

INSTRUCTIONS FOR FILING YOUR UNCONTESTED DIVORCE WITH CHILDREN

In Georgia, if you want to end your marriage, you must file a complaint for divorce in the Superior Court. You can either hire an attorney who will prepare your case and represent you in court, or you can use the sample forms included in this packet and represent yourself in court. After a court issues a final judgment and decree, you can remarry.

An uncontested divorce is one in which the parties work out an agreement regarding issues such as child support, alimony, child custody, property division, and the like. The parties do not ask the Judge to settle arguments between them, but rather work things out by themselves. In an uncontested divorce, the Judge is only asked to approve the decisions which you have made together with your spouse.

YOU MAY NEED AN ATTORNEY IF:

- The case becomes contested and your spouse has a lawyer.
 - You cannot find your spouse to serve him or her with your papers.
 - You might lose custody of your children.
 - You think you will have difficulty getting information and documents from your spouse regarding income, retirement funds, 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.**

STEP 1: Complete the Domestic Relations Filing Information and Final Disposition Forms.

The Filing Information form

- a. In the top line, fill in the county where you are filing and the date filed.
- b. In the second line, fill in the names of the Plaintiff and Defendant.
- c. Where it says "Plaintiff/Petitioner's Attorney," check the box which says Pro Se. This indicates that you are representing yourself without an attorney.
- d. In the left-hand box, check off what kind of case this is. Since this is a divorce, you will check " Divorce (includes annulment)."
- e. In the right hand box, indicate whether or not you are asking for relief from family violence by checking yes or no in the appropriate boxes.

The Final Disposition form

The purpose of this form is to tell how your case ends. Since your case is far from over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, we do not know how the case will end.

- a. In the top line, fill in only the county where you are filing. We do not yet know the date disposed, since you have not yet received a final order from the Judge.
- b. Leave the second line, "Docket #," blank. The clerk will assign this number.
- c. Write your name where it says "Reporting party."
- d. Write down the full names of the Plaintiff and Defendant.
- e. Where it says Plaintiff/Petitioner's Attorney, you will check the box which says Pro Se. This shows that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so leave those blanks empty.

STEP 2: Complete the Complaint for Divorce.

Fill in your full name as the Plaintiff and your spouse's full name as Defendant. **Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint.** Then insert your name in the space provided just before paragraph one (1).

Paragraph 1: Subject Matter Jurisdiction

Check box a) if you have lived in the state of Georgia for at least six months prior to filing your complaint for divorce.

Check box b) if you are not a resident of the state of Georgia, but your spouse has lived in Georgia and in the county where you are filing for at least six months prior to your filing the complaint for divorce. If neither a) or b) applies to you, you cannot file for divorce in this county.

Paragraph 2: Venue and Service

Acknowledgement of Service

Check box a) if your spouse will sign an Acknowledgement of Service. You will need to give your spouse a copy of your completed Complaint for Divorce and have him/her sign the Acknowledgement of Service. By signing this form, your spouse is letting the court know that he/she has received a copy of your petition and, therefore, will not need to be served with a copy of your petition by the sheriff.

Waiver of Venue and Jurisdiction and Acknowledgement of Service

Check box b) if:

- your spouse lives in Georgia but does not live in the county where you are filing; or
- your spouse lives in another state and will consent (agree) to let you file for divorce in Georgia.

Paragraph 3: Date of Marriage

Check box a) if you and your spouse have a marriage certificate. Insert the date you were married in the space provided.

Check box b if you and your spouse are common law married. Insert the date you and your spouse entered into your marriage in the space provided. You were common law married if the following statements are true:

1. You and your spouse were able to enter into a contract at the time you established a common law marriage. You were over age sixteen and mentally competent.
2. You and your spouse actually entered into a contract of marriage meaning that you and your spouse agreed that you were married.
3. You and your spouse have had sexual intercourse.
4. All of the above were done before January 1, 1997.

Paragraph 4: Date of Separation

Insert in the space provided the date you and your spouse separated. It is not essential that the husband or wife leave the marital homeplace; separation can occur when one spouse moves into another room with the intent and purpose of suspending conjugal rights. The suspended conjugal rights include the company, cooperation, assistance, aid and intimacy of the other spouse in every conjugal way.

Paragraph 5: Children

Check the box underneath paragraph 5. List all children born to you and your spouse together, even if the children were born before your marriage. List the child (ren)'s name(s), date(s) of birth(s), and sex(es).

Paragraph 6: Custody

Check box a) if you want one party to have sole legal and physical custody, while the other party retains only the right to visitation.

Check box b) if you intend for the parties to share legal custody, but for one party to have primary physical custody (in other words, the children will live with one party most of the time).

Check box c) if you intend for the parties to share both legal and physical custody. In the blanks provided, explain how the custody will be divided up. Possible options include: six months with each party, every other week with each party; half of each week with each party, etc.

Paragraph 7: Children's Place of Residence

Insert in the space provided the addresses of where the children lived, the dates they lived at each place, and the names of who they lived with.

Paragraph 8: Other Actions Concerning the Children

Check box a) if there has never been any other actions concerning your child(ren). The court wants to know about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.

Check box b) if there has ever been or is presently another action concerning your child(ren). The court wants to know about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption. Insert in the space provided the location of the action, the type of action, when it began, and what happened at that action.

Paragraph 9: Other Persons with Custody Claims

Check box a) if no one other than you or your spouse has a court order stating what legal rights they have to your child(ren). This means that there is no court order granting anyone else custody or guardianship of your child.

Check box b) if someone other than you or your spouse has any legal rights to your child(ren). Insert in the space provided the name of the person or agency, and what legal rights that person or agency has to your children.

