

Family Law Information Center

Important Information for Dawson County Divorce and Legitimation Cases

- The civil filing fee is \$215.00 (cash or money order).
- The Sheriff's service fee is \$50.00 (if needed).
- FLIC assistance at the Hall County Courthouse in Gainesville is **now by appointment only (walk-in assistance is no longer available)**.
- Walk-ins are still welcome at the Dawson County courthouse on the third Friday of each month, but financial qualification and conflict check are still required. It is best to call in advance at the number below to pre-qualify and confirm hours.

What to Expect

1. You may need 2 or more appointments to complete the review process.
2. You may wait 4 or more weeks for a scheduled appointment.
3. You will receive free assistance reviewing your paperwork.
4. You may request and qualify for a free attorney consultation (subject to conflict check and financial qualification).

Your Responsibilities

1. Read the packet instructions thoroughly.
2. Complete the packet documents to the best of your ability (signatures not required before review) before your appointment.
3. Arrive promptly and come prepared for your FLIC appointment.
4. Bring photo identification for notary services.
5. Notify the FLIC office in advance if you are unable to keep your appointment.

FLIC Contact Information

- Phone: (770) 531-2463
- Fax (for *Appointment Request Forms*): (770) 536-7924
- Email (for requesting appointments only): nejcflic@hallcounty.org
- Websites (for printing legal forms and *Appointment Request Forms*):
www.dawsonclerkofcourt.net and www.flic.hallcounty.org
- FLIC Review Staff appointments at Hall County courthouse: Room 467
- FLIC Attorney appointments at Hall County courthouse: Room 461
- FLIC Attorney consultations at Dawson County courthouse: Fourth Floor
Attorney Conference room (left off the elevator)

SIMPLE DIVORCE

This packet may be used ONLY if the parties (husband and wife):

- (1) Have no minor children together and none are expected; AND
- (2) Have no property to divide (there is no real estate, personal property, accounts, or other property/assets in both parties names or property to be transferred and the parties already live separate or will be living separate at the time an agreement is signed); AND
- (3) Have no joint or marital debt to divide; AND
- (4) Are willing to execute (sign in front of a notary public) a written agreement and waive the right to formal service in writing.

Do NOT use this packet if you believe your spouse will need to be served.

FAMILY LAW INFORMATION CENTER (FLIC)

FLIC is located on the 4th floor of the Hall County Courthouse at 225 Green Street, SE, in Gainesville, Georgia. Assistance is available at the Gainesville office by appointment only. Use the Appointment Request Form included with this packet to schedule an appointment, or call (770) 531-2463 for more information.

The FLIC attorney also visits the Dawson County Courthouse once per month for limited legal consultations (subject to financial qualification and conflict check), and individuals are seen on a first come, first served basis. Call ahead for hours and qualification information at (770) 531-2463.

NO AUTHORITY TO GIVE LEGAL ADVICE

State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff, and sheriff's department staff) from giving legal advice or answering legal questions. This rule also applies to staff persons in the Northeastern Judicial Circuit Family Law Information Center (FLIC), except for the FLIC attorney who can answer general legal questions pertaining to divorce, during one-time consultations provided free of charge to Hall or Dawson County residents or individuals filing in Hall or Dawson County (subject to conflict check and income qualification).

USE THESE FORMS AT YOUR OWN RISK

In no event will the Court Administrator, Clerk of Court or anyone contributing to the development of these forms or instructions be liable for any damages resulting from the use of this packet. These forms may not be appropriate for your particular case. In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated. You should review and confirm any statutes (laws), rules, fees and timing requirements mentioned in this packet to make sure the information is still current. **It is strongly recommended you obtain the services of an attorney.**

INSTRUCTIONS

Please read these instructions and each form very carefully. Missing or misreading a word could cause you to make serious errors in your case, placing your rights and the direction of your divorce case in jeopardy. **Please also note this packet does not cover every legal issue that may come up in a divorce.** **Whether your case is contested or uncontested, to protect your legal rights, it is always recommended that you speak with an attorney experienced in domestic relations (family law) before signing or filing any documents. Even if you have no marital property or joint debt, you may especially need to hire an attorney to represent you if:**

- An attorney represents your spouse.
- You are a victim of family violence against you by your spouse.

