, Superior Court of Cobb County.

So long as any judgment in this action incorporates the *Settlement Agreement* I have signed, then I waive further notice, my right to trial, and if I am on active duty in the Armed Forces, I also waive my rights under the Service Members Civil Relief Act, 50 U.S.C. App. § 501, et seq. I give my consent for the Court to hear this matter as soon as possible after thirty-one days.

Should further notice be required for any reason, then notice should be mailed to me at the address below.

(Sign your name here before Notary) Respondent, *Self-Represented*

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

AFFIDAVIT OF DILIGENT SEARCH

I am the Petitioner in this case. I am filing this *Affidavit of Diligent Search* under O.C.G.A. § 9-11-4(f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true and correct:

1

A diligent search has been made, and the Respondent cannot be found within the State of Georgia. I do not know where the Respondent lives or where the Respondent can be found.

2

The last known address and telephone number I have for the Respondent is as follows:

To the best of my knowledge, the Respondent still lived at that address, as of _____, but no longer lives there.

3

I have made the following efforts to find the Respondent:

- (a) I checked with the Respondent's friends, relatives, employers, landlords, or other parties I have listed below:

(1) Name of Person Contacted: _____

Contact's Relationship with Respondent: _____

Contact's Address and Phone Number: _____

Date I contacted this person: _____

Results of Contact/ What They Told Me: _____

(2) Name of Person Contacted: _____

Contact's Relationship with Respondent: _____

Contact's Address and Phone Number: _____

Date I contacted this person: _____

Results of Contact/ What They Told Me: _____

(3) Name of Person Contacted: _____

Contact's Relationship with Respondent: _____

Contact's Address and Phone Number: _____

Date I contacted this person: _____

Results of Contact/ What They Told Me: _____

(4) Name of Person Contacted: _____

Contact's Relationship with Respondent: _____

Contact's Address and Phone Number: _____

Date I contacted this person: _____

Results of Contact/ What They Told Me: _____

(b) I checked telephone information and directories, and the following were the results: _____

(c) I asked the sheriff to attempt service at the Respondent's [Check only one (1) box.]

last known residence/ last known place of employment, which was at the following address:

_____.

(d) I made the following other efforts, with the described results: _____

(Sign your name here before Notary) Petitioner, *Self-Represented*

Petitioner's Name (print or type): _____

Petitioner's Address: _____

Petitioner's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC

My commission expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

NOTICE OF FILING PETITION FOR _____
[Write in name of Petition.]

To _____ [Write in Respondent's name.]:

Pursuant to an *Order for Publication* signed by the Honorable _____ [Enter name of judge signing the *Order for Service by Publication*.] on _____ [Enter date judge signed *Order for Publication*.], you are hereby notified that a *Petition for* _____ [Enter name of *Petition*.] has been filed in the Superior Court of Cobb County, Georgia, Case No. _____, on _____ [Enter date *Petition* was filed.] a *Petition* which seeks to _____ [Enter purpose of *Petition*, i.e., obtain a divorce, change minor child's name from ____ to ____, etc.].

Generally, the *Petition* alleges that _____ [Input basic allegations of *Petition*, i.e., *Petitioner is seeking a divorce from you, Petitioner is seeking to change minor child's name from ____ to ____, etc.*].

You may obtain a copy of this *Petition* from the Clerk of Superior Court of Cobb County, located at 70 Haynes Street, Marietta, Georgia, 30090 or (770) 528-1300.

After you review the *Petition*, you must file your written answer and objections to the *Petition* with the Clerk of Superior Court. You must also serve a copy of your answer upon the Petitioner, whose address is as follows: _____

Your answer must be made within sixty (60) days of the date of the *Order for Service by Publication*.

Signed this _____ day of _____, _____.
[day] [month] [year]

CLERK, Superior Court of Cobb County

Prepared and Presented by:

[Sign.] _____ Petitioner, *Self-Represented*
Petitioner's Name (print or type): _____
Petitioner's Address: _____

Petitioner's Telephone Number: _____

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

RULE NISI

This action has been filed. Therefore, let the parties appear before the Honorable Judge _____ of the Superior Court of Cobb County, Cobb Judicial Circuit in Courtroom _____, in the Superior Court Building, 70 Haynes Street, Marietta, Georgia on _____, 20____ at _____ o'clock ____m. to show cause why the relief sought should not be granted.

Issued on _____, 20____.

JUDGE/CLERK
Superior Court of Cobb County
Cobb Judicial Circuit

Presented by:

 Petitioner Respondent *Self-Represented*

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

SETTLEMENT AGREEMENT WITH MINOR CHILDREN

This is an agreement between _____ (referred to herein as "Petitioner") and _____ (referred to herein as "Respondent").

The parties are married but currently separated; and they have _____ minor children together who are listed below:

Child's Name	Date of Birth

The parties want to settle between themselves all questions of custody, visitation, child support, insurance, alimony, division of property, debts, and all other rights and obligations arising out of their marital relationship.

THEREFORE, in consideration of the mutual promises and declaration in this agreement, the parties agree as follows:

1. Separation

The parties shall continue to live apart and each one shall be free from all interference and control by the other, as fully as if unmarried, and each may reside at such places as s/he may choose.

2. Custody

[Check and complete only one (1) of the following choices.]

(If you want a custody arrangement that is not shown here, you should consult an attorney for the appropriate language to use in place of this section.)

- (a) The _____ shall have sole custody of the children.
- (b) The _____ shall have physical custody of the children, and the parties shall have joint legal custody of them. The parties shall consult each other and try to reach a joint decision on all major issues concerning the children's education, health care, and religious upbringing. However, if the parties are not able to reach a joint decision concerning one of these major issues, then the parent with physical custody shall make the final decision on the issue.

3. Visitation

The _____ shall have the right of reasonable visitation with the minor children, at any time by mutual consent of the parties, provided that the beginning and ending times of the visitation have been put into writing and signed by both parties before the start of the visitation. In arranging visitation, the parties shall take into consideration the requirements of the children's school, work, activities, and child care arrangements.

- (a) If the parties cannot agree on specific visitation, the _____ shall have the right to visitation in accordance to the schedule attached to this *Settlement Agreement* as "Exhibit A."
- (b) The visitation parent shall notify the other parent at least 24 hours in advance of any scheduled visitation if s/he does not intend to exercise that visitation opportunity.
- (c) The visitation parent shall arrive to pick up the children for visitation within _____ minutes of the schedule time, or shall lose that visitation opportunity.
- (d) Unless otherwise upon in writing by the parties, the drop-off and pick-up for visitation shall be at _____
_____.

4. Other Parental Rights

The parties acknowledge that the children have two parents who love them and want to be involved in their upbringing. The parties agree that the welfare of the children is most important and each parent agrees to encourage a feeling of affection and respect between the children and the other parent. Neither party shall involve the children in actions or communications which would endanger the children's opinion of the other party.