Paragraph 10: Grounds for Divorce

This uncontested divorce packet uses the most common ground for divorce, that the marriage is "irretrievably broken." This means that you and your spouse are unable to live together, and there is no hope that the two of you will get back together again. This is what is commonly called a "no fault" divorce.

Paragraph 11: Settlement Agreement

Check the box beside paragraph 11 to indicate that you have signed a settlement agreement with your spouse.

STEP 3: Summons

Complete the Summons form. Insert your name as Plaintiff and your spouse's name as Defendant. Do not fill in where it says Civil Action File No. The Clerk will assign a number to your case when you file your complaint. A Summons form must be filled out by Plaintiff and filed with the Clerk of Court. If the Defendant is served by the Sheriff, then the Summons form must be included with the complaint for service. The Summons notifies the Defendant that if an answer is not filed with the Court within 30 days of service, then a judgment by default can be entered against the Defendant.

STEP 4: Verification

Complete the Verification form. Insert your name as Plaintiff and your spouse's name as Defendant. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint. You will need to sign this Verification in the presence of a Notary Public. Most banks and many libraries have a notary on staff and will notarize your documents for a small fee.

STEP 5: Settlement Agreement

The Caption: Fill in the name of the county in which you are filing. Fill in the names of the Plaintiff and the Defendant. Leave the Civil Action No. blank empty; the Clerk of Court will assign a number to the case.

Introductory paragraph: insert the names of the husband and wife.

Paragraph 1: Separation

Check the box beside paragraph one to indicate your intentions to live apart from one another.

Paragraph 2: Non-interference with parental relationships

Check the box beside paragraph two to show that you intend to encourage a positive relationship between the child(ren) and the other party.

Paragraph 3: Legal and Physical Custody

Legal custody means the authority to make decisions about the children. Physical custody means the physical care of the children—who are the children living with. There are three ways to divide up custody:

Sole legal and physical custody. In this arrangement, one parent assumes the decision-making responsibility, and the children spend most of their time with that parent.

Shared legal custody and sole physical custody. Parents share decision-making authority, but the children spend most of their time with only one parent. There is often a provision that in the event of a disagreement about a decision, one parent will be the “tie-breaker.”

Shared legal custody and shared physical custody. Parents share decision-making authority, and the children divide their time equally between their parents.

Check box a) if you intend for one parent to have sole legal and physical custody.

Check box b) if you intend for the parents to share legal custody, but for one parent to have sole physical custody. In the blanks provided, explain any details of your arrangement for primary physical custody. If you want for one party to have secondary physical custody, check the box and explain the details of your arrangement.

Check box c) if you intend for the parents to share both legal and physical custody. In the blanks provided, explain the details of your arrangement for sharing physical custody. If you want to have a tie-breaker in the event of a disagreement, check the boxes to indicate who the tie-breaker will be. If you want to limit the tie-breaker provision only to certain issues, write down what those issues are.

Paragraph 4: Visitation

Choose a) if you want to draft your own visitation schedule. Write the schedule down in the blanks provided. You may attach additional pages if necessary.

Choose b) if you want to use the visitation schedule included in this packet.

Paragraph 5: Child Support Amount

The first step in calculating child support is to complete the required Child Support Worksheets. You can find the worksheet at <http://csconlinecalc.georgiacourts.gov/frontend/web/index.php>. You can find training materials for further help at <http://www.georgiacourts.org/csc/training.html>.

You must include your print copy of the Worksheet with the papers you file. If you fail to include this Worksheet, the Clerk's Office will refuse to file your papers.

Now that you have completed the required Child Support Worksheet, you can fill out Paragraph 5 of the Settlement Agreement. Check the boxes to indicate which parent is making the payments and which parent is receiving the payments. In the blank provided, insert the amount of child support **which you came up with after filling out the Child Support Worksheet.**

In the blank provided, insert the date on which the first child support payment should be received. Check the boxes to show how often the payments should be made. In the blank provided, explain how the child support will be reduced as each child reaches the age of majority. For example, if the non-custodial parent must pay \$400 per month for two children, for a total of \$800 per month, you might say, "When Susie is no longer eligible for child support, the amount will be reduced to \$400 per month for the support of Johnny as long as Johnny is still eligible for child support."

Paragraph 6: Child Support Method of Payment

Check the box beside a) if you intend to have the non-custodial parent send payments directly to the custodial parent. This provision allows for an income deduction order in the event that payments are late three or more times in any twelve month period.

Check the box beside b) if you intend for child support to be paid through Georgia Child Support Enforcement via an income deduction order.

Paragraph 7: Health Insurance

Check the box beside this paragraph. Check the box beside the party who will be responsible for maintaining health insurance for the benefit of the minor child(ren). In the blanks provided, specify how the costs not covered by the insurance policy will be divided up. Check the boxes to indicate both who should provide health insurance cards and who should cooperate in submitting claims under the policy.

Paragraph 8: Alimony

Check a) if you agree to have alimony payments for the support of one of the parties. Check the boxes to show who is making payments to whom. In the blank provided, indicate the amount. Check the box beside week/month to indicate how often the payments should be made. In the blank provided, indicate the date on which the first payment should be made.

Paragraph 9: Division of Property

Choose box a) if you have no marital property to divide.

Choose paragraph b) if you have already divided up your marital property to your mutual satisfaction.

Choose box c) if you have items of property to be divided. In the blanks provided, list what those items are.

Paragraph 10: Division of Debts

Check box a) if you have no joint debts which should be divided.

Check box b) if you have joint debts which need to be divided. In the chart provided, list the name of the creditor, the amount owed, and who will be responsible for the debt.

Paragraph 11: Name Restoration

Check the box beside this paragraph if a party wishes to be restored to a former surname or to a maiden name.