I. INTRODUCTION

In the State of Georgia, if you want to end your marriage, you must file a petition for divorce in the Superior Court. There are two options available to you for filing a divorce case: (1) you can hire a lawyer who will prepare your paperwork and represent you in court; or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a final judgment and decree of divorce, you will be legally able to remarry.

It is advisable to speak with a lawyer before filing any action with the court. This divorce is no exception to that rule. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. However, you may want to review the forms and instructions in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

Dissolution of a marriage can be a very complicated process. If documents are not completed, signed, notarized and filed in compliance with the law, then a judge cannot grant your request for divorce and may dismiss your case.

If you want a court to grant your divorce, you must follow the law and you must complete each and every paragraph that applies to your case (but not any paragraphs that do not apply to your case).

Finding basic legal information:

“O.C.G.A.,” followed by a symbol (“§”) and number, refers to a specific section (“§”) in the Official Code of Georgia Annotated (O.C.G.A.). You can find the annotated Georgia Code in print at some libraries. The unannotated Georgia Code is available on the Georgia General Assembly’s website at: www.legis.state.ga.us.

“USCR,” followed by a number, refers to a specific rule in the Uniform Superior Court Rules (USCR). USCR 24.1 through 24.9 include several rules that apply in domestic relations cases (a divorce is considered a domestic relations case). The Uniform Superior Court Rules are available on the Georgia Judicial Branch website at www.georgiacourts.org (under “Courts” and then under “Court Rules”). A hard copy of the rules is also available in FLIC.

The Internal Operating Procedures for Domestic Relations Cases also has local procedures that apply to divorce cases in Dawson County. A copy of these procedures is available online at www.hallcounty.org/judicial/jud_superiorcourt.asp. Some other helpful websites are www.legalaid-ga.org or www.findlaw.com.

AS OF APRIL 16, 2008, you must include a copy of **DOMESTIC RELATIONS ACTION STANDING ORDER** (included in this packet) with your paperwork when you file and give the Respondent a copy.

II. **BASIC STEPS FOR OBTAINING A DIVORCE IN DAWSON COUNTY**

Your case may require different or additional steps, so please read through the entire instructions carefully.

1. **Carefully read all of these instructions at least once before filling out the forms.**
2. **Complete the legal forms, using these instructions to guide you.** NOTE: it is not necessary to notarize your forms before visiting FLIC. You can have them notarized at FLIC free of charge.
3. **Optional for people filing in Dawson County: Visit FLIC on the 4th floor of the Hall County Courthouse (Room 459).** A FLIC staff person will review your documents for completeness, notarize any necessary documents, and give you a folder and procedural checklist for obtaining your divorce. FLIC assistance in the Gainesville office is by appointment only. The FLIC attorney also visits the Dawson County Courthouse once per month for limited legal consultations (subject to financial qualification and conflict check), and individuals are seen on a first come, first served basis. Call ahead for hours and qualification information at (770) 531-2463.
4. **Make two sets of copies of all of your completed and notarized paperwork.**
5. **Give one set of complete copies to your spouse.**
6. **File your divorce papers with the Clerk of Courts.**
7. **Using a *Rule Nisi*, obtain a Court date for your hearing from the assigned Judge's office** (bring one set of copies of your divorce papers with you to the Judge's office).
8. **Make copies of your *Rule Nisi*, file the original with the Clerk of Courts, and send or hand deliver the Respondent a copy.**
9. **Go to your hearing on the scheduled Court date and time.**
10. **Take your Final Judgment and Decree of Divorce (given to you by the Judge) and *Domestic Relations Case Final Disposition Information Form* to the Clerk of Courts for filing after your hearing.**

III. FORMS YOU WILL NEED TO START YOUR DIVORCE

You will need to file the following documents with the *Petition for Divorce*. All of these forms are included in this packet or are available from FLIC.