- (a) Addresses and Telephone Numbers – The parties agree to provide each other with their current home address and telephone number, as well as a telephone number to call in case of an emergency. They also agree to notify each other of any changes in address or telephone numbers, at least 30 days prior to a change taking place.
- (b) Telephone Communication – Neither party shall do anything to interfere with the children's communication with the other party. Each party shall have the right to call and talk to the children when they are in the care of the other party, up to one time each day, at the expense of the calling parent. Calls shall be made between the hours of _____ a.m. and _____ p.m.
- (c) School Information – The parties agree that it is in the best interest of the children that both parents participate in the children's educational activities to the fullest extent possible. Therefore, both parties shall have equal access to the children's school records, and both parents shall have the right to be provided information concerning the children's progress in school.
- (d) Health Information – Each party shall be entitled to complete, detailed information from any physician, dentist, or other health care provider attending to any of the children. Each party shall notify the other party of the children's major illnesses and medical treatments.

5. Child Support, Health Insurance, and Health Care Expenses

The statutory requirements of O.C.G.A. § 19-6-15 (Child Support Guidelines) have been applied in reaching the amount of child support provided under the final order in this action. The specifics are as follows:

- (a) Gross Income – Petitioner’s gross monthly income (before taxes), is \$_____ ; Respondent’s gross monthly income (before taxes) is \$_____.
- (b) Children – The number of children for whom support is being provided under this order is _____. Their names and dates of birth are:

Child’s Name	Date of Birth

- (c) Attachments – The *Child support Worksheet* and *Schedules* are attached hereto, along with any other applicable schedules.
- (d) Child Support Amount – The _____ shall pay to the _____ for the support of the minor children, the sum of \$_____ per month, beginning with a payment of \$_____ on the first (1st) day of each and every month thereafter until the minor children reach the age of majority, become self-supporting, marry, die, no longer reside with the _____, or are otherwise emancipated, whichever of these events shall first occur. PROVIDED HOWEVER, that if at the time the parties’ children attain eighteen (18) years of age, s/he has not graduated from high school and is then enrolled full time in high school and progressing toward graduation in the normal course, then such child support shall continue until such time as said children graduate from high school, are no longer enrolled full time and progressing normally, or attain the age of twenty (20) years, whichever first occurs.
- (e) Deviation from Presumptive Amount

[Check and complete only one (1) of the following choices.]

- (a) No Deviation – It has been determined that none of the deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached *Schedule E*. The amount of support in Paragraph 3 above is the Presumptive Amount of child support shown on the attached *Child Support Worksheet*.
- (b) Deviation – It has been determined that one or more of the Deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached *Schedule E*. The Presumptive Amount of Child Support that would have been required under O.C.G.A. § 19-6-15, if the deviations had not been applied, is \$_____ per month, as shown on the attached *Child Support Worksheet*. The attached *Schedule E* explains the reasons for the deviation, how the application of the guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support, and how the best interest of the children who are subject to this child support determination is served by deviation from the Presumptive Amount of Child Support.

(f) Health, Dental & Vision Insurance for Children

[Check and complete all parts of only one (1) of the following choices.]

- (a) Insurance Available – The following insurance for the children involved in this action is available at a reasonable cost to the _____ through that parent’s employer or the PeachCare Program:

Health (medical, mental health, and hospitalization) Dental Vision

So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor children, until each child reaches the age of eighteen (18), dies, marries, or otherwise becomes emancipated; except that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reaches twenty (20) years of age, whichever occurs first.

- (1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.
- (2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).

- (b) Insurance Not Available – Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:

Health (medical, mental health, and hospitalization) Dental Vision.

When insurance has been obtained by either party, Paragraphs 6(f)(a)(1) and (2) shall apply.

- (g) Uninsured Health Care Expenses – Petitioner shall pay _____% and the Respondent shall pay _____% of all expenses incurred for the children’s health care (including medical, dental, mental health, hospital, and vision care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within thirty (30) days after receiving the verification of a particular health care expense.
- (h) Parenting Time Amounts – The approximate number of days of parenting time per year according to the visitation order is _____ days for the Petitioner and _____ days for Respondent.
- (i) Continuing Garnishment for Child Support – Whenever, in violation of the terms of the order, there shall have been a failure to make the support payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

- (j) Income Deduction Order

[Check and complete only one (1) of the following choices.]

- (a) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of the child support and alimony (if any) provided. The *Income Deduction Order* shall take effect:

[To finish (a), you must check (1) or (2) as follows. Do not check both.]

 - (1) immediately upon entry by the Court.
 - (2) upon accrual of a delinquency equal to one month's support. The *Income Deduction Order* may be enforced by serving a *Notice of Delinquency*, as provided in O.C.G.A. § 19-6-32(f).
- (b) The parties agree that an *Income Deduction Order* is not immediately necessary.
- (c) The Court finds that there is good cause not to require income deduction, having determined that income deduction will not serve the children's best interests and that there has been sufficient proof of timely payment of any previously ordered support.

6. Alimony

[Check and complete only one (1) of the following choices.]

- (a) The _____ shall pay to the _____ as alimony, the sum of _____ Dollars (\$_____) monthly/ semi-monthly/ bi-weekly/ weekly, beginning on _____, and continuing monthly/ semi-monthly/ bi-weekly/ weekly thereafter,
 - (1) until the recipient remarries or dies.
 - (2) for a period of _____.
- (b) Each party expressly waives the right to receive alimony from the other party.

7. Property Division

[Check and complete only one (1) of the following choices.]

- (a) The parties acknowledge that they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this agreement.
- (b) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this *Settlement Agreement*. The parties agree to transfer possession and title to their property as follows:
 - (1) Marital Home – The marital home of the parties, located at the following address: _____
 _____,
 Shall be conveyed to the _____ in fee simple. The legal description of the property appears on the deed, a copy of which is attached to this *Settlement Agreement*. The _____ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date or _____.
 - (A) The _____ shall have a protected interest in the home in the amount of _____ Dollars (\$_____). Upon the sale or transfer of the home, the protected interest shall be paid.

(B) The _____ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the _____ shall no longer be liable on the mortgage loan(s). If the _____ is not able to refinance by _____, 20____, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

(2) Vehicles – The vehicles owned by the parties shall be transferred or retained as follows:

Year/Make/Model of Vehicle	Vehicle ID # (VIN)	Goes To

The party listed above for each vehicle shall be responsible for all car loan payments, ad valorem taxes, registration fees, and insurance on that vehicle accruing after the following date:

_____, 20____.

(3) Other Personal Property – The parties acknowledge that they own various other items of personal property, which shall be transferred to the party listed below, on or before

_____, 20____.

To Petitioner, as follows:

To Respondent, as follows:

Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than _____, 20____, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to this *Agreement*, this *Agreement* shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other

public and private officials are authorized and directed to accept this *Agreement*, or a properly certified copy of it, in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Agreement*, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Agreement*, except as provided in this *Agreement*.

