

Instructions for Complaint for Divorce Without Minor Children

Hello:

If you want to file for Divorce without an attorney and you do not have any children under 18 years old, you can use this form: Complaint for Divorce Without Minor Children.

Usually, you file for divorce in the County where your spouse lives. In the first blank fill in the SUPERIOR COURT OF _____ COUNTY – State of Georgia. Sometimes you can file where you live, if it has been less than six months since your spouse moved out of your marital home or if your spouse now lives out of state.

You are the Plaintiff or Petitioner. Your spouse is the Defendant or Respondent. Leave the Civil Action Number blank until you file. The Clerk will then give you a civil action number. Put in your name in the next blank: My name is: _____.

Paragraph 1) The first paragraph talks about Subject Matter Jurisdiction or where your

case must be filed. For the court to be able to hear your case you must have lived in Georgia for at least the past six months. If not, your spouse must have lived in Georgia for at least the past six months. Just check one box - a or b.

Paragraph 2) talks about Venue: Venue is usually in the county where your spouse lives. Check only one box.

- a) The Defendant is a resident of _____ County (the County where your spouse lives now.)
- b) If your spouse has moved from your county within the past six months, you can file in that county for six months after you separate. In the first box, put the name of the county where s/he lives now. But, in the second box put the county where you two lived together and you still live.
- c) If your spouse agrees that you can file in your county, you must attach a form called an Acknowledgement that your spouse must sign in front of a notary.
- d) If your spouse lives out of state, but you live in Georgia, you can still get a divorce.* You can get a divorce if your spouse
 - (1) has lived in Georgia before or,
 - (2) Your spouse was never a resident of Georgia or,
 - (3) Your spouse agrees that the case can be heard in Georgia and signs an Acknowledgment of Service, Venue, and Jurisdiction.

*In this case, the Court can award a divorce, but may not be able to decide everything, like divide some property or debts that you got during the marriage.

Paragraph 3) Service of Process means that the Defendant, your spouse, usually must get a copy of the divorce papers. (a) The spouse can sign a form acknowledging s/he got a copy of the complaint. Or the Sheriff's Office can deliver a copy of the

papers to her/his home or work. Fill in the home and work address of your spouse. If your spouse lives out of state, you can send a copy of the Complaint to the Sheriff's office in the county in the other state and ask them to deliver the Complaint to your spouse. Usually, the Sheriff will charge you to deliver a copy of your Complaint.

(c) if you do not know where your spouse is you can still file for divorce. You must show you tried to find your spouse before you can file for divorce. You can ask his family, friends, or look on social media to find your spouse. If you cannot find where your spouse is, you will have to file Motion for Publication and an Affidavit of Due Diligence saying you tried to find your spouse. *See form Motion and Affidavit in this packet.

Paragraph 4) Fill in the date you married your spouse in (a). [OR if you were married by common law before January 1, 1997, then you can fill in the date prior to January 1, 1997 when you started holding yourself out as married.]

Paragraph 5) Fill in the date you were separated from your spouse.

Paragraph 6) Check the box next to paragraph 6 if you signed a Settlement Agreement. A Settlement Agreement is a document that says you and your spouse agree that you should get divorced and agree on the terms of the divorce. Both you and your spouse must sign the Settlement Agreement in front of a Notary. Then you can file it with the Complaint. (See the form Settlement Agreement)

Paragraph 7) Check (a) if you don't have children under 18 together.

Check (b) if you have minor children – If you have minor children, you need another Divorce Complaint form. Stop here and get another form.

Paragraph 8) Alimony. Check box (a) or (b) or (c).

Check box (a) if you are asking the court to award alimony because you depend on your spouse for your support. Check (b) if you are not asking for alimony. Box (c) means that the Court does not have jurisdiction over your spouse – for example, he lives out of state and has never lived in Georgia.

Paragraph 9) If you have property, check one box. Dividing property, like real estate, pensions, or investments can get very complicated.

Check (a) if you have already divided the property you got during your marriage and you both are satisfied with the division. Check (b) if you and your spouse do not have any property you got during the marriage, so you do not need the court to divide it. Check (c) if you have property you got during the marriage and you want the court to divide the property. You should describe the property like: a house at:

_____ (address); other real estate located
at _____; a mobile home: model: _____ year: _____;
pensions: _____; cars/trucks: _____;

furniture _____; bank accounts/or other investments: _____; or other property: _____ You can also list these on separate pages and attach them to this Complaint. Or check (d) the Court cannot divide property because, for example, the spouse is out of state or you haven't been able to get jurisdiction of your spouse.