- Affidavit of Poverty and Order on Affidavit of Poverty* (only if you are indigent – see **Step 7** on page 9)
- Petition for Divorce*
- Verification form*
- Domestic Relations Action Standing Order and Certificate of Service*
- Domestic Relations Case Filing Information Form*
- State of Georgia Report of Divorce, Annulment or Dissolution of Marriage*
- Two-part form: *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue*
- Settlement Agreement*

IV. DETAILED INSTRUCTIONS FOR COMPLETING THE FORMS AND FILING THEM

On the following pages are DETAILED instructions for how to complete and file the *Petition for Divorce* and some of the related documents. **Read these instructions carefully, and more than once, if necessary.**

Step 1: Completing the *Petition for Divorce*

➤ **Caption (Heading)**

Fill in your full name as the Petitioner, and your spouse’s full name as the Respondent. Do not fill in the “Civil Action File No.” The clerk will assign a number to your case when you file your *Petition* in the Clerk’s office. After completing the heading, write your full name again in the space provided just before Paragraph 1.

➤ **Paragraph 1: Subject Matter Jurisdiction**

CHECK ONLY ONE BOX

Check box “(a)” if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition*. (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago.)

Check box “(b)” if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. (It is not good enough if your spouse used to live in Georgia in the past, moved away, and has returned more recently than six months ago.)

Note: If you live in Georgia, but have not lived here for a full six months, but your spouse has been living here for at least the past six months, you may still use the *Petition for Divorce* and file in Georgia. Just check box “(b)” and cross out the first eleven words (“I am not a resident of the State of Georgia, but”), so that the sentence is accurate.

➤ **Paragraph 2: Venue**

Note: The issue of venue in a divorce action is very complicated, and can result in your case being defective if it is not addressed properly. **Read these instructions very carefully.** If your situation does not

seem to fit any of the choices exactly, you should talk to a lawyer. You may not be able to file your case in Dawson County, or you may need to make very specific changes to this form. You should also talk to a lawyer if the Respondent is currently incarcerated (where a person is currently *living* does not always mean he/she *resides* there under the law).

On the first line, write your spouse’s name in the space provided. Then ***CHECK ONLY ONE BOX***

Check box “(a)” if the Respondent currently resides in Dawson County.

Check box “(b)” only if **all** of the following are true:

- the Respondent is not a resident of Dawson County but resides in Georgia;
- the two of you lived together in Dawson County at the time you separated;
- you still live in Dawson County; and
- the Respondent has moved out of Dawson County only within the past six (6) months prior to you filing this *Petition for Divorce*.

Check box “(c)” if the Respondent is not a resident of Dawson County but resides in Georgia and has acknowledged service of process and consented to the jurisdiction and venue of this Court, by completing **both** parts of the form that contains the *Acknowledgment of Service* **and** *Consent to Personal Jurisdiction and Venue*. (You must file the original signed and notarized form with the *Petition for Divorce*.) You must currently live in Dawson County to check this box.

Check box “(d)” if you live in Dawson County and the Respondent is not a resident of the State of Georgia, but he/she has acknowledged service of process and has consented to the jurisdiction of the Court, by completing **both** parts of the form that contains the *Acknowledgment of Service* **and** *Consent to Personal Jurisdiction and Venue*. (You must file the original signed and notarized form with the *Petition for Divorce*.)

➤ **Paragraph 3: Service of Process**

This paragraph indicates that you think the Respondent will acknowledge service by signing (in front of a notary public) the *Acknowledgment of Service* portion of the two-part form included with this packet. You must include the signed and notarized original form with the *Petition for Divorce* when you file. **If you do not think your spouse will sign this form, do not use this packet.** You will have to make arrangements to have him/her served.

➤ **Paragraph 4: Date of Marriage**

CHECK ONLY ONE BOX

Check box “(a)” if you and the Respondent were married with a license and a ceremony, such as one by a clergyman or by a judge at the courthouse. Write the date of the marriage in the space provided.

Check box “(b)” if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means that you and the Respondent lived together and held yourselves out as husband and wife before January 1, 1997. Write the date you began your common law marriage on the space provided.