8. Debts

[Check and complete only one (1) of the following choices.]

- (a) The parties acknowledge that they have no outstanding joint or marital debts.
- (b) The responsibility for payment of the parties' joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection which the other party may incur as a result of the legal action.

9. Tax and Bankruptcy Construction of this Agreement

The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this *Agreement*, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party's financial independence would be impaired. Therefore, it is the parties' intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Agreement* shall not be dischargeable in bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments shall be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

10. Consent Mutual Restraining Order

[This paragraph is optional. Check the box if the paragraph is applicable to your situation.]

The parties shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking each other. By consenting to this, the parties in no way admit that such acts were ever done in the past, but agree not to engage in such acts in the future. This provision shall be enforceable by the Court’s contempt power.

11. Voluntariness of Agreement

The parties acknowledge that they have entered into this *Agreement* freely and voluntarily, and that it is not the result of any duress or any undue influence. They have agreed to enter into this *Agreement* based on their knowledge of the income and assets of the parties and their written statement in this *Agreement*. After considering all of this, they have decided to enter into this *Agreement* freely and voluntarily.

12. Completeness of Agreement

This *Agreement* constitutes the entire understanding of the parties. There are no representations or promises other than those expressly included in this *Agreement*. Each party hereby states under oath that the financial representations in this *Agreement* are accurate and complete, to the best of that party’s information, knowledge, and belief.

13. Effect of Divorce

Both parties understand that this *Agreement* does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this *Agreement* shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the *Agreement*. Even if it becomes part of a divorce judgment, this *Agreement* shall survive and can be enforced independently from the judgment of divorce.

Petitioner

Respondent

Sworn to and affirmed before me, this
_____ day of _____.

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

**FINAL JUDGMENT AND DECREE OF
DIVORCE INCORPORATING SETTLEMENT AGREEMENT**

Upon consideration of this case, and upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. Petitioner and Respondent in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

THE COURT FURTHER ORDERS THAT:

1. Settlement Agreement

The *Settlement Agreement* made between the parties is hereby approved and made a part of this *Final Judgment* as if fully set forth here. Both parties are ordered to strictly obey all of its terms.

2. Restoration of Name

The Spouse's former name of _____ shall be restored.

This Decree entered on _____ day of _____, 20_____.

Judge, Superior Court
Cobb Judicial Circuit

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____
and
Respondent: _____

Civil Action File No.: _____

**FINAL JUDGMENT AND DECREE OF DIVORCE WITH MINOR CHILDREN
(WITHOUT SETTLEMENT AGREEMENT)**

This action came before the Court for trial on _____, 20____. The Petitioner appeared *Self-Represented*. The Respondent also appeared/ did not appear. The Court heard the evidence and considered the matter.

Upon consideration of this case, and upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. The Petitioner and the Respondent in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever, and both shall have the right to remarry.

THE COURT HEREBY FINDS THAT the parties have _____ minor children together, who are listed below:

Child's Name	Date of Birth

THE COURT HEREBY ORDERS THE FOLLOWING:

1. Custody

[Check and complete only one (1) of the following choices.]

- (a) The _____ shall have sole temporary and permanent custody of the children.
- (b) The _____ shall have physical custody of the children, and the parties shall have joint legal custody of them. The parties shall consult each other and try to reach a joint decision on all major issues concerning the children's education, health care, and religious upbringing. However, if the parties are not able to reach a joint decision concerning one of these major issues, the _____ shall make the final decisions on the issue.

2. Visitation

[Check and complete only one (1) of the following choices.]

- (a) The _____ shall have the right of reasonable visitation with the minor children, at any time by mutual consent of the parties, provided that the beginning and ending times of the visitation have been put into writing and signed by both parties before the start of the visitation. In arranging visitation, the parties shall take into consideration the requirements of the children’s school work, their activities, and child care arrangements. Unless otherwise agreed by the parties in writing, the drop-off and pick-up for visitation shall be at _____.
The _____ shall notify the _____ at least 24 hours in advance of any scheduled visitation if s/he does not intend to exercise that visitation opportunity. The _____ shall arrive to pick up the children for visitation within _____ minutes of the scheduled time, or shall lose that visitation opportunity. If the parties cannot agree on specific visitation, the _____ shall have the right to visitation according to the schedule attached to this *Final Judgment and Decree* as “Exhibit A.”
- (b) No visitation is ordered at this time.
- (c) The _____ shall have visitation with the minor children as follows:

3. Other Parental Rights

[Check (a) or as many of the others below that apply. Do not check (a) if you check any of the others.]

- (a) None of the parental rights listed below in (b) through (d) is ordered at this time.
- (b) Addresses and Telephone Numbers – The parties shall provide each other with their current home address and telephone number, as well as a telephone number to call in case of emergency. They shall also notify each other of any change in the address or telephone numbers, at least 30 days prior to the change.
- (c) Telephone Communication – Neither party shall do anything to interfere with the children communicating with the other party. Each party shall have the right to call and talk to the children when they are in the care of the other party, up to one time each day, between the hours of _____ a.m. and _____ p.m. Calls shall be made at the expense of the calling parent.
- (d) School Information – Both parties shall have equal access to the school records of the children, and both shall have the right to be provided information by the school concerning their children’s progress in school.
- (e) Health Information – Each party shall be entitled to complete, detailed information from any physician, dentist, or other health care provider attending any of the children. Each party shall notify the other of the children’s major illnesses and medical treatments.

4. Child Support

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, or because the parties have not asked the Court to decide the issue of child support.
- (b) Application of Child Support Guidelines – The statutory requirements of O.C.G.A. § 19-6-15 have been applied in reaching the amount of child support provided under the *Final Order* in this action. The specifics are as follows:
 - (1) Gross Income – Petitioner’s gross monthly income (before taxes) is \$_____; Respondent’s gross monthly income (before taxes) is \$_____.
 - (2) Children – The number of children for whom support is being provided under this order is _____. Their names and dates of birth are as follows:

Child’s Name	Date of Birth

- (3) Attachments – The *Child Support Worksheet* and *Schedules* are attached hereto, along with any other applicable schedules.
- (4) Child Support Amount – The _____ shall pay to the _____, for the support of the minor children in the sum of _____ dollars (\$ _____) per month, beginning on _____, 20_____, and continued with a payment of _____ dollars (\$ _____) on the first (1st) day of each and every month thereafter until the minor children reach the age of majority, become self-supporting, marry, die, no longer reside with the _____, or are otherwise emancipated, whichever of these events shall first occur. **PROVIDED HOWEVER**, that if at the time the parties’ children reach eighteen (18) years of age, s/he has not graduated from high school and is then enrolled full time in high school and progressing toward graduation in the normal course, then such child support shall continue until such time as said children graduate from high school, are no longer enrolled full time and progressing normally, or attain the age of twenty (20) years, whichever first occurs.
- (5) Deviation from Presumptive Amount

[Check and complete only one (1) of the following choices.]

