

SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff

vs.

Civil Action No: _____

_____,
Defendant

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 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) **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:

- 8) **Minor Children** – *[If there are no minor children you should use the Divorce form with No Minor Children.]*

There are _____ minor children born of the marriage.

Names	Ages

- 9) **Child(ren)’s current living arrangements:** The minor children currently live at:

Child’s Name	Address	Live with

The children have lived at this address since approximately: _____

- 10) **Child(ren)’s Past Living Arrangements**

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

Child’s Name	Address	Dates	Lived With

- 11) **Other court actions concerning the children (Choose only one.)**

(a) Plaintiff states that the Plaintiff has not participated as a party or a witness or in any other way in any other litigation concerning custody of the children, and knows of no other actions concerning the custody of 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 parenting time 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, parenting time, 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>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

12) **Others with a custody or Parenting time claim (Choose only one.)**

(a) I know of no other persons, not a party to this proceeding, who has physical custody of the child(ren) or claims to have custody or parenting time rights with respect to the minor child(ren).

OR

(b) The following persons who are not a party to this proceeding have custody or parenting time right with the minor children:

<u>Name</u>	<u>Claim</u>
_____	_____
_____	_____
_____	_____

13) **Child Custody (Check only one.)**

(a) It is in the best interest of the minor child(ren) for _____ to have sole legal and physical custody.

OR

(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.

OR

(c) Plaintiff and Defendant have agreed that it is in the best interest of the minor child(ren) for the parties to have joint legal and physical custody.

A proposed Parenting Plan is attached as Exhibit _____.

14) **Child Parenting Time (Choose only one.)**

(a) Plaintiff requests that the Defendant be awarded parenting time with the minor child(ren) as follows (or attach a schedule):

(b) Parenting time for themselves

The proposed Parenting Plan includes a parenting time plan or schedule and is attached as Exhibit.

- 15) **Child Support Amount** - Please go to <https://csconlinecalc.georgiacourts.gov/frontend/web/index.php> and complete the Child Support Worksheet.

(If applicable) The issue of child support has already been determined by an Order entered in the Superior Court of _____ County, State of _____, in Civil Action File No.: _____, on the _____ day of _____, 20_____. Pursuant to said Order, the _____ (Plaintiff/Defendant) is currently ordered to pay \$_____ per month in child support.

* Attach the Child Support worksheets which includes a proposed child support award amount from line 13 of the Child Support Worksheet, which is attached to this Complaint for Divorce as Exhibit_____.

16) **Health Insurance**

The Plaintiff asks that _____ shall be required to maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. Costs not covered under the insurance policy shall be divided between custodial and non-custodial parents as follows:

The primary custodial parent asks that Non-custodial parent _____ shall provide the ____/____ primary custodial parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate in submitting claims under the policy.

17) **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.

18) **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.

19) **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.

20) **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.

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:** *[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:

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court grant temporary and permanent custody as requested in this matter;
- c) That the Court order an equitable division of property;
- d) That the Court award temporary and permanent alimony;
- e) That the Court award the Plaintiff temporary use and possession of the formal marital residence located at _____;
- f) That the Court award the Plaintiff temporary use and possession of the vehicle described as follows _____;
- g) That the Court enter an Order for Child Support;
- h) That the Plaintiff's name be restored to: _____; and
- i) That the Court award such other and further relief as deems equitable and just

Respectfully submitted this the _____ day of _____, 20__.

_____,
/S/Plaintiff (self-represented litigants) *pro se* [sign here]

Name: _____

Email: _____

Address: _____

Telephone(s): _____