Paragraph 12: Binding Agreement

Check the box beside this paragraph to show that this agreement was entered voluntarily without any external pressure.

Paragraph 13: Entire Understanding

Check the box beside this paragraph to show that there are no agreements other than those listed in this document.

Paragraph 14: Enforceability

Check the box beside this paragraph to show that you agree to be bound by this agreement whether you maintain a separate maintenance or go on to get a divorce.

Signatures

Each party must sign the Agreement **in the presence** of a notary public. The parties do not have to sign at the same time, and they do not have to use the same notary public.

STEP 6: Other Court Documents

In addition to the complaint for Divorce and the Verification, you will need to attach the following forms to your complaint (they are in the packet):

1. Completed financial affidavits
2. Consent to Try within 31 Days
3. Acknowledgement of Service [OR] Acknowledgement of Service, Affidavit of Waiver of Venue and Personal Jurisdiction
4. Final Order
 - a. **Caption:** Fill in your full name as the Plaintiff and your spouse's full name as Defendant. **Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint.**
 - b. **Contents of Order:** (You will use the numbers from your Child Support Worksheet)
 - (1) Change of Name—In the first blank, fill in the current name of the spouse whose name will be changed. In the second blank, fill in the name of that spouse as it will be after the change of name.
 - (2) Date of Settlement Agreement—Fill in the date on which the settlement agreement was reached. If the husband and wife signed on different days, use the later date.
 - (3) Names of Children (Paragraph 1)—Fill in the names of the children and their dates of birth.
 - (4) Name of Custodial Parent (Paragraph 2 a)—Fill in the name of the Custodial Parent.
 - (5) Name of Non-custodial parent (Paragraph 2 b)—Fill in the name of the Non-custodial parent.

- (6) Parenting Time (Paragraph 2 c)—Fill in the number of days which the non-custodial parent will visit with the child(ren).
- (7) Gross income of Husband (Paragraph 3 a)—Fill in the gross income of the Husband.
- (8) Gross income of Wife (Paragraph 3 b)—Fill in the gross income of the Wife.
- (9) Non-custodial parent's adjusted income (Paragraph 4 a)—Fill in the adjusted income of the non-custodial parent.
- (10) Custodial Parent's adjusted income (Paragraph 4 b)—Fill in the adjusted income of the custodial parent.
- (11) Combined adjusted income (Paragraph 4 c)—Fill in the amount of the parties' combined adjusted income.
- (12) Basic Support Obligation (Paragraph 5)—Fill in the amount of the Basic Child Support Obligation which is listed on the "Child Support Obligation Schedule Table" based on the parties' Combined Adjusted Income. This table can be found at <http://www.georgiacourts.org/aoc/publications/sb382.htm>. Move the bar on the far right-hand side of the screen about one-third of the way down the document in order to see this table.
- (13) Basic Child Support Obligation/Custodial Parent (Paragraph 6 a) Fill in the amount of the Basic Child Support Obligation for the Custodial parent.
- (14) Basic Child Support Obligation/Non-custodial parent (Paragraph 6 b)—Fill in the amount for the Basic Child Support Obligation for the Non-custodial parent.
- (15) Health Insurance (Paragraph 7)—Check the box to show whether health insurance is available at a reasonable cost. Fill in the name of the parent who is responsible for maintaining health insurance for the children.
- (16) Presumptive Amount of Child Support/Custodial Parent (Paragraph 8 a)—Fill in the Presumptive Amount of Child Support for the Custodial parent.
- (17) Presumptive Amount of Child Support/Non-custodial Parent (Paragraph 8 b)—Fill in the Presumptive Amount of Child Support due to the Non-custodial Parent.
- (18) Presumptive Amount of Child Support/Custodial Parent—Fill in the Presumptive Amount of Child Support due to the Custodial Parent.
- (19) Title II Social Security Benefits (Paragraph 9)—Fill in the amount of benefits which the child receives each month under Title II of the Federal Social Security Act on the Obligor's account.
- (20) **Special Circumstances (Paragraph 10)—Leave this area blank because the Judge has discretion on whether and how to use deviations from the Presumptive Amount of Child Support. The Judge will fill in this part of the Order.**
- (21) **Final Amounts (Paragraphs 11 and 12)—Leave these areas blank. If the Judge alters the Presumptive Amount of Child Support based on Special Circumstances, the final amounts may be different from the numbers on your Child Support Worksheets and Schedules.**
- (22) Name of the Non-custodial Parent—Fill in the name of the Non-Custodial Parent.

STEP 7: Produce the required financial documents.

Along with the divorce packet, you must simultaneously file the following listed documents, as well as a certificate of service showing that the documents were properly served on the other party, and indicating the date on which the documents were served:

1. Complete the required Child Support Worksheets and Schedules by going to <http://csconlinecalc.georgiacourts.gov/frontend/web/index.php>. If you need help with data entry on the Excel spreadsheet, you might want to find a bookkeeper to help you.
2. Domestic Relations Financial Affidavit (included in this packet)
3. All federal and state income tax returns, gift tax returns and intangible and personal property tax returns filed by the party or on the party's behalf for the past three (3) years.
4. IRS forms, W-2, 1099 and K-1 forms for the past year, if the income tax return for that year has not been prepared. Also, if such income tax return has not been prepared, a year-ending pay stub received from the party's employer should be provided.
5. Pay stubs or other evidence of earned income for the twelve (12) months prior to the filing of the action.
6. A statement by the producing party identifying the amount and source of all income received from all sources during the twelve (12) months preceding the filing of this action if same is not reflected on the pay stubs produced.
7. All loan applications and financial statements prepared or used within the three (3) years preceding the filing date of this action, whether used for the purpose of obtaining or attempting to obtain credit for any other purpose.
8. The most recent statement for any liquid fund assets, including, but not limited to, profit-sharing, 401-K, money market, stock and securities, bonds, accounts, retirement and pension plan.
9. Corporate, partnership and trust tax returns for the last three (3) years, if the producing party has an interest in a corporation, partnership, or trust greater than or equal to thirty (30%) percent.
10. All written pre-marital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage.
11. Any court orders directing a party to pay or receive spousal or child support, even if received from a third party.