- (a) No Deviation – It has been determined that none of the deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached *Schedule E*. The amount of support in Paragraph 3 above is the Presumptive Amount of child support shown on the attached *Child Support Worksheet*.

- (b) Deviation – It has been determined that one or more of the Deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached *Schedule E*. The Presumptive Amount of Child Support that would have been required under O.C.G.A. § 19-6-15, if the deviations had not been applied, is \$_____ per month, as shown on the attached *Child Support Worksheet*. The attached *Schedule E* explains the reasons for the deviation, how the application of the guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support, and how the best interest of the children who are subject to this child support determination is served by deviation from the Presumptive Amount of Child Support.

(6) Health, Dental, & Vision Insurance for Children

[Check and complete only one (1) of the following choices.]

- (a) Insurance Available – The following insurance for the children involved in this action is available at a reasonable cost to the _____ through that parent’s employer or the PeachCare Program:
- Health (medical, mental health, and hospitalization) Dental Vision
- So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor children, until each child reaches the age of eighteen (18), dies, marries, or otherwise becomes emancipated; except that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reaches twenty (20) years of age, whichever occurs first.
- (1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.
- (2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).
- (b) Insurance Not Available – Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:
- Health (medical, mental health, and hospitalization) Dental Vision.
- When insurance has been obtained by either party, Paragraphs 4(b)(6)(a)(1) and (2) shall apply.
- (c) Insurance Not Available – This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of children’s health care expenses in this action.
- When insurance has been obtained by either party, Paragraphs 4(b)(6)(a)(1) and (2) shall apply.
- (7) Uninsured Health Care Expenses – Petitioner shall pay _____% and Respondent shall pay _____% of all expenses incurred for the children’s health care (including medical, dental, mental health, hospital,

and vision care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within thirty (30) days after receiving the verification of a particular health care expense.

(8) Parenting Time Amounts – The approximate number of days of parenting time per year according to the *Visitation Order* is _____ days for Petitioner and _____ for Respondent.

(9) Continuing Garnishment for Child Support – Whenever, in violation of the terms of the order, there shall have been a failure to make payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

(10) Income Deduction Order

[Check and complete only one (1) of the following choices.]

- (a) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of child support and alimony (if any) provided. The *Income Deduction Order* shall take effect:
 - (1) immediately upon entry by the Court.
 - (2) upon accrual of a delinquency equal to one month’s support. The *Income Deduction Order* may be enforced by serving a *Notice of Delinquency*, as provided in O.C.G.A. § 19-6-32(f).
- (b) The parties agree that an *Income Deduction Order* is not immediately necessary.
- (c) The Court finds that there is good cause to not require income deduction, having determined that income deduction will not serve the children’s best interests and that there has been sufficient proof of timely payment of any previously ordered support.

5. Life Insurance for the Benefit of the Children

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of life insurance for the benefit of the children in this action.
- (b) The children depend on the _____ for financial support, and therefore the _____ shall maintain a policy of insurance on his/her life, with a face amount of at least \$_____, for the benefit of the minor children. The policy shall be maintained for as long as at least one of the children is a minor or is otherwise entitled to support under this *Final Judgment*.
- (c) The children depend on both of the parties for financial support, and therefore each party shall maintain a policy of insurance on his/her life, with a face amount of at least \$_____, for the benefit of the minor children. Both policies shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under this *Final Judgment*.

6. Alimony

[Check and complete only one (1) of the following choices.]

- (a) The issue is not addressed in this *Final Judgment*, either because the Court lacks personal jurisdiction over the Respondent, or because neither party has asked the Court to address the issue of alimony in this action.
- (b) The _____ shall pay to the _____ as alimony, the sum of _____ dollars (\$ _____) per month, beginning on _____, 20_____, and continuing monthly thereafter:
 - (1) until the recipient remarries or dies.
 - (2) for a period of _____.
 - (c) Neither party is entitled to receive alimony from the other party.

7. Property Division

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed because the Court does not have personal jurisdiction over the Respondent.
- (b) The parties have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of this *Final Judgment*.
- (c) The parties possess various items of marital property, which shall be divided as provided in this *Final Judgment*. The parties shall transfer possession and title to their property as follows:
 - (1) Marital Home – The marital home of the parties, located at the following address:

_____,
which has the following legal description on the deed to the property:

shall be conveyed to the _____ in fee simple. The _____ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date of _____, 20_____.

- (A) The _____ shall have a lien against the home in the amount of _____ dollars (\$ _____). Upon the sale or transfer of the home, the lien shall be paid.
- (B) The _____ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the _____ shall no longer be liable on the mortgage loan(s). If the _____ is not able to refinance by _____, 20_____, the home shall then be listed for sale at a

reasonable price, and all reasonable offers to purchase the home shall be accepted until sold.

- (2) Mobile Home – The parties’ mobile home, which is described as a _____, with Vehicle Identification Number (VIN) of _____ shall be transferred to the _____. The _____ shall be responsible for all loan payments on the mobile home after the date of _____, 20_____.
- (3) Vehicles – The vehicles owned by the parties shall be transferred or retained as follows:

Year/Make/Model of Vehicle	Vehicle ID # (VIN)	Goes To

- (4) Other Personal Property – The parties own various other items of personal property, which shall be transferred to the party listed below, on or before _____, 20_____.

To Petitioner, as follows:

To Respondent, as follows:

Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than _____, 20____, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to execute and deliver any deed or other document necessary to complete the transfers required by this *Final Judgment*, this Judgment shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and

all other public and private officials are authorized and directed to accept this Judgment or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this Judgment, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Final Judgment*, excepted as provided in this *Final Judgment*.

8. Debts

[Check and complete only one (1) of the following choices.]

- (a) This issue is not addressed in this *Final Judgment* because the Court does not have personal jurisdiction over the Respondent.
- (b) The parties have no outstanding joint or marital debts.
- (c) The responsibility for payment of the parties’ joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney’s fees and costs of collection which the other party may incur as a result of the legal action.

9. Bankruptcy Construction of this Judgment

The Court finds that, but for the payments and transfers provided in this *Final Judgment*, the receiving party’s financial independence would be impaired. Therefore, it is the Court’s intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Agreement* should not be dischargeable in a bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments should be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

10. Restraining Order

[Check and complete only one (1) of the following choices.]

- (a) No permanent restraining order is entered in this action.
- (b) The _____ shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking the _____. This provision shall be enforceable by the Court’s contempt power.

