

UNCONTESTED DIVORCE WITH MINOR CHILDREN COVER SHEET

This forms packet is designed to guide you in the preparation of your divorce papers. You must fill in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet. If you do not have access to a typewriter, you may fill in the blanks by hand, in neat print, using BLACK ink.

You should fill in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures by the Notary Public and the Judge.

In the Complaint and the Settlement Agreement, there are some sections that have two possible answers, separated by an [OR]. In these sections, you must choose which of the two choices fits best in your situation, and then include only that choice in your documents. The other choice should be ignored, and should not be included in your documents.

Make sure that everything is signed. All signatures that require notarization must be notarized before your documents will be approved for filing.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, nor the Judges, or any other Court personnel, is allowed to answer any questions for you concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. Divorce can be very complicated. The only person allowed to help you in the preparation of these forms is a licensed attorney. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

YOU MAY NEED AN ATTORNEY IF:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.
- Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.

In the packets for marriages with children, there is a form called the Domestic Relations Financial Affidavit. Each party will have to have one of these forms filled out prior to the final hearing on the divorce.

If the Defendant has filed an acknowledgment of service, then each party must submit their Domestic Relations Financial Affidavit at the time the case is filed.

If the Defendant does not file an acknowledgment of service, and the Sheriff has to serve a copy of the complaint and summons on the Defendant, the Plaintiff must still file a copy of the Domestic Relations Financial Affidavit with his or her complaint. The Defendant should be served with a copy of the Domestic Relations Financial Affidavit along with the complaint and summons.

Remember, you must fully complete the forms before the Judge will be able to grant you a decree of divorce. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your divorce. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

COMPLAINT FOR DIVORCE

Plaintiff, _____ [Name], comes

before this Court and shows this Court as follows:

1.

Residence requirement (Check only one: a or b)

- a) Plaintiff is a resident of _____ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.
- b) Plaintiff is a resident of _____ County, Georgia, and has resided at the _____ military post for at least one year before filing this petition.
- c) Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the state of Georgia and the county of _____ for at least six (6) months prior to my filing this action.

2.

Venue and Service (Check only one: a or b)

- a) Defendant is a resident of _____ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.
- b) Defendant is a resident of _____ County, _____ (state) and has signed an ACKNOWLEDGEMENT OF SERVICE AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION.

3.

Date of marriage (Check only one: a or b)

- a) Plaintiff and Defendant were lawfully married on _____.
- b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of _____.

4.

- The Defendant and I separated on _____ and have remained in a bona fide state of separation since that date.

5.

- There are _____ minor children born of the marriage.

Name: _____ DOB: _____ Sex: _____
 Name: _____ DOB: _____ Sex: _____
 Name: _____ DOB: _____ Sex: _____
 Name: _____ DOB: _____ Sex: _____

6.

Child Custody (Check only one: a, b or c)

- a) It is in the best interest of the minor children for _____
_____ to have sole legal and physical custody.
- b) Plaintiff and Defendant are both fit to share both temporary and permanent joint legal custody of the minor child(ren). It is in the best interest of the minor child(ren) for _____ to have primary physical custody.
- c) Plaintiff and Defendant have agreed that it is in the best interest of the minor children for the parties to have joint legal and physical custody. The physical custody arrangement will be as follows: _____

7.

For the past five years, the children lived at the following addresses with the following persons:

Address	Dates	Lived With

8.

Other court actions concerning the children (Choose only one: a or b)

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named above, and knows of no other proceeding concerning the minor children in this or any other state. No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

b) The minor children have been involved in the following actions:

(Please tell the court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

<u>County/State/Court</u>	<u>Type of Custody Action</u>	<u>Date Filed</u>	<u>Status</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9.

Others with a custody claim (Choose only one: a or b)

a) I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.

b) The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

Name

Claim

_____	_____
_____	_____
_____	_____

10.

Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that the marriage is irretrievably broken and there is no hope of reconciliation, under O.C.G.A. § 19-5-3(13).

11.

The parties have entered into a settlement agreement that resolves all issues as to an equitable division of property and debts, as well as alimony and child support.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court adopt and incorporate the parties' settlement agreement into a final judgment and decree in this matter;
- c) That the Wife's name be changed back to her maiden name, _____;
- d) That the Court enter an Order for Child Support;
- e) That the Court award such other and further relief as the it deems equitable and just.

Respectfully submitted this the ____ day of _____, 200_.

/S/ Plaintiff *pro se* [Sign here]

Plaintiff's Address: _____

Plaintiff's Telephone(s): _____

Defendant's Address: _____

Defendant's Telephone(s): _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this _____ day of _____, 200_.

Notary Public, State of Georgia

My Commission Expires: _____

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

**CONSENT TO TRIAL 31 DAYS AFTER SERVICE AND
WAIVER OF RIGHT TO TRIAL BY JURY**

Both of the above parties, as indicated by their signatures below, waive their right to trial by jury and consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the acknowledgement of service or after service has been perfected.

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this ____ day of _____, 200__.

Notary Public, State of Georgia
My Commission Expires: _____

Defendant *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this ____ day of _____, 200__.

Notary Public, State of Georgia
My Commission Expires: _____

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

)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
)	
Defendant.)	

**DEFENDANT'S ACKNOWLEDGEMENT OF SERVICE
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

I, _____, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of _____ County, _____ (state), and that the Plaintiff in the above-styled case is a resident of _____ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this superior court.

This _____ day of _____, 20__.

_____,
Affiant
[Sign in the Presence of a Notary Public]

Notary Public
Sworn to and subscribed before me this _____ day of _____, 20__.

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

_____,)
Plaintiff,)
v.) Civil Action No. _____)
_____,)
Defendant.)

SETTLEMENT AGREEMENT

This is an agreement by and between _____ [Name],
(hereinafter referred to as "Husband") and _____ [Name],
(hereinafter referred to as "Wife").

WHEREAS, the parties are married but are currently living in a bona fide state of separation;

WHEREAS, the child(ren) born as issue of the marriage is/are:

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

WHEREAS, the parties desire to settle between themselves all questions of division of property, child custody, visitation, child support, alimony, and all other rights and obligations arising out of their marital relationship:

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