ANY MATERIALLY FALSE STATEMENT KNOWINGLY MADE IN THESE DOCUMENTS WITH THE INTENT TO DEFRAUD OR MISLEAD SHALL SUBJECT ME TO THE PENALTY FOR PERJURY AND MAY BE CONSIDERED A FRAUD UPON THE COURT.

STEP 8: Pay the filing fee.

Unless you are able to have your filing fee waived, there is an filing fee in the Southern Judicial Circuit. You must pay this fee when you file your Complaint for Divorce unless you also file a Poverty Affidavit.

STEP 9: File your forms.

You should make two copies of all of your documents. Give the clerk your original and the two copies. The clerk will assign a number to your case and will write in the number on your documents. The clerk will then stamp the documents to show that your complaint has been filed and will give you your copy for your records. The original will remain with the court. The other copy will be given to your spouse.

STEP 10: Attend the required seminar.

Each of you must attend the seminar for parents regarding the effects of divorce on minor children after the filing of this action and BEFORE you ask the Court to grant the divorce. A Seminar Schedule, together with fee requirements and locations, can be found in the Clerk of the Superior Court's office. Seminar attendance by both parties is mandatory. Failure to complete this seminar in a successful manner will result in appropriate action against you by the Court, including denial of the grant of divorce until the class is completed, or the dismissal of your case.

STEP 11: Receive the Final Judgment.

If the Judge approves your settlement agreement, you should receive a copy of your final judgment in the mail. If the Judge has questions about matters contained in your documents, you may have a hearing. Your divorce is not final until the Judge signs the final order in the case.

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, b, or c)

- 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: _____ Age: _____ YOB: _____

Name: _____ Age: _____ YOB: _____

Name: _____ Age: _____ YOB: _____

Name: _____ Age: _____ YOB: _____

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 Plaintiff's/Defendant's name be restored back to former name, _____; Year of Birth _____;
- 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 _____, 20_____.

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
§ File No. _____
_____, §
Defendant. §

SUMMONS

To the above-named defendant:

You are hereby summoned and required to file with the Clerk of said Court and serve upon _____, the pro se plaintiff, whose address is _____ an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20_____.

Clerk of Superior Court, _____ County

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 _____, 20_____.

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 _____, 20_____.

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 _____, 20_____.

Notary Public, State of Georgia
My Commission Expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

ACKNOWLEDGMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Divorce and states that he/she has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This the _____ day of _____, 20_____.

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

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

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]

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

Notary Public, State of Georgia
My Commission Expires: _____

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 "Plaintiff") and _____ [Name],
(hereinafter referred to as "Defendant").

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: _____ YOB/AGE: _____
Name: _____ YOB/AGE: _____
Name: _____ YOB/AGE: _____
Name: _____ YOB/AGE: _____

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:

SEPARATION

1.

The parties shall continue to live separate and apart and each shall be free from interference, molestation, authority and control, direct or indirect, by the other, as fully as if sole and unmarried, and each may reside at such place or places as he or she may select.

CUSTODY AND VISITATION

2.

The parties agree that the welfare of the child(ren) is of paramount importance and each agrees to foster and encourage a feeling of affection between themselves and the child(ren). Neither party shall do anything to hamper the natural development of the children's love and respect for the other party.

3.

Legal and physical custody (Check only one: a, b, or c)

a) The Plaintiff/ Defendant shall have the temporary and permanent legal and physical custody of the minor child (ren) born as issue of the marriage.

b) The Plaintiff and Defendant shall share joint legal custody of the minor child (ren). The parties shall share decision-making concerning the children; however, the Plaintiff/ Defendant shall have the right to make the final decision in the event the parties cannot agree.

Primary physical custody of the minor child (ren) shall be with the Plaintiff/ Defendant as follows:

Secondary physical custody shall be with the Plaintiff/ Defendant as follows:

c) The Plaintiff and Defendant shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

The parties shall share decision making concerning the child (ren); however, in the event the parties cannot decide, the Plaintiff/ Defendant shall be the tiebreaker and make the final decision.

4.

Visitation (Choose only one: a or b)

a) The Plaintiff/ Defendant shall have the right of visitation with the minor children as follows:

b) The visitation schedule is attached hereto and incorporated herein.

CHILD SUPPORT

Please go to <https://csonlinecalc.georgiacourts.gov/frontend/web/index.php> and complete the Child Support Worksheet. Then print it out and include it in your divorce papers. Your papers will NOT be accepted for filing without these documents.

5.

Child support amount

a) The _____ (Plaintiff/Defendant) shall pay to the _____ (Plaintiff/Defendant), as support of the minor child(ren), the sum of \$ _____ * per _____ (week/bi-weekly/month), starting on _____ and continuing per _____ (week/bi-weekly/month) thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age (20) twenty), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

b) 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. A copy of this Child Support Order and Addendum is attached as Exhibit _____.

6.

Child support method of payment (Check only one: a, b, c, or d)

a) All payments of child support shall be paid directly to the Plaintiff/Defendant at the following address: _____

No Income Deduction Order will be entered into at this time. However, when ever, in violation of the terms of this Agreement, there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one (1) month, the payments required to be made may be collected by the process of continuing garnishment for support. In the event _____ (Plaintiff/Defendant) fails to pay any child support obligation in this Agreement on a timely fashion on any three (3) occasions in any twelve (12) month period, the parties agree that an income deduction order shall then be entered.

b) All payments of child support shall be paid by the employer of the non-custodial parent pursuant to an income deduction order.

c) All payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

d) All payments of child support shall be paid pursuant to the existing Child Support Order, which is attached as Exhibit _____.