11. Restoration of Name

The Spouse’s former name of _____ shall be restored.

The Court has reviewed the foregoing *Final Judgment and Decree*, and it is hereby made the order of this Court.

This Order entered on _____ day of _____, 20_____.

Judge, Superior Court
Cobb Judicial Circuit

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

SUMMONS

TO THE ABOVE NAMED RESPONDENT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Petitioner, whose name and address is:

an answer to the *Complaint* which is herewith served upon you, within 30 days after service of this *Summons* upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the *Complaint*.

If a hearing has already been scheduled in this case, you must appear at that scheduled hearing, regardless of whether the 30 days for filing an answer has elapsed.

This _____ day of _____, 20_____.

REBECCA KEATON,
Clerk of Superior Court

By _____
Clerk

To Respondent upon whom this *Petition* is served:

This copy of *Complaint and Summons* was served upon you, _____, 20_____.

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

PARENTING PLAN

This is an agreement between _____ and _____, the parents of the minor children whose names and birthdates are as follows:

Child's Name	Date of Birth

By signing below, the parties recognize that:

- (a) a close and continuing parent-child relationship and continuity in the children's life will be in the children's best interest;
- (b) the children's needs will change and grow as the children matures;
- (c) each parent shall make decisions regarding the day-to-day care of a child while those child is residing with that parent, including any emergency decisions affecting the health or safety of a child; decisions that affect the other parent's parenting time shall be communicated promptly; and
- (d) both parents will have access to all of the children's records and information, including but not limited to, education, health, extra-curricular activities, and religious communications.

Set forth below is the agreement of the parties on each of the issues listed:

- **Legal Custody**

• **Primary Physical Custody**

• **Major Decisions**

The parties will consult each other and attempt to arrive at consensus on major decisions. Should they be unable to reach consensus final decisions will be made as follows:

- | | | |
|-----------------------------------|-------------------------------------|-------------------------------------|
| Non-emergency health care | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| Education | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| Religious upbringing | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| Extracurricular activities | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |
| _____ | <input type="checkbox"/> Petitioner | <input type="checkbox"/> Respondent |

• **Parenting Schedule**

If the parties cannot otherwise agree, during the term of this parenting plan, the non-custodial parent or in joint custodial arrangements the Petitioner / Respondent, shall have at a minimum the following parenting time:

- First and third weekend of each month
- First, third, and fifth weekend of each month
- Second and fourth weekend of each month
- Every other weekend, starting on _____, 20_____.
- Each _____ starting at _____ a.m./ p.m. and ending at _____ a.m./ p.m.
- Other: _____

- Weekday times include:
 - None
 - Every _____ evening.
 - Every other _____ evening during the week prior to a non-visitation weekend.
 - Every _____ and _____ evening.
 - Other: _____

For the purposes of this parenting plan, a weekend will start at _____ a.m./ p.m. on Thursday/ Friday/ Saturday/ Other: _____ and end at _____ a.m./ p.m. on Sunday/ Monday/ Other: _____.

Weekday time will begin at _____ a.m./ p.m. and will end at _____ p.m. when the children return(s) to school or day care the next morning.

Other: _____

This parenting schedule begins _____, 20____ or on the date of the Court's Order.

- **Fall Vacation**

The day to day schedule shall apply except as follows: _____

_____ beginning on _____, 20_____.

- **Winter Vacation**

Petitioner/ Respondent shall have the children for the first period from the day and time school is dismissed until December _____ at a.m./ p.m. in odd numbered year/ even number years/ every year.

The other parent will have the children for the second period from the day and time indicated above until

_____ at a.m./ p.m. The parties shall alternate the first and second periods each year. Or, the parties have chosen a different winter vacation plan as set out here:

- **Spring Vacation**

The day to day schedule shall apply except as follows: _____

_____ beginning on _____, 20_____.

- **Summer Vacation**

The day to day schedule shall apply except as follows: _____

_____ beginning on _____, 20_____.

Note: Parents will confer with each other by _____ each year to confirm school breaks/vacations and by _____ to determine summer parenting schedule.

- **Special Days and Holidays**

Indicate whether the children will be with the parent in ODD or EVEN number years or EVERY year:

Holiday	Petitioner	Respondent	Start/Stop Time
Martin Luther King Day			
President's Day			
Mother's Day			
Father's Day			
July Fourth			
Labor Day			
Halloween			
Thanksgiving Day and Friday			
Children's Birthday			
Free School Days			
Petitioner's Birthday			
Respondent's Birthday			
Religious Holidays			
Other			

- **Schedule Conflicts**

When holiday parenting times conflict with extended/summer parenting time:

- holiday schedule will be observed
- extended visitation will be uninterrupted
- other: _____

If there is conflict between the regular schedule and the holiday schedule, the holiday schedule will prevail.

For the purposes of this parenting plan, the holiday will start and end as follows:

- Holidays that fall on Friday will include the following Saturday and Sunday.
- Holidays that fall on Monday will include the preceding Saturday and Sunday.
- Other: _____

- **Transportation Arrangements**

Exchanging the children between the parents shall take place as follows: _____

Payment of long distance transportation costs, if applicable, will be paid by: Petitioner/ Respondent / both equally.

Long distance for purposes of transportation are defined as: _____

Other transportation arrangements (Ex: disabled parent, parent without a valid driver's license, other approved drivers, etc.): _____

Should the parent picking up the children exceed a _____ minute grace period without prior notification or alerting the other parent by phone of an unavoidable breakdown or delay en route, the parenting time for that period is forfeited.

Should either party repeatedly cause a delay by not having the children prepared for exchange or being late for pick-up or return, a modification of parenting time may be sought. Repeatedly causing delay is defined as: _____

- **Relocation**

If either parent decides to relocate more than _____ miles away from the other parent's home, the moving parent will give the other parent written notice of the intent to relocate no less than 30 days/ 60 days/ 90 days/ 180 days prior to the date of moving.

- **Communication Access**

The parents agree that when the children reside with one parent, the other parent will have the right to unimpeded telephone conversations with the children as follows: *[Check all that apply.]*

- Unrestricted telephone access during reasonable hours and of reasonable duration.
- _____ telephone calls to the children per day/week with the duration of each call not to exceed _____ minutes within the following time consideration: _____
- The children are allowed to call either parent at any time.
- Other agreed provisions for telephone/e-mail access:

• **Other Parenting Time Provisions and Agreements**

Each parent shall promptly notify the other parent of a change of address, phone number, or cell phone number so that the other parent may exercise their parenting time, notify the other parent as needed, and reach the children while they are in the other parent's household.

When making childcare arrangements while the children is with them, parents agree to the following (Ex: age before children will be left alone, appropriate caregivers, right of first refusal to provide care, etc.): _____

Excluding any agreed limitation on access rights below, both parents will have access to the children's records and information, including but not limited to education, health, extracurricular activities and religious communications. Agreed limitations: _____

Petitioner/ Respondent will notify school authorities where children are enrolled each year to list both parents to receive all notifications and reports.

