

SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____,
Plaintiff

vs.

Civil Action No: _____

_____,
Defendant

COMPLAINT FOR DIVORCE WITHOUT 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 Plaintiff in this action and:

[Check only one of the following, either (a) or (b).]

(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 he/she is the Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d) or (e).]

(a) The Defendant is a resident of _____ County and is subject to the jurisdiction of this Court.

(b) The Defendant is a resident of Georgia in _____ County, but the Defendant and I lived together in _____ County at the time we separated, I still reside in _____ County, and the Defendant has only moved away from _____ County within the past six months before the date of my filing this action.

(c) The Defendant is a resident of Georgia in _____ County, and I live in _____ County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(d) The Defendant is not a resident of the State of Georgia, but I am a resident of _____ County, Georgia, and:
[Check only one of the following, either (1), (2), or (3).]

(1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(5).

(2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.

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

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

3) **Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

[Check only one of the following, either (a), (b), or (c).]

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

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

(Check only if the Defendant lives outside _____ County.)
The Defendant resides outside of _____
County, and shall therefore be served by second original, as provided under

OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.

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

- 4) **Date of Marriage:** *[Check and complete only one of the following, either (a) or (b).]*

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

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

- 5) **Date of Separation:** The Defendant 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 Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for 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 of the following, either (a) or (b).]*

(a) The Defendant and I do not have any minor children together.

(b) The Defendant and I are the parents of _____ minor children.

[STOP — If you and the Defendant have any minor children together, you must use a different Divorce Complaint form. See instructions.]

- 8) **Alimony:** *[Check only one of the following, either (a), (b), or (c).]*

(a) I am financially dependent on the Defendant and need the Court to order the

Defendant 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 Defendant.

9) **Marital Property:** [*Check only one of the following, either (a), (b), (c) or (d).*]

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

House located at _____

Other real estate, located at _____

Mobile home (model: _____, year: _____)

Pension (mine, worth \$ _____; Defendant's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Other property:

Listed here: _____

Listed on 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/or to allow for situations where there may be marital property in GA, but no personal jurisdiction over the Defendant.

10) **Joint or Marital Debts:** *[Check only one of the following, either (a), (b), or (c).]*

(a) The Defendant and I do not have any outstanding joint or marital debts.

(b) The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>

Listed on separate paper attached to this *Complaint*

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

11) **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 Defendant will engage in further acts of violence or harassment

toward me unless the Court enters a temporary and permanent restraining order.

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

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

13) **Grounds for Divorce:** *[Check the ones that you can prove at trial.]*

My grounds for divorce from the Defendant are:

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

(b) **Cruel treatment** - The Defendant committed the following acts of cruel treatment toward me: _____

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

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

(e) **Other grounds** from list in OCGA § 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 Defendant;

(b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.

- (c) That the Defendant be ordered to pay me alimony for my support;
- (d) That our marital property be divided according to Paragraph 9;
- (e) That our joint or marital debts be divided according to Paragraph 10;
- (f) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (g) That my former name be restored according to Paragraph 12;
- (h) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (i) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff, Pro se (*Signature*)

Name: _____

Address: _____

Phone: (____) _____