

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

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

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*.

(Attach additional pages if necessary)

COUNTERCLAIM FOR DIVORCE

1. **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.

2. **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.

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

4. **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.

5. **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)

6. **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 _____.

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

Name of Person	Person's Current Address

8. **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

9. **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:

10. **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:

11. 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

12. 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:

13. 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.

14. 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.

15. 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.

16. 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.

17. **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.

18. **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:
 - o Model/year: _____
 - o Model/year: _____
 - o Model/year: _____
- Furniture:
 - o Listed here: _____

 - o Listed on a separate paper attached.

Bank account and/or other investments:

o Listed here:

o Listed on a separate paper attached.

Other property:

o Listed here:

o Listed on a separate paper attached.

19. **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

20. **Restraining Order Where Violence Has Occurred:**

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

- There is a history of physical violence by the Petitioner towards 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.

21. **Restore Former Name:** *[Check only if applicable.]*

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

22. **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;
- (h) That the Petitioner 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 21;
- (j) That a *Rule Nisi* be scheduled by the Court to decide on the relief I have requested;
- (k) That the Court issue a *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) 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,	
VERSUS		CIVIL ACTION FILE NUMBER
_____	RESPONDENT.	_____

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)