7.

Health insurance

The _____ (Plaintiff/Defendant) shall 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 Plaintiff and Defendant as follows: _____

The _____ (Plaintiff/Defendant) shall provide the _____ (Plaintiff/Defendant) with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the _____ (Plaintiff/Defendant) in submitting claims under the policy.

8.

Alimony (Check only one: a or b)

a) The _____ (Plaintiff/Defendant) shall pay to the _____ (Plaintiff/Defendant) as alimony the sum of \$ _____ per week/month, to be paid beginning on _____ and to continue thereafter until the _____ (Plaintiff/Defendant) remarries or dies.

b) The parties hereby expressly waive alimony for the past, present, and future.

Division of property (Check only one: a, b or c)

- a) The parties acknowledge that they have no marital property to divide.
- b) The parties acknowledge that they have previously made a division of their household furniture, furnishings, household goods, equipment, and other such personalty. Neither party shall claim any of the property in the possession of the other as of the date of the signing of this agreement.
- c) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

1) To the Plaintiff:

2) To the Defendant:

Division of Debts (Check only one: a or b)

- a) The parties acknowledge that they have no outstanding joint debts.
- b) The parties agree to the division of debts as indicated below:

Creditor	Amount	Responsible Party

The responsible party indemnifies and holds harmless the non-responsible party for any collection on these obligations.

11.

Name restoration

- My former name is _____, and I request that it be restored to me. Year of Birth _____.

12.

Binding Agreement

- The parties acknowledge that they have entered into this Agreement freely and voluntarily and that it is not the result of any duress or any undue influence.

13.

No Agreements other than this one

- This Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertaking other than those expressly set forth herein.

14.

Enforceability

- It is expressly understood that this Agreement does not obligate the parties to continue to live in a state of separation or to proceed with an action for divorce. However, in the event that either party shall bring or maintain an action for dissolution of the marital relationship, this Agreement shall be presented to the Court and incorporated by reference into any judgment or decree concerning the matters provided herein. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

IN WITNESS WHEREOF, the parties have signed their names, this _____ day
of _____, 20_____.

Plaintiff
[Sign in the presence of a Notary Public]

Plaintiff's Address: _____
Plaintiff's Telephone(s): _____

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

Notary Public
My Commission Expires: _____

Defendant
[Sign in the presence of a Notary Public]

Defendant's Address: _____
Defendant's Telephone(s): _____

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

Notary Public
My Commission Expires: _____

Exhibit " _____ "

VISITATION SCHEDULE

The non-custodial parent is _____.

The custodial parent is _____.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King's Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year's Eve.
- C. During odd numbered years (2009, 2011, etc.) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. New Year's Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 - 1. New Year's Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King's Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year's Eve.
- F. The Mother shall have the minor child on Mother's Day.
- G. The Father shall have the minor child on Father's Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

In all cases involving permanent custody or custody modification (except when a parent seeks emergency relief for family violence), each parent shall prepare and submit a parenting plan, or the parties may jointly submit a parenting plan, as directed by the Judge.

The parenting plan should be tailored to fit the needs of each individual family but must at a minimum contain the information required by OCGA section 19-9-1 (b) and be presented in substantially the following form:

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff	*	
	*	
v.	*	Civil Action File No. _____
	*	
Defendant	*	

PARENTING PLAN

This plan has been proposed by _____. The proposing party affirms the accuracy of the information provided, as shown by their signature at the end of this proposed plan. This information has been furnished in furtherance of the requirements of OCGA Section 19-9-1.

[If this is a proposed parenting plan, it shall be filed at the time of filing any complaint or answer, and in any event, not less than 10 days before any hearing, and not less than 15 days before any final hearing with copy to opposing counsel/party.]

This plan is a new plan.
 modifies an existing Parenting Plan dated _____.
 modifies an existing Order dated _____.

Child's Name	Year of Birth & Age

I. **Custody and Decision Making:**

a. **Legal Custody shall be (choose one):**

- With the Plaintiff
- With the Defendant
- Joint

b. **Primary Physical Custodian**

For each of the children named below the primary physical custodian shall be:

Child's Name	Year of Birth & Age	Plaintiff	Defendant	Joint
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

IF "SPLIT" CUSTODY IS PROPOSED, EACH PARTY SHALL SUBMIT NOT LESS THAN THREE SEPARATE CHILD SUPPORT WORKSHEETS – TWO FOR THE "SPLIT" PROPOSAL AND ONE FOR THE "NON-SPLIT" PROPOSAL.

WHERE JOINT PHYSICAL CUSTODY IS CHOSEN BY THE PARENTS OR ORDERED BY THE COURT, A DETAILED PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) SHALL BE ATTACHED AND MADE A PART OF THIS PARENTING PLAN.

c. **Day-to-Day Decisions**

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

d. **Major Decisions**

If major decisions regarding each child are divided, the responsibilities of each parent are as follows: N/A or division of responsibilities:

_____.

e. **Disagreements**

Where parents have elected joint decision making in Section I.d above, please explain how any disagreements in decision-making will be resolved. mediation arbitration other: _____.