10) Joint or Marital Debts: (Check only (a), (b), or (c).

Check (a) if you do not have joint debts. Check (b) if you want the court to divide the debts, including the Creditor-who you owe the debt to, the amount you owe, and which person should pay the debt. Check (c) if the Court does not have jurisdiction to divide the debts.

- 11) If you have been the victim of domestic violence and you are afraid, you can ask the Court for a Restraining Order telling your spouse to stay away from you.
- 12) If you want the court to change your name back to what it was before you were married, check this box, and put in the former name you want the court to give back to you.
- 13) The grounds for Divorce are in Georgia law. You can check a, b, c, d, or e if you have another ground that is in the Georgia law. Most divorces in Georgia are filed because the marriage is irretrievably broken. That means one party says that the marriage is broken and there is no hope of getting back together. If you choose to file based on cruel treatment, you must be able to prove the cruel treatment at trial and you should explain the cruel treatment here. You only need one ground, but you can put in as many as apply and that you can prove at trial.

Lastly, you will ask the court for Relief - What do you want the court to do in this divorce case?

Check (a) – You want a divorce. (b) If you have a Settlement Agreement you want included by the court in your divorce, check box b. If you asked for alimony above, you check box (c). If you asked the court to divide marital property or marital debts, check boxes (d) or (e). If your spouse was violent and you want a restraining order, check box (f). If you want your name changed back to what it was before you were married, check box (g).

Box (h) asks the court to schedule a Rule Nisi or a Hearing to hear your facts, your case, and what you want the court to do in this divorce. Check the last box to cover anything else the court might find it should do.

You must date and sign this form, the Complaint. Fill in your name, address, and phone number.

You will take the Complaint, along with the other forms you have completed to the Superior Court Clerk's office where you are filing for divorce. You must file a

Verification with this form, which swears that everything in this complaint is true.
The Verification form must be signed and notarized.

Disclaimer:

Script for General Civil and Domestic Relations Case Filing Instructions AND the General Civil Domestic Relations Case Disposition Form. The General Civil and Domestic Relations Case Filing form will be filed at the beginning of the case with your complaint. The General Civil Domestic Relations Case Disposition Form will be filed at the end of the case with the Final Divorce Judgment Order.

Hello:

This video is about TWO forms that every divorce case must have: The General Civil and Domestic Relations Case Filing Instructions and the General Civil Domestic Relations Case Disposition Form. These two forms are online at: https://www.gasupreme.us/wp-content/uploads/2017/12/CivilDomestic_Filing_Disposition_Form_Version_1.1.18_Fillable.pdf

Form 1. The General Civil and Domestic Relations Case Filing form. This form must be filled in and filed at the beginning of the case when you file your divorce complaint.

The first page is the instructions. The second page is the form you must fill in and complete.

Step 1 – Check the Superior Court box – Write in the name of the County you are filing your divorce in.

Step 2 – Fill in your name as the Plaintiff / Petitioner. Fill in your spouse’s name as the Defendant.

Step 3 – Check the Self-Represented box.

Step 4 – Check the Dissolution/Divorce/Separate Maintenance/Alimony in the box on the right.

Step 5. You would not check this box unless this divorce case is related to another case that is ~~in~~ currently in court between you and your spouse. Put in the case numbers if you have/had another related case with you and your spouse.

Step 6 – Check this box if the information you are filing, including the financial attachments have a social security number, Tax ID number, a bank account or bank account number or the date of birth included in one of the papers. (Usually, the last four digits of the SS# or the tax ID are sufficient.

Step 7 – Check this box if you need foreign language or sign-language interpretation and write in the language interpretation you need.

Step 8 – Check this box if you need any help because of a disability and explain what type of help you need.

Form 2. General Civil Domestic Relations Case Disposition Form - https://www.gasupreme.us/wp-content/uploads/2017/12/CivilDomestic_Filing_Disposition_Form_Version_1.1.18_Fillable.pdf

This form must also be filled in and filed at the end of the case – along with the judge’s final order. This is the third and fourth page on the Supreme Court forms website. The third page is an instruction page. You must complete the fourth page and file it after the case is over?