➤ **Paragraph 5: Date of Separation**

In the space provided, write the last date that you and the Respondent separated and remained separated up to the present time. Provide only one date. If you and the Respondent have separated, gotten back together, and then separated again, use the date of the most recent separation.

➤ **Paragraph 6: Settlement Agreement**

You are explaining that you expect that the Respondent will sign a written settlement agreement acknowledging that you have no children, marital property or joint debt together. A *Settlement Agreement* is included with this packet. You must file the *Settlement Agreement* with your *Petition* when you file, or you will be ordered to go to mediation. The parties must agree voluntarily and this document must be signed by both parties in front of a notary public. See important notes about settlement agreements in **Step 4** below.

➤ **Paragraph 7: Child(ren)**

You are explaining to the Court that you have no minor children with your spouse and do not expect to have children with your spouse. **If you have minor children with your spouse, STOP! You should use a different packet, available in the Clerk's office.**

Notes if the Wife has had children during the marriage or is pregnant with a child who are/is not the Husband's child(ren): Under Georgia law, there is a presumption that children born in wedlock or within the usual period of gestation thereafter are legitimate, making the husband the “legal” father (unless otherwise disproved). If this situation applies to you, it is strongly recommended that you consult with an attorney to discuss the legal implications of addressing or *not* addressing this issue. The *Settlement Agreement* with this packet does allow you to address this scenario.

➤ **Paragraph 8: Restore Former Name**

Optional: Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the name you want to have restored. This case is not a name change action and cannot be used for anyone except the wife or husband in this divorce action. If your spouse wishes to have his/her former name restored, he/she will need to file an affidavit in this case asking the Court to restore his/her name or appear at the final hearing. You cannot request your spouse's name be restored.

➤ **Paragraph 9: Grounds for Divorce**

This paragraph explains to the Court that the basis for your divorce is that there is no hope that you and the Respondent can save this marriage. This option is the language for grounds in most cases. It is the basis for granting a divorce when fault is not proven.

➤ **Final Paragraph: Request for Relief**

Strike through any provisions that do not apply to your situation.

➤ **To finish filling out this *Petition for Divorce***, add the date on which you are signing it, sign your name in the space provided on the last page, write your address and a daytime telephone number where the Court staff could reach you if necessary. However, if you are living in a shelter for victims of family violence, **DO NOT LIST THE ADDRESS OF THE SHELTER**. To do so would violate O.C.G.A. § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is

located. Also, if the Respondent does not know your address or phone number and it should be kept confidential because of family violence, do not write that address or phone number here. Instead, you should write another address here, where you can be sure that you will receive any information that is mailed to you by the Court or the Respondent.

Step 2: Completing the *Verification* Form

The *Verification* form must be filed with the *Petition for Divorce*. In the caption (heading), insert your name as the Petitioner and your spouse's name as the Respondent. Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your case in the Clerk's office. Insert your name in the space underneath the word "Verification," which is the title of this document. In the next space, insert the title of the document you are verifying as true, which is "Petition for Divorce (Uncontested with No Minor Children, No Marital Property and No Joint Debt)."

Before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition for Divorce* is true and correct to the best of your knowledge and belief. Therefore, you should re-read your *Petition for Divorce* one more time, from start to finish, to make sure it is all true. When your forms are ready, sign your name on the *Verification* in front of the notary public in the space provided, and check the box to indicate that you are the Petitioner. The notary must complete the rest of the *Verification* form after you sign it under oath. The staff persons at the Family Law Information Center can notarize this document free of charge, but you must have proper photo identification.

Step 3: *Domestic Relations Action Standing Order (DRASO) and Certificate of Service*

Complete only the header on the first page of this Order (your name as Plaintiff and your spouse's name as Defendant). You, as the Plaintiff/Petitioner, do not complete the exhibits that are attached to the DRASO. You are required to serve a copy of the Order with its blank exhibits on the Defendant/Respondent and file proof of service with the Clerk. You may use the *Certificate of Service* following the DRASO in your packet for this purpose.