II. **Parenting Time/Visitation Schedule**

a. **Parenting Time/Visitation**

During the term of this parenting plan the non-custodial parent shall have at a minimum the following rights of parenting time/visitation (choose an item):

- The weekend of the first and third Friday of each month.
- The weekend of the first, third and fifth Friday of each month.
- The weekend of the second and fourth Friday of each month.
- Every other weekend starting on _____
Each _____ starting at _____ and ending _____
- Other: _____

- d. **Other extended periods of time during school, etc. (refer to the school schedule).**

_____.

e. **Start and end dates for holiday visitation**

For the purposes of this parenting plan, the holiday will start and end as follows (choose one):

- Holidays that fall on Friday will include the following Saturday and Sunday
 Holidays that fall on Monday will include the preceding Saturday and Sunday
 Other:

f. **Coordination of Parenting Schedules**

Check if applicable

The holiday parenting time/visitation schedule takes precedence over the regular parenting time/visitation schedule.

When the child(ren) is/are with a parent for an extended parenting time/visitation period (such as summer), the other parent shall be entitled to visit with the child(ren) during the extended period, as follows: _____.

g. **Transportation Arrangements**

Unless otherwise agreed between the parties, the delivering parent will be responsible for transportation of the child.

The delivering party will be responsible for costs in connection with the delivery: _____.

Other provisions: _____.

h. **Contacting the Child**

When the child or children are in the physical custody of one parent, the other parent will have the right to contact the child or children as follows:

- Telephone
 Other: _____.
 Limitations on Contact: _____.

i. **Restrictions on Parenting Time (if applicable)**

Check here if applicable.

Parenting time shall be restricted as follows (state with specificity _____ persons, places, activities or other to or from which restrictions apply: _____).

State enforcement provisions, including but not limited to supervision, and if supervision by whom or what agency: _____.

Responsibility for Cost: Plaintiff Defendant Both Equally

Communication Restrictions (if applicable)

Check here if applicable.

Please check:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number. A parent changing residence must give at least 30 days advance notice of the change and provide the full address of the new residence.

Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation

III. Access to Records and Information

Rights of the Parents

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child(ren)'s records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

Limitations on access rights: _____.

Other Information Sharing Provisions: _____.

IV. Modification of Plan or Disagreements

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order, nor shall it constitute a defense for contempt unless agreed on in writing. Custody shall only be modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between them.

V. Special Considerations

Please attach an addendum detailing any special circumstances of which the Court should be aware (e.g., health issues, educational issues, etc.)

VI. Parental Acknowledgement

Please review the following and initial:

1. I recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest.

Plaintiff's Initials: _____ Defendant's Initials: _____

2. I recognize that our child's needs will change and grow as the child matures; I have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan are minimized.

Plaintiff's Initials: _____ Defendant's Initials: _____

3. I recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child is residing with such parent.

Plaintiff's Initials: _____ Defendant's Initials: _____

I, the undersigned party, affirm that the information I have provided with this proposal is true and correct.

Plaintiff

[Sign in presence of Notary Public]

Sworn to and subscribed before me
This _____ day of _____, 20_____.

Notary Public, State of Georgia
My Commission Expires _____.

Defendant

[Sign in presence of Notary Public]

Sworn to and subscribed before me
This _____ day of _____, 20_____.

Notary Public, State of Georgia
My Commission Expires _____.

_____ COUNTY SUPERIOR COURT
STATE OF GEORGIA

_____)
Plaintiff,)
) Civil Action
vs.)
) Case Number _____
)
_____)
Defendant.)

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the Order of this Court.

SO ORDERED, this _____, 20 _____.

JUDGE, Superior Courts
Southern Judicial Circuit

In the Superior Court of _____ County, Georgia

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

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF PLAINTIFF

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

Name	Year of Birth & Age	Resides with
------	---------------------	--------------

Names and birth dates of affiant's other children:

Name	Year of Birth & Age	Resides with
------	---------------------	--------------

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ _____

(b) Net monthly income (from item 3C) _____

(c) Average monthly expenses (item 5A) \$ _____

Monthly payments to creditors + _____

Total monthly expenses and payments to creditors (item 5C) _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

B. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Plaintiff	Separate Asset of the Defendant	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
<u>Tax Refund owed you:</u>	\$ _____	_____	_____	_____

Real Estate:

home: \$ _____

debt owed: \$ _____

other: \$ _____

debt owed: \$ _____

Automobiles/Vehicles:

Vehicle 1: \$ _____

debt owed: \$ _____

Vehicle 2: \$ _____

debt owed: \$ _____

Life Insurance
(net cash value): \$ _____

Furniture/furnishings: \$ _____

Jewelry: \$ _____

Collectibles: \$ _____

Other Assets: \$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total Assets: \$ _____

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments \$ _____ Cable TV \$ _____

Property taxes \$ _____ Misc. household and grocery
Items \$ _____

Homeowner/Renter Insurance \$ _____ Meals outside the home \$ _____

Electricity \$ _____ Other \$ _____

Water \$ _____ **AUTOMOBILE**

Garbage and Sewer \$ _____ Gasoline and oil \$ _____

Telephone:		Repairs	\$ _____
residential line:	\$ _____	Auto tags and license	\$ _____
cellular telephone:	\$ _____	Insurance	\$ _____
Gas	\$ _____	OTHER VEHICLES	
		(boats, trailers, RVs, etc.)	
Repairs and maintenance:	\$ _____	<u>Gasoline and oil</u>	\$ _____
Lawn Care	\$ _____	<u>Repairs</u>	\$ _____
Pest Control	\$ _____	<u>Tags and license</u>	\$ _____
		<u>Insurance</u>	\$ _____

