

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 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 child 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 The 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:
 - o Model/year: _____
 - o Model/year: _____
 - o Model/year: _____
- Furniture:
 - o Listed here: _____

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

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

 - o Listed on a separate paper attached to this *Complaint*.
- (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

- o Listed on a separate paper attached to this *Complaint*.

- (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 Respondent 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;