Step 1 – Check the Superior Court box – Write in the name of the County you are filing your divorce in.

Step 2 – Fill in your name as the Plaintiff/ Petitioner - Fill in your spouse's name as the Defendant.

Step 3 – Fill in your name as the Reporting Party.

Step 4 - Check the Self-Represented Box if you did not have a lawyer.

Step 5 – Check the Self-Represented Box if your spouse did not have an attorney. If s/he had an attorney, you can write in the attorney's name and Bar number. This number should be listed on any papers the attorney sent you.

Step 6 – The Manner of Disposition box – usually will be Bench/Non-Jury Trial

Step 7 – You will usually check this box because you did not have a lawyer

Step 8 – Check if the court ordered an Interpreter for you, your spouse, or a witness. If not, leave it unchecked.

Step 9 - Check this box if you went to a mediation or alternative dispute resolution process. Most courts today refer people to an ADR meeting.

Term	Definition
Acknowledgement of Service (Acknowledges Service)	A declaration by a person, usually by signing a document, that they have received the documents that were given to them. This does not mean that the person agrees with the documents, what the documents say, or what the lawsuit is about. It only means that they properly received the documents.
Affidavit	A written or printed statement made under oath and signed. The signature is made by the person to say that what is written or printed is accurate.
Alimony	A scheduled payment made by one spouse to the other. It is usually made by the higher earning spouse. This payment may be made every other week, every other month, or at another scheduled time.
Alternative Dispute Resolution (ADR)	A set of steps that parties can take to settle their dispute outside of a courtroom. Usually, the steps are overseen by a neutral person, such as a mediator. Most of the time, ADR is not binding until a judge has signed off on it.
Answer	This is a formal, written statement made by the person being sued (defendant or respondent) in a civil case. The answer is made in response to the complaint. In the answer, the defendant can respond to and/or deny the allegations made by the plaintiff in the complaint.
Bar Number	The number assigned to an attorney by the State Bar. The State Bar oversees attorneys in that state.
Bench Trial (same as Non-Jury Trial)	A trial without a jury. In this kind of trial, the judge serves as the fact-finder.
Case Number (Civil Action Number)	The number assigned by the Clerk to the case, so that documents can be properly organized. This can usually be found on the first page of any court document.
Civil Case (e.g. general civil case)	A case that is not criminal in nature. This is usually between two people, instead of being between the government and a person. In these cases, the judge and jury are not considering whether someone has broken a law.
Clerk of Court (e.g. Clerk of Superior Court)	A court officer who oversees all the administrative functions of the court. This is the person or office where any court documents will be sent to.
Complaint	A document that begins a civil lawsuit. In the complaint, the plaintiff (or petitioner) writes

	down the facts and reason for why they are starting their lawsuit.
Consent Agreement	When both parties agree to sign an order without the judge holding a hearing. This can include any issues in the divorce, such as alimony, child support, use of the home, etc.
Creditor	Someone who is owed money. The creditor can file a lawsuit to try and get partial or full payment of the debt.
Custodian	Someone who has physical custody of the child/children. This can be a parent, a family member, a guardian, etc.
Defendant	The person or party who did not start the lawsuit. They may be the person being sued, the person who did not file the divorce papers, someone who is accused of committing a crime, etc.
Deposition	A meeting before the court hearing, done outside of the courtroom, when someone answers questions under oath. This is a type of discovery.
Discovery (e.g. deposition)	The process in the beginning stages of a lawsuit where a party can ask questions or request documents in order to be informed of facts known by the other party in the lawsuit, or a third party (someone not directly involved in the lawsuit).
Disposition	The result of a hearing before a judge.
Dissolution of Marriage	When the parties (spouses) are returned to the state of unmarried persons, or as they were before the marriage took place.
Divorce	When the parties separate according to law, divide their property, decide whether payments will be made to a spouse, determine custody of the children (if there are any), and set up a visitation schedule.
Domestic Relations Case	A case that deals with issues of the family. This could be divorce, modifying child support, etc.
Entry (e.g. Entry of Order)	The way that a judge's decision becomes official and begins affecting the parties. The order is signed by the judge and it is filed with the county clerk.
Filing	When your document is taken by the clerk of court and is placed into the file or record for your case.
Final Divorce Judgement (Final Disposition)	When the judge has signed the order which grants the parties a divorce.
First Class Mail	This regular mail system is used to deliver Court documents to the other party. You can send