Step 4: *Settlement Agreement and two-part Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form

You are not *required* to complete this step before filing your divorce papers, but if you do not have a complete, written agreement when you file, you will automatically be ordered to go to mediation. If you do not think your spouse will sign the papers with this packet, do not use this packet.

If you and your spouse have reached or can reach an agreement about **all** issues arising out of the marital relationship, you may use the *Settlement Agreement* with this packet to formalize your agreement in writing.

The two-part *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form is a form your spouse may complete and sign in front of a notary (and return to you for filing with the Court). Filing this form with your *Petition* satisfies the requirement that the Respondent be personally served with the divorce papers (which is done by a deputy or special process server).

Important notes about settlement agreements: Generally, if two parties execute an agreement because they want to settle all of the issues in their divorce, and it is not executed under fraud, duress, accident, or mistake, the agreement is a contract which is binding on both parties. If the agreement is considered by the Court to be a valid agreement, it may be incorporated into the Final Judgment and Decree of Divorce. The Court is not bound to accept your agreement (particularly when it comes to terms that deal with the children – child support and child custody and visitation), but if the judge is satisfied with your agreement, he or she will likely incorporate it into the

final decree, binding both of you to the agreement. Therefore, once you and your spouse have executed the agreement, if you want to make any changes to it, you will both have to agree to those changes in writing, unless you can prove it is not a valid agreement.

In short, **DO NOT** execute the *Settlement Agreement* with this packet if it is incomplete, or you and your spouse have agreed to something orally that is not included in the agreement. **DO** contact an attorney if you have any questions at all about an agreement proposed to you by your spouse or if you are unclear about any of the terms included in it. It is **STRONGLY** recommended that you talk with an attorney before signing any agreement.

Additionally, the *Settlement Agreement* included with this packet is just one sample of an agreement you might reach with your spouse. It does not cover every possible scenario that might come up in the future between you and your spouse. If you can hire an attorney to represent you, he or she will be able to help craft an agreement that is tailored to your precise needs.

If you execute an agreement with your spouse, and later believe the agreement is not valid, you will need to contact an attorney to find out what options might be available to you.

Step 5: Completing the other forms with your packet

- *Domestic Relations Case Filing Information Form* – Fill in your complete name as the Petitioner (including your maiden name, if applicable) and your spouse’s complete name as the Respondent. Check the box for “Pro se.” Check the box for “Divorce.”
- *STATE OF GEORGIA Report of Divorce, Annulment or Dissolution of Marriage* – Complete items 4 through 15. On item 14, you will need to write the Code section that applies to your divorce. Since you are filing because the marriage is “irretrievably broken,” write “19-5-3(13).”
- *Domestic Pretrial Information Form* – Fill in your name as Petitioner and your spouse’s name as Respondent. For item (1), you do not need to state your contentions on a separate sheet since your case is uncontested. For item (3), if you do not have an estimated time for trial, put “unknown” in the place provided. For item (4), since you will have a complete *Settlement Agreement*, strike through “Yes or No” and write “N/A.” For item (5), strike through “Yes or No” and write “N/A.”
- *Domestic Relations Case Final Disposition Information Form* (included with this packet) – You will not need this form until the day of your final hearing (so keep it with your folder). Fill in the spaces for County, Docket # (after you get a case number from the Clerk of Courts), your name, the name of the Respondent, and check the box for “Pro Se.”

Step 6: Getting your papers together

After you have finished filling out all the papers you need to start your case, you may either sign all of them (in front of a notary public when required) before coming to FLIC, or wait until you meet with a FLIC staff person and have them notarized free of charge. If you decide to have your papers notarized before coming to the Courthouse, you may want to sort the papers and making copies as described in **Step 9** below.

Step 7: Getting your fees ready

The Court filing fee is noted on the front of this packet (verify current fee with Clerk of Court and pay with cash or money order only). Since the Respondent will have signed the *Acknowledgment of Service*, you do not need to bring additional money for the service fee. You should bring the filing fee when you bring your papers to the Clerk’s office to file your case.