Each parent shall promptly notify the other parent of any information received through the children concerning parent meetings, reports, school activities in which the children may be engaged or interested.

Parents will consult with each other prior to scheduling any activity that will impact time the other parent spends with the children.

Additional agreements: _____

• **Supervised Parenting Time**

Supervised parenting time shall apply during day-to-day schedule as follows:

Place: _____

Person/Organization supervising: _____

Responsibility for cost: Petitioner Respondent both equally

Any transition to alter supervised parenting would require _____

• **Modification of Plan**

Over time, as the children’s and families’ circumstances/needs change, parties may, by mutual agreement, vary the parenting schedule. Such altered agreements shall not be a binding court order and custody shall only be modified by court order.

Prior to involving the court in resolving disagreements, parties will attempt further mediation, consultation with a child specialist/family counselor or _____.

I have read, understand, and agree to each of the provisions of this *Parenting Plan Agreement*, this _____ day of _____, 20_____.

(Sign your name before Notary) PETITIONER, *Self-Represented*

Name (print or type): _____

Address: _____

Daytime Telephone Number: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC

My commission expires: _____
(Notary Seal)

I have read, understand, and agree to each of the provisions of this *Parenting Plan Agreement*, this _____ day of _____, 20_____.

(Sign your name before Notary) RESPONDENT, *Self-Represented*

Name (print or type): _____

Address: _____

Daytime Telephone Number: _____

Sworn to and affirmed before me, this _____ day of _____.

NOTARY PUBLIC

My commission expires: _____
(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

_____	PETITIONER,	CIVIL ACTION FILE NUMBER
VERSUS		
_____	RESPONDENT.	_____

**RESPONDENT’S ANSWER TO PETITIONER’S
COMPLAINT FOR DIVORCE (WITH MINOR CHILDREN)**

My name is _____, and I am representing myself in this divorce action. In support of my case, I state the following:

1.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 1 of Petitioner’s *Complaint for Divorce*.

2.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 2 of Petitioner’s *Complaint for Divorce*.

3.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 3 of Petitioner’s *Complaint for Divorce*.

4.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 4 of Petitioner’s *Complaint for Divorce*.

5.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 5 of Petitioner’s *Complaint for Divorce*.

6.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 6 of Petitioner's *Complaint for Divorce*.

7.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 7 of Petitioner's *Complaint for Divorce*.

8.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 8 of Petitioner's *Complaint for Divorce*.

9.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 9 of Petitioner's *Complaint for Divorce*.

10.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 10 of Petitioner's *Complaint for Divorce*.

11.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 11 of Petitioner's *Complaint for Divorce*.

12.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 12 of Petitioner's *Complaint for Divorce*.

13.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 13 of Petitioner's *Complaint for Divorce*.

14.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 14 of Petitioner's *Complaint for Divorce*.

15.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 15 of Petitioner's *Complaint for Divorce*.

16.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 16 of Petitioner's *Complaint for Divorce*.

17.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 17 of Petitioner's *Complaint for Divorce*.

18.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 18 of Petitioner's *Complaint for Divorce*.

19.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 19 of Petitioner's *Complaint for Divorce*.

20.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 20 of Petitioner's *Complaint for Divorce*.

21.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 21 of Petitioner's *Complaint for Divorce*.

22.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 22 of Petitioner's *Complaint for Divorce*.

23.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 23 of Petitioner's *Complaint for Divorce*.

24.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 24 of Petitioner's *Complaint for Divorce*.

25.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 25 of Petitioner's *Complaint for Divorce*.

Signed this _____ day of _____, 20____.

(Sign your name here before notary) Respondent, *Self-Represented*

Respondent's Name (Print or Type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me
this ____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

(Notary Seal)

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

_____,
PETITIONER,

VERSUS

_____,
RESPONDENT.

CIVIL ACTION FILE NUMBER

CERTIFICATE OF SERVICE

This document certifies that on _____, 20____, I sent copies of the following documents:

**ANSWER TO PETITIONER'S COMPLAINT FOR DIVORCE
(WITH MINOR CHILDREN)**

to the opposing party by: (CHOOSE ONE: first class mail OR certified mail and return receipt was requested).

The documents were addressed as follows:

Signed this _____ day of _____, 20_____.

(Sign your name here before notary) Respondent, *Self-Represented*

Respondent's Name (Print or Type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me
this _____ day of _____, 20_____.

NOTARY PUBLIC

My Commission Expires: _____

(Notary Seal)

INSTRUCTIONS FOR FILING AN ANSWER AND COUNTERCLAIM FOR DIVORCE WITH MINOR CHILDREN

This packet contains forms for people whose spouse has filed for a divorce against them. The packet is for those who wish to file an *Answer and Counterclaim for Divorce*, and who have minor children together with their spouse. **If you and your spouse do not have minor children together, you should not use this form packet.** Instead, use the shorter and simpler version of this document packet called “*Answer and Counterclaim for Divorce without Minor Children.*”

In the State of Georgia, if a spouse wants to end a marriage, he or she must file a *Complaint for Divorce* in the Superior Court. The Respondent in the case (presumably you) must file an answer to that *Complaint for Divorce*. If the Respondent would also like to request relief from the court, such as custody of the children or child support, he or she must also file a counterclaim.

There are two options available to you for responding to a *Complaint for Divorce*: (1) you can hire a lawyer who will prepare your paperwork and represent you in court, or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a *Final Judgment and Decree of Divorce*, you will be legally able to remarry.

It is advisable to speak with a lawyer before filing any action with the Court; this divorce is no exception to that rule. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. However, you may want to review the form in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

YOU MAY ESPECIALLY NEED AN ATTORNEY IF:

- The case is contested OR an attorney represents your spouse.
- You or your children are victims of family violence against you by your spouse.
- You want a custody or visitation arrangement that does not exactly fit these forms.
- You and your spouse have a house, pension, or large amount of property or income to be divided.
- You think you may have difficulty getting financial information from your spouse.

Whether your case is contested or uncontested, you should speak with a lawyer before signing a *Settlement Agreement* or filing any other documents with the Court.

State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys, law clerks, calendar clerks, Clerk’s Office staff, and Sheriff’s Department staff) from giving legal advice or answering legal questions. This rule also applies to the Cobb County Law Library.

Dissolution of a marriage can be a very complicated process. If documents are not completed, signed, notarized and filed as prescribed by law, or the divorce pleadings are not in compliance with the law, a judge cannot grant your request for divorce, and may dismiss your case. If you want a court to grant your divorce and the relief that you have requested, **you must complete each and every paragraph in this packet that applies to your case (but not any paragraph that does not apply to your case).** When you are ready to file your *Answer and Counterclaim for Divorce with Minor*

Children, you must file it with the clerk for the Superior Court of Cobb County and mail a copy to your spouse (or your spouse's attorney if he or she has one).