	documents by First Class Mail at a Post Office.
Guardian Ad Litem	This person is appointed by the Court. They represent the best interests of the child/ children. They will never be the parent of the child. They are usually an attorney, but do not have to be.
Hearing	This is a meeting where both parties get to explain their side of the story to the Judge. The parties will explain why the Judge should or should not do something.
Joint Debts	Debts that were cosigned by both the parties.
Jurisdiction	This is the broad term used to describe whether the court can legally hear the case or not. It includes the location of the courthouse and whether that specific court can hear that type of case.
Legal Custody	The parent with legal custody has the right to make major decisions for a child. This may include health care, school, etc.
Married by Common Law	This only applies if the parties were never officially married, the parties told everyone that they were married, the parties lived together, and all of this occurred before 1997.
Marital Debts	Debts that were taken on by one or both of the parties during the marriage.
Marital Property	Property that was acquired during the marriage. This is not limited to houses. It may include cars, salaries and money, and others. It does not include gifts and inheritances.
Marital Residence	The house that the married couple lived in. This would not include a weekend house.
Minor Children	Children who are under the age of 18.
Moral Turpitude	Any act or behavior that would go against the accepted moral standings of the community.
Motion	A request by either party that the court take action in a pending case.
Non-Custodial Parent	The parent who does not have primary, physical custody of a child. The child/children do not spend the majority of their time with this parent. A non-custodial parent may still have visitation rights.
Notary	A person licensed by the state to certify documents.
Order	A decision made by the judge that will require someone to do certain things or actions.
Party	Someone who is directly involved in the case. In a divorce, the parties would be the two married

	spouses. The children of the marriage would not be parties, even though they will be discussed in the case.
Pending Case	A case that has not been finished yet. No final judgment or order has been entered by the Judge.
Petition for Divorce	A document that begins a divorce proceeding. This is filed by the plaintiff/ petitioner.
Petitioner	This is very similar to a plaintiff. They begin the court case. The petitioner usually “petitions” the court to do something.
Physical Custody	This is the legal right for one parent, guardian, or other person to have the children live with them.
Plaintiff (Self-represented Litigant)	This is similar to a petitioner. They begin a court case.
Poverty	An amount of money below the poverty line. This line is set by the Federal Poverty Guidelines.
Pro Se	A person who files a court action or responds to a court action without being represented by an attorney.
Proper County	This is usually the county in which the parties lived while they were married. If they now live in different counties, the best county is usually where the party who does not file the action lives.
Proposed Order	An order that has been written, but has not been signed by the judge, yet.
Relief	A legal remedy. This may include child support, alimony, visitation, etc.
Resident	The place where you live the majority of the time.
Respondent	This is similar to a defendant. This is the person who responds to a petitioner.
Restraining Order	This is an order by the court to restrain someone from doing something. It is usually used to keep someone from getting near someone else.
Rule Nisi	A hearing held by the court to determine something on a temporary basis.
Separated/ Separation	The date on which the parties no longer shared the same bedroom or home.
Separation Agreement	This is the agreement that the parties can enter before the final hearing if they agree on most issues. This may include custody issues, child support, visitation, property disputes, etc.
Service	When a party receives legal papers, they are “served” those documents.
Summons	A legal document that tells someone that they

	need to be at the courthouse on a specified date and time. They are “summoned” to the courthouse.
Subject Matter Jurisdiction	This is a term used to describe whether the court can hear the “subject” of that case. For example, a small claims court would not hear a murder trial.
Superior Court	The highest trial court in Georgia. These courts hear family law issues and criminal law cases.
True Copy	The real version of a document. In order to ensure that it is real, the Clerk of Court will put a seal of the Court on the document.
Verification (Verification Form)	The document that is signed by the plaintiff/ petitioner and is included in the complaint. This shows that the plaintiff/ petitioner swears that the facts in the complaint are correct and true.
Venue	This term describes whether the location of the court is proper and the best location to hear the case. For example, a courthouse in Cobb County would not always hear a case from Fulton County.
Waiver of Service	This is a document signed by the defendant/ respondent that shows that they have received a copy of the complaint/ petition. It is signed by the defendant/ respondent to show that they received that document, but it does not mean that the defendant/ respondent agrees with what the complaint/ petition says.