Note: If you have a very low income, and feel that you cannot afford to pay the fee, you can ask the Court to waive the fee. FLIC has *Poverty Affidavits* available and can explain the process for applying.

IMPORTANT: if you live in a shelter for victims of family violence, **DO NOT LIST THE ADDRESS OF THE SHELTER** on the *Poverty Affidavit*. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county.

If the Court approves your request, you will file the *Poverty Affidavit* and *Order on Poverty Affidavit* (signed by a judge) with the other papers when you file your divorce action at the Clerk's office. A judge must sign the Order approving your *Poverty Affidavit*, before the filing of your case will be completed by the Clerk's office staff. If the judge signs the order of approval, the fee will be waived. If the judge does not approve your *Poverty Affidavit*, you must pay the fee before your case will proceed.

Step 8: Visiting FLIC on the fourth floor of the Courthouse in Room 459

Visiting FLIC at the Hall County Courthouse is an option for all people representing themselves in divorce cases in Dawson County. Assistance is by appointment only. The FLIC staff person available during these hours will check your forms for completeness, notarize documents free of charge, and provide you with a folder and procedural checklist.

Consultations with the FLIC attorney are available for people who financially qualify and have general legal questions regarding the divorce. Consultations are also subject to a conflict check. You may call (770) 531-2463 for more information and to schedule an appointment.

The FLIC attorney has walk-in hours at the Dawson County Courthouse once per month (usually on the third Friday of every month from 9:30 a.m. to 12:30 p.m.). Call (770) 533-7712 to confirm dates and times. These visits are also subject to financial qualification and a conflict check.

Step 9: Making copies

After you visit FLIC (you will now have a folder, procedural checklist, and certain other service forms if you are having the Respondent served), if your forms are complete and signed, sort them into the following order:

- *Poverty Affidavit* and *Order on Poverty Affidavit* (if applicable)
- *Petition*
- *Verification*
- Two-part form: *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*
- *Settlement Agreement*

If you have not already done so, make two complete sets of copies of all the above papers you are going to file (there is a copier in one of the interview rooms on the fourth floor of the Courthouse). Then, separate them into three packets: (1) all of the originals (to be filed in the Clerk of Court's office for the Court) – **do not staple this set together**, (2) one set of copies for your spouse (called the "service copy"), and (3) one set of copies for you to keep for your records (and to show the Judge's office when you ask for a Court date).

Place the remaining forms on top of your set of originals for the Clerk's office:

- *Domestic Pretrial Information* form
- *Domestic Relations Case Filing Information Form*
- *STATE OF GEORGIA Report of Divorce, Annulment or Dissolution of Marriage*

The *Domestic Relations Case Final Disposition Information Form* may be kept in your folder.

Step 10: Filing your divorce in the Clerk’s office

Take all 3 sets of forms (with the originals set on top), along with your cash or money orders, to the Dawson County Superior Court Clerk’s office (Civil Division window). It is located on the ground floor of the Dawson County Courthouse. When it is your turn, give all 3 sets to the clerk, along with any fees. If your paperwork is in order, the clerk will keep the originals for the Court’s file. After the fees have been paid, or the *Poverty Affidavit* has been approved by the judge, the clerk will write your case number (Civil Action File No.) on the top page of both sets of copies, stamp them with the date and time stamp, and return one set of copies to you. He/she will also tell you to which judge your case has been assigned, give you a form entitled *Rule Nisi* and instruct you to go to the second floor to get a Court date from the Judge’s office.

Step 11: Obtaining a Court date

The office of the Superior Court Judges is located on the second floor of the Courthouse. After leaving the Clerk’s office, go upstairs to the Judge’s office and ask the calendar clerk in the office for a final hearing date. He/she will assign you a date (using the *Rule Nisi*).

Step 12: Make copies of the Court date (*Rule Nisi*)

Make two copies of your *Rule Nisi* before returning to the Clerk’s office.

Step 13: Filing your Court date

Take the original *Rule Nisi* back to the Clerk’s office for filing. Keep one copy and give the other copy to the Respondent – via mail or by hand.