Please keep in mind that you may need to submit other forms to the Court in addition to this packet either initially or as your case progresses. At a minimum, you are required to submit a *Domestic Relations Financial Affidavit*, a *Child Support Worksheet*, and a *Parenting Plan*. The Cobb County Law Library offers many of these sample forms and documents.

HEARINGS

After you have filed your *Answer and Counterclaim*, you are ready for the next step, which is either a temporary hearing (called a *Rule Nisi*) or the final hearing.

- **Temporary Hearing (Rule Nisi)**

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a *Rule Nisi* temporary hearing. In a divorce with minor children, temporary issues may include child support, custody and visitation with the children, living arrangements, use of an automobile, or who is responsible for certain payments while the divorce is pending.

To schedule a *Rule Nisi* temporary hearing, you should complete a *Rule Nisi* form which has its own separate instructions. If you know you want a temporary hearing when you are getting ready to file your *Answer and Counterclaim for Divorce*, you can copy, sort, and file the *Rule Nisi* form with your other paperwork. You should take the original copy of the *Rule Nisi* and at least one copy to the office of the judge assigned to your case. The judge's staff will schedule a date for the *Rule Nisi* and fill out that part of the *Rule Nisi* form.

- **Final Hearing**

- With a Signed *Settlement Agreement*

If you have a signed *Settlement Agreement*, you may arrange to have the final hearing take place any time at least 31 days after you were personally served (or the *Acknowledgment of Service* was filed with the Clerk). Most of the judges and other court personnel call this type of hearing an "uncontested" divorce hearing. The judges schedule them in different ways. You should check with the staff for the judge assigned to your case to find out how that particular judge schedules these hearings.

- Without a Signed *Settlement Agreement*

If you do not have a signed *Settlement Agreement*, then your final hearing may take place any time at least 46 days after you were personally served (or the *Acknowledgment of Service* was filed with the Clerk). The judges schedule these final hearings in different ways. You should check with the staff for the judge assigned to your case, and make sure you make it clear to them that there is not a signed settlement agreement.

Sometimes the judge's staff will mail notice of the hearing date to both parties. However, to be on the safe side, you should also mail a copy of the hearing notice to the Petitioner. Then, you should file a *Certificate of Service* with the Superior Court Clerk's Office (showing that you mailed or delivered proper notice to the Petitioner).

- Before Hearing Dates

Whether temporary or final, you must prepare your case to be presented to the Court before your hearing dates. You are your main witness. You must also gather other evidence (such as documents and photographs), and you must arrange for any other witnesses that you want to have testify at the hearing. You must also prepare the proper documents to be provided to the judge at (or soon after) the hearing.

For a temporary hearing, you may use *Affidavits* from witnesses, so that they do not have to testify in person. However, there are special procedures for this. See *Uniform Superior Court Rule 24.5*.

At the final hearing, *Affidavits* are not proper evidence. Your witnesses (if any) must testify in person at the hearing.

If you have a Final Divorce Hearing set on a case involving minor children, be sure to bring one of the following to the hearing:

- (c) *Settlement Agreement* – completed, signed, and notarized by both parties. Be sure that the *Settlement Agreement* includes the attached *Parenting Plan*, which is consistent with the provisions for visitation contained in your *Settlement Agreement*.
- (d) *Final Judgment and Decree of Divorce With Minor Children* completed for the judge to review. Be sure to attach a *Parenting Plan* with your *Final Judgment*, which is consistent with the provisions for visitation included in your *Final Judgment and Decree*.

The Cobb County Law Library has materials to help you prepare for the hearings. You should also talk to a lawyer about the hearing to learn more about how to present your case.

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

_____,
PETITIONER,

VERSUS

_____,
RESPONDENT.

CIVIL ACTION FILE NUMBER

RESPONDENT’S ANSWER TO PETITIONER’S COMPLAINT FOR DIVORCE (WITH MINOR CHILDREN) AND COUNTERCLAIM FOR DIVORCE

My name is _____, and I am representing myself in this divorce action.

In support of my case, I state the following:

1.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 1 of Petitioner’s *Complaint for Divorce*.

2.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 2 of Petitioner’s *Complaint for Divorce*.

3.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 3 of Petitioner’s *Complaint for Divorce*.

4.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 4 of Petitioner’s *Complaint for Divorce*.

5.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 5 of Petitioner’s *Complaint for Divorce*.

6.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 6 of Petitioner’s *Complaint for Divorce*.

7.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 7 of Petitioner's *Complaint for Divorce*.

8.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 8 of Petitioner's *Complaint for Divorce*.

9.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 9 of Petitioner's *Complaint for Divorce*.

10.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 10 of Petitioner's *Complaint for Divorce*.

11.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 11 of Petitioner's *Complaint for Divorce*.

12.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 12 of Petitioner's *Complaint for Divorce*.

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Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 13 of Petitioner's *Complaint for Divorce*.

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Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 14 of Petitioner's *Complaint for Divorce*.

15.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 15 of Petitioner's *Complaint for Divorce*.

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Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 16 of Petitioner's *Complaint for Divorce*.

17.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 17 of Petitioner's *Complaint for Divorce*.

18.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 18 of Petitioner's *Complaint for Divorce*.

19.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 19 of Petitioner's *Complaint for Divorce*.

20.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 20 of Petitioner's *Complaint for Divorce*.

21.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 21 of Petitioner's *Complaint for Divorce*.

22.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 22 of Petitioner's *Complaint for Divorce*.

23.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 23 of Petitioner's *Complaint for Divorce*.

24.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 24 of Petitioner's *Complaint for Divorce*.

25.

Respondent (CIRCLE ONE: ADMITS OR DENIES) the allegations contained in Paragraph 25 of Petitioner's *Complaint for Divorce*.

(Attach additional pages if necessary)

COUNTERCLAIM FOR DIVORCE

18. Subject Matter Jurisdiction and Venue: This Court has jurisdiction over the subject matter and parties in this action, and venue is proper in this Court.

19. Date of Marriage:

[Check and complete only on (1) box.]

- (a) The Petitioner and I were lawfully married on _____.
- (b) The Petitioner and I are married by common law because we lived together and held ourselves out as Spouse 1 and Spouse 2 as of _____ which was a date prior to January 1, 1997.

20. Date of Separation: The Petitioner and I last separated on _____, and we have remained in a true state of separation since that date.

21. Settlement Agreement:

[Check only if there is a signed agreement.]

- The Petitioner and I have entered into a *Settlement Agreement*, which we both want to incorporate into the *Final Judgment and Decree of Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court.