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

Child care (<u>total monthly cost</u>)	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
Tutoring	\$ _____	Medical, dental, <u>prescription</u>	
Private lessons (e.g., music, dance)	\$ _____	(<u>out of pocket/uncovered expenses</u>)	\$ _____
School supplies/expenses	\$ _____	Affiant's gifts (special holidays)	\$ _____
Lunch Money	\$ _____	Entertainment	\$ _____
<u>Other Educational Expenses (list)</u>		<u>Recreational Expenses (e.g.,</u>	
_____	\$ _____	<u>fitness)</u>	\$ _____
_____	\$ _____	Vacations	\$ _____
Allowance	\$ _____	Travel Expenses for Visitation	\$ _____
Clothing	\$ _____	Publications	\$ _____
Diapers	\$ _____	Dues, clubs	\$ _____
Medical, dental, prescription		Religious and charities	\$ _____
(<u>out of pocket/uncovered expenses</u>)	\$ _____	Pet expenses	\$ _____
Grooming, hygiene	\$ _____	Alimony paid to former spouse	\$ _____
Gifts <u>from children to others</u>	\$ _____	Child support paid <u>for other</u>	
		<u>children</u>	\$ _____
		<u>Date of initial order:</u>	_____

Entertainment \$ _____ Other (attach sheet) \$ _____

Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____

Summer Camps \$ _____

OTHER INSURANCE

Health \$ _____
Child(ren)'s portion: \$ _____

Dental \$ _____
Child(ren)'s portion: \$ _____

Vision \$ _____
Child(ren)'s portion: \$ _____

Life \$ _____
Relationship of Beneficiary: _____

Disability \$ _____

Other(specify): \$ _____

TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES: \$ _____

This _____ day of _____, 20_____.

Affiant
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia
My Commission Expires: _____

In the Superior Court of _____ County, Georgia

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

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF DEFENDANT

1. AFFIANT'S NAME: _____ Age _____
Spouse's Name: _____ Age _____
Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

Name	Year of Birth & Age	Resides with
------	---------------------	--------------

Names and birth dates of affiant's other children:

Name	Year of Birth & Age	<u>Resides with</u>
------	---------------------	---------------------

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ _____

(b) Net monthly income (from item 3C) _____

(c) Average monthly expenses (item 5A) \$ _____

Monthly payments to creditors + _____

Total monthly expenses and payments
to creditors (item 5C) _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

C. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Plaintiff	Separate Asset of the Defendant	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
<u>Tax Refund owed you:</u>	\$ _____	_____	_____	_____

Real Estate:

home: \$ _____

debt owed: \$ _____

other: \$ _____

debt owed: \$ _____

Automobiles/Vehicles:

Vehicle 1: \$ _____

debt owed: \$ _____

Vehicle 2: \$ _____

debt owed: \$ _____

Life Insurance
(net cash value):

\$ _____

Furniture/furnishings:

\$ _____

Jewelry:

\$ _____

Collectibles:

\$ _____

Other Assets:

\$ _____

_____ \$ _____

_____ \$ _____

_____ \$ _____

Total Assets: \$ _____

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments \$ _____ Cable TV \$ _____

Property taxes \$ _____ Misc. household and grocery
Items \$ _____

Homeowner/Renter Insurance \$ _____ Meals outside the home \$ _____

Electricity \$ _____ Other \$ _____

Water \$ _____ **AUTOMOBILE**
Gasoline and oil \$ _____

Garbage and Sewer \$ _____

Telephone:		Repairs	\$ _____
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<u>OTHER VEHICLES</u>	
		<u>(boats, trailers, RVs, etc.)</u>	
Repairs and maintenance:	\$ _____	Gasoline and oil	\$ _____
Lawn Care	\$ _____	Repairs	\$ _____
Pest Control	\$ _____	Tags and license	\$ _____
		Insurance	\$ _____

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

Child care (<u>total monthly cost</u>)	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
Tutoring	\$ _____	Medical, dental, <u>prescription</u> (<u>out of pocket/uncovered expenses</u>)	\$ _____
Private lessons (e.g., music, dance)	\$ _____	Affiant's gifts (special holidays)	\$ _____
School supplies/expenses	\$ _____	Entertainment	\$ _____
Lunch Money	\$ _____	<u>Recreational Expenses (e.g.,</u> <u>fitness)</u>	\$ _____
<u>Other Educational Expenses (list)</u>		Vacations	\$ _____
_____	\$ _____	Travel Expenses for Visitation	\$ _____
_____	\$ _____	Publications	\$ _____
Allowance	\$ _____	Dues, clubs	\$ _____
Clothing	\$ _____	Religious and charities	\$ _____
Diapers	\$ _____	<u>Pet expenses</u>	\$ _____
Medical, dental, prescription (<u>out of pocket/uncovered expenses</u>)	\$ _____	Alimony paid to former spouse	\$ _____
Grooming, hygiene	\$ _____	Child support paid <u>for other</u> <u>children</u>	\$ _____
Gifts <u>from children to others</u>	\$ _____	<u>Date of initial order:</u>	_____

Entertainment \$ _____ Other (attach sheet) \$ _____

Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____

Summer Camps \$ _____

OTHER INSURANCE

Health \$ _____
Child(ren)'s portion: \$ _____

Dental \$ _____
Child(ren)'s portion: \$ _____

Vision \$ _____
Child(ren)'s portion: \$ _____

Life \$ _____
Relationship of Beneficiary: _____

Disability \$ _____

Other(specify): \$ _____

TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

D. TOTAL MONTHLY EXPENSES: \$ _____

This _____ day of _____, 20_____.

Affiant
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia
My Commission Expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

MANDATORY SEMINAR NOTICE

Pursuant to the Order of the Superior Courts of Southern Judicial Circuit, Georgia, you are hereby notified that you are required to attend and successfully complete the seminar for parents regarding the effects of divorce on minor children, BEFORE you ask the Court to grant the divorce. Seminar schedule together with fee requirements and locations, can be found in the Clerk of the Superior Court's office or the Southern Judicial Circuit Website.