Step 14: Appear for the Final Hearing

Appear for your final hearing on the proper date and time and bring your *Domestic Relations Case Final Disposition Information Form*. After you receive your Final Judgment from the Judge, take it and the form to the Clerk’s office for filing.

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

_____,
Petitioner,
v.
_____,
Respondent.

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**CIVIL ACTION
FILE NO.:** _____

PETITION FOR DIVORCE

[From Simple Divorce Packet]

My name is _____, and I am representing myself in this divorce action. In support of my case, I state the following:

1.

Subject Matter Jurisdiction: I am the Petitioner in this action, and:

[Check only one of the options below.]

- (a) I have been a resident of the State of Georgia for at least 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 _____. He/she is the Respondent in this action, and:

[Check and complete only one of the options below, (a) through (d).]

- (a) The Respondent is a resident of Dawson County, Georgia and, therefore, venue is proper in Dawson County. The Respondent is subject to the personal jurisdiction of this Court.
- (b) The Respondent is a resident of Georgia in _____ County, but the Respondent and I lived together in Dawson County at the time we separated. I still reside in Dawson County, and the Respondent has only moved away from Dawson County within the past six months before the date of my filing this action. Therefore, venue is proper in Dawson County. The Respondent is subject to the personal jurisdiction of this Court.
- (c) The Respondent is a resident of Georgia in _____ County, and I live in Dawson County. I expect the Respondent will consent to venue in Dawson County by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*. The Respondent is subject to the personal jurisdiction of this Court.
- (d) The Respondent is not a resident of the State of Georgia, but I am a resident of Dawson County, Georgia, making venue in Dawson County proper, and I expect the Respondent will consent to the jurisdiction of this Court by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*.

3.

Service of Process: I expect the Respondent will acknowledge service and waive process by signing an *Acknowledgment of Service*. If such acknowledgment is made, I will be filing the signed form with this *Petition*. Respondent's address is _____.

4.

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

- (a) The Respondent and I were lawfully married on _____.
- (b) The Respondent and I are married by common law because we lived together and held ourselves out as husband and wife as of _____, which date is prior to January 1, 1997.

5.

Date of Separation: The Respondent and I last separated on _____, and we have remained in a true state of separation since that date.

6.

Settlement Agreement: I expect the Respondent and I will enter into a written *Settlement Agreement*, which I am asking to be incorporated into the *Final Judgment and Decree for Divorce*. If we enter into a written *Settlement Agreement*, I will be filing it with the Court, together with this *Petition*.

7.

Child(ren): The Respondent and I have no minor children together (including unborn children).

8.

Other Minor Child(ren): [Optional]

- [Optional] [Petitioner / Respondent] _____, the wife in this case, is pregnant with a child or children and/or has the following minor child(ren) born during the marriage who is/are not the biological child(ren) of the husband in this case:

<u>Name(s) of child(ren)</u>	<u>Sex</u>	<u>Date of Birth</u>
_____	_____	_____
_____	_____	_____

The husband has never acknowledged this/these child(ren) as his child(ren). The husband is not the biological father of the child(ren) based on the following facts/reasons:

I request and believe it is in the best interest of the child(ren) named in this paragraph that the Court enter an order acknowledging that the husband, [name] _____, is not the biological and/or legal father of the unborn child(ren) and/or the above-named child(ren), that he has never recognized this/these child(ren) as his child(ren) and that he has no legal relationship, nor potential rights or obligations arising from any such relationship, to this/these child(ren).

- (i) [Optional - only if applicable.] I am further asking the Court to enter an order directing that, upon the birth of the child(ren) with whom I am now pregnant, any person required by law to prepare the birth certificate(s) shall not enter the name of the Respondent as the father of the child(ren) (as the Court has made a paternity determination with respect to the Respondent) and shall enter my legal surname (at the time of the birth) as the surname of the child(ren).

9.

Restore Former Name: *[Check the box only if applicable.]*

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

10.