22. Minor Children:

[Check only one (1) box. If there are no minor children, you may use a different form, which is much shorter. See instructions.]

- (a) The Petitioner and I do not have any minor children together.
- (b) The Petitioner and I are the parents of _____ minor children, listed below:

Name of Child	Sex	Date of Birth	Lives with (Petitioner, Respondent, Other)

23. **Children's Current Residence:** The minor children currently live at _____
 in _____ County, with the following people: _____

 The children have lived at this address since approximately _____.

24. **Children's Past Residences:** During the past five years, the children have lived at the following addresses:

Name of Person	Person's Current Address

25. **People With Whom Children Have Lived:** During the past five years, the children have lived with the following people:

Name of Person	Person's Current Address

26. **Other Court Cases About Children:**

[Check only one (1) box.]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody or visitation with the minor children in this or any other state.
- (b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number, and date of any order concerning custody or visitation under the other litigation are as follows:

27. Other Proceedings That Could Affect Custody or Visitation in This Case:

[Check only one (1) box.]

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this case or another state. The court, the case number, and the nature of the proceeding are as follows:

28. Others Claiming Custody or Visitation:

[Check only one (1) box.]

- (a) I do not know of any other person who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children.
- (b) I know of someone who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children. The names and present addresses of the person(s) are:

Name of Person	Person's Current Address

29. Child Custody and Visitation: I believe that the following custody arrangement is in the best interests of the children:

[Check and complete only one (1) box.]

- (a) The Petitioner and I should share joint legal custody of the children and I should have primary physical custody of the children with the Petitioner having reasonable visitation rights.

(b) I should have sole legal custody and primary physical custody of the children with the Petitioner having reasonable visitation rights.

(c) I should have sole legal custody and primary physical custody with the Petitioner having limited, supervised visitation rights with the children for the following reasons:

(d) I should have sole legal custody and physical custody with the Petitioner having no visitation rights with the children for the following reasons:

(e) Other:

30. Child Support:

[Check and complete only one (1) box.]

(a) The Petitioner has income or is capable of earning sufficient money to support the minor children. Based on the Petitioner's gross income of \$_____ per month, and the Georgia Child Support Guidelines (O.C.G.A. § 19-6-15), the Petitioner should pay an amount of support between \$_____ and \$_____ per month.

(b) Based on my gross income of \$_____ per month, and the Georgia Child Support Guidelines (O.C.G.A. § 19-6-15), I can pay the Petitioner an amount of child support between \$_____ and \$_____ per month.

31. Health Insurance for Children:

[Check only one (1) box.]

(a) The Petitioner should be ordered to maintain a policy for medical, dental, and hospitalization insurance for the minor children.

- (b) I already provide health insurance for the children, and the Petitioner should be required to reimburse me for a fair share of the cost each month.
- (c) I am not asking the Court to address this issue in this case.

32. Other Medical Expenses for Children:

[Check only one (1) box.]

- (a) The Petitioner should be responsible for all expenses incurred for the children's medical, dental, and hospital care that are not covered by insurance.
- (b) The Petitioner and I should share the cost of expenses incurred for the children's medical, dental, and hospital care, that are not covered by insurance.
- (c) I am not asking the Court to address this issue in this case.

33. Life Insurance Support to Children:

[Check only one (1) box.]

- (a) The children depend on the Petitioner for support, and therefore the Petitioner should maintain a policy of insurance on the Petitioner's life, with a face amount of \$_____, for the benefit of the minor children. The Petitioner should maintain a policy for so long as at least one of the children is a minor or is otherwise entitled to child support.
- (b) I am not asking the Court to address this issue in this case.

34. Alimony:

[Check only one (1) box.]

- (a) I am financially dependent on the Petitioner and need the Court to order the Petitioner to pay alimony for my support.
- (b) I am not asking for alimony.

35. Marital Property:

[Check only one (1) box.]

- (a) The Petitioner and I have already divided our marital property, and we are both satisfied with the division.
- (b) The Petitioner and I do not have any property acquired during our marriage.

- (c) The Petitioner and I have acquired the following property during our marriage, and I am asking for a fair division of this property:

[Check and complete all that apply.]

- House located at

_____.

- Other real estate, located at

_____.

- Mobile home (model: _____,
year: _____).

- Pension (mine, worth \$ _____; Petitioner's, worth
\$ _____).

- Motor vehicles listed here:

- Model/year:

- Model/year:

- Model/year:

- Furniture:

- Listed here:

- Listed on a separate paper attached.

- Bank account and/or other investments:

- Listed here:

- Listed on a separate paper attached.

Other property:

Listed here:

Listed on a separate paper attached.

36. Joint or Marital Debts:

[Check and complete only one (1) box.]

- (a) The Petitioner and I do not have any outstanding joint or marital debts.
- (b) The Petitioner and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

37. Restraining Order Where Violence Has Occurred:

[Read instructions carefully, and check only if applicable.]

- There is a history of physical violence by the Petitioner toward me, and I am afraid that the Petitioner will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

38. Restore Former Name:

[Check only if applicable.]

- My former name is _____,
and I am asking the Court to restore that name to me.

39. **Grounds for Divorce:** My grounds for divorce from the Petitioner are:

[Check the ones that you can prove at trial.]

- (a) **Our marriage is irretrievably broken.** The Petitioner and I can no longer live together and there is no hope that we will get back together.
- (b) **Cruel Treatment.** The Petitioner committed the following acts of cruel treatment toward me:

- (c) **Adultery.** The Petitioner has had sexual intercourse with someone else during our marriage.
- (d) **Desertion.** The Petitioner has intentionally and continually deserted me for at least a year.
- (3) **Other grounds** from the list in O.C.G.A. § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check all that apply.]

- (a) That I be granted a total divorce from the Petitioner;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the custody and visitation for the children be ordered according to Paragraph 12;
- (d) That child support, health insurance, medical expenses, and life insurance for the support of the children be ordered according to Paragraphs 13, 14, 15, and 16;
- (e) That the Petitioner be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 18;
- (g) That our joint and marital debts be divided according to Paragraph 19;

**IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA**

_____,
PETITIONER,

VERSUS

_____,
RESPONDENT.

CIVIL ACTION FILE NUMBER

CERTIFICATE OF SERVICE

This document certifies that on _____, 20____, I sent copies of the following documents:

*Respondent's Answer to Petitioner's Complaint for Divorce (With Minor Children)
and Counterclaim for Divorce and Verification*

to the opposing party by (choose one):

- first class mail
- certified mail and return receipt was requested

The documents were addressed as follows:

(Sign your name here before Notary) Respondent, *Self-Represented*

Respondent's Name (print or type): _____

Respondent's Address: _____

Respondent's Telephone Number: _____

Sworn to and affirmed before me, this
_____ day of _____.

NOTARY PUBLIC
My commission expires: _____
(Notary Seal)