Seminar attendance by both parties is mandatory. Failure to complete this seminar in a successful manner will result in appropriate action against you by the Court, including denial of the grant of divorce until the class is completed, or the dismissal of your case.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
v.) CIVIL ACTION FILE NO.
_____) _____
Defendant.)

FINAL JUDGMENT AND DIVORCE DECREE
WITH MINOR CHILDREN

The above-styled case came before the Court for a final hearing on _____, 20____. The Plaintiff appeared pro se. The Defendant also appeared [OR] did not appear.

Upon consideration of this case, and upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce *a vinculo matrimonii*, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the Court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Plaintiff and Defendant in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

The parties did not sign a settlement agreement OR the settlement agreement signed by both parties and filed on _____, 20____ is hereby incorporated and made part of this final decree of divorce.

The Plaintiff or Defendant (circle one) requests a name change and the Court restores the prior maiden name, to wit: _____
FIRST MIDDLE LAST
 year of birth _____ OR the Plaintiff or Defendant does not request a name change.

THE COURT HEREBY FINDS THAT the parties have _____ minor child(ren) together as issue of this marriage, who are listed below:

Child	Birth Year

THE COURT HEREBY ORDERS THE FOLLOWING:

1. CUSTODY

(a) The _____ shall have sole temporary and permanent custody of the child/children.

(b) The _____ shall have primary physical custody of the minor child/children and the parties shall share joint legal custody. The parties shall consult one another on all issues touching upon the health, medical and dental care, education (religious and secular), vacations, travel, summer activities, upbringing, and welfare of said minor children. However, where the parties cannot agree, the _____ shall be the ultimate decision maker. The parties will use their best efforts to insure that each parent is advised and informed regarding the progress and development of the parties' children.

(c) The parties shall have joint legal and joint physical custody of the minor child/children. The parties shall consult one another on all issues touching upon the health, medical and dental care, education (religious and secular), vacations, travel, summer activities, upbringing, and welfare of said minor children. However, where the parties cannot agree, the _____ shall be the ultimate decision maker. The parties will use their best efforts to insure that each parent is advised and informed regarding the progress and development of the parties' children.

2. VISITATION

(a) The _____ shall have the right of reasonable visitation with the minor children, at any time by mutual consent of the parties. However, if the parties cannot agree then the following provisions apply: See attached "Exhibit A" the standard circuit visitation schedule.

(b) No visitation is ordered at this time.

(c) The parties shall visit as agreed upon in their incorporated settlement agreement.

(d) The _____ shall have visitation with the minor children as follows:

3. OTHER PARENTAL RIGHTS

(a) None of the parental rights listed below in (b) through (c) are ordered at this time.

(b) Addresses and Telephone Numbers: The parties shall provide each other with their current home address and telephone number, as well as any other telephone number to call in case of emergency; they shall also notify each other of any change in the address or telephone number at least 15 days prior to the change.

(c) Telephone Communication: When the child/children are with the other parent, that parent with whom the children are not with shall have open and reasonable rights of telephonic communication with said child at all times within the bounds of good taste and common sense considering the age of the child.

4. CHILD SUPPORT

(a) This issue is not addressed in this Final Judgment, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide the issue of child support.

(b) A previously entered Child Support Order in Case No _____ shall hereby be incorporated and made part of this final decree.

(c) The (Plaintiff or Defendant) _____ shall pay to (Plaintiff or Defendant) _____, for the support of the minor child(ren) the sum of _____ (dollars) (\$ _____) weekly/bi-weekly or monthly (circle one) beginning on _____, 20____. Said child support shall continue monthly thereafter until each child reached the age of 18, dies, marries or otherwise become emancipated; except that if a child becomes 18 years old while enrolled in and attending high school on a full time basis, then child support shall continue until the child graduates or reached the age of 20, whichever occurs first. Said payments shall be paid through the _____ County Clerk of Court along with any and all statutory handling fees OR directly to the _____ at their home address.

5. HEALTH INSURANCE FOR CHILDREN

(a) This issue is not addressed in this Final Judgment, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide this issue.

(b) The (Plaintiff or Defendant) _____ shall maintain health insurance on the minor child/children. The parties shall split all uncovered health costs 50/50.

6. ALIMONY

(a) This issue is not addressed in this Final Judgment, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide this issue.

(b) The (Plaintiff or Defendant) _____ shall pay to the (Plaintiff or Defendant) _____ as alimony, the sum of _____ Dollars (\$ _____) per month, beginning on _____ and

continuing monthly thereafter until (1) the recipient dies or remarries OR (2) for a period of _____.

(c) Neither party is entitled to alimony.

7. PROPERTY DIVISION

(a) This issue is not addressed in this Final Judgment, either because the Court lacks personal jurisdiction over the Defendant, or because the parties have not asked the Court to decide this issue.

(b) The parties have already made a division of all marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, and other personal property.

(c) The parties possess various items of marital property, which shall be divided as provided in this Final Judgment. The parties shall transfer possession and title, if necessary, to their property as follows:

PLAINTIFF	DEFENDANT

Said property shall be transferred to the party listed above, by or before _____, 20_____.

8. DEBT

(a) The parties have no outstanding joint marital debt.

(b) The parties division of debt shall be as agreed upon in their incorporated settlement agreement.

(c) The responsibility for payments of the parties' joint and marital debts shall be as follows:

Creditor	Amount	Responsible Party

The responsible party listed above for each debt shall indemnify and hold the other party harmless for any collections on that debt.

9. OTHER SPECIAL PROVISIONS

Both parties are hereby enjoined and restrained from molesting or harassing the other party.

SO ORDERED, this _____ day of _____, 20____.

JUDGE, Superior Courts
Southern Judicial Circuit