Grounds for Divorce: Our marriage is irretrievably broken. The Respondent and I can no longer live together and there is no hope that we will get back together.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

- (a) That I be granted a total divorce from the Respondent;
- (b) That any *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That a hearing be scheduled on this matter;
- (d) That the Court enter an order granting the relief I have requested in this *Petition*;
- (e) That the Court order any and all other relief that the Court finds appropriate.

Petitioner, Pro se *[signature above]*

Name *[printed]*: _____

Address: _____

Phone: () _____

IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTIES

STATE OF GEORGIA

Plaintiff
v.

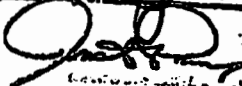
Defendant.

/
/
/
/
/
/

Civil Action File
Number: _____

GEORGIA, DAWSON COUNTY
CLERK'S OFFICE, SUPERIOR COURT
FILED FOR RECORD

DOMESTIC RELATIONS ACTION
STANDING ORDER

AT 1:17 P M 1-5-2010
Recorded in 891 Book 15 Page 240-269
This 5th day of Jan 20 10

Clerk

-1-

Pursuant to O.C.G.A. § 19-9-1(b) and the Implementing Order of the Court filed on the 5th day of January, 2011, this Standing Order binds the parties in all domestic relations cases, their agents, servants, employees, and all other persons acting in concert with the parties.

-2-

Each party is hereby enjoined and restrained from unilaterally causing or permitting the child or children of the parties to be removed from the jurisdiction of the Court without express permission of the Court or written approval of both parties. For purposes of this paragraph, the jurisdiction of the Court shall be the State of Georgia.

-3-

Each party is hereby enjoined and restrained from doing or attempting to do or threatening to do any act which injures, maltreats, vilifies, molests, or harasses the adverse party or the child or children of the parties or the pets of the parties.

-4-

Each party is hereby enjoined and restrained from selling, damaging, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of this Court, without the permission of the Court, any of the property belonging to the parties except in the ordinary course of business or except by an emergency which has been created by the other party to the action.

-5-

Each party is hereby enjoined and restrained from disconnecting, transferring, changing or otherwise interrupting the utilities servicing the marital residence. Utilities shall be defined as electricity, gas, water, basic residential telephone (excluding long distance), or cell phone if the parties are not using a residential land line for phone service, basic internet, and basic cable.

-6-

Each party is hereby enjoined and restrained from canceling or changing auto, health, dental, vision, prescription and/or life insurance for the parties and/or the parties' child or children which is in place at the time of the filing of the action. This shall include the change of beneficiary for life insurance policies.

-7-

Each party shall complete, file and serve a Domestic Relations Financial Affidavit (DRFA) as required by Uniform Superior Court Rule 24.2. Failure of any party to furnish the affidavit as directed in Uniform Superior Court Rule 24.2 may subject the offending party to the penalties of contempt. A copy of the DRFA is attached hereto, as Exhibit "A".

In all actions involving child custody and/or modifications of child support, the Plaintiff shall be required to file and serve upon the Defendant a completed **Child Support Worksheet** and any applicable Schedules as required by Uniform Superior Court Rule 24.2. Said Worksheet and Schedules shall be completed in substantial form to the best of the Plaintiff's knowledge and belief. The Worksheet and Schedules are available at www.georgiacourts.org/csc. The Defendant shall file his or her Worksheet and Schedules as required by Uniform Superior Court Rule 24.2. Failure to timely furnish the Worksheet and Schedules may subject the offending party to the penalties of contempt. All Final Judgments and Agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. § 19-5-12 and 19-6-15. Pursuant to O.C.G.A. § 19-6-31, 32, and 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

This Order shall apply to all domestic relations cases filed in the Northeastern Judicial Circuit and shall be the standing order until further order or action by the judges of this Court. It is ordered that all parties shall be subject to and comply with this Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

All parties are put on notice that they are to read and comply with Uniform Superior Court Rule 24.2, which is attached hereto and incorporated herein by reference as Exhibit "B". Failure to comply with Uniform Superior Court Rule 24.2 could result in the Court imposing sanctions.

PARENTING SEMINAR

All parties with minor children shall successfully complete one of the approved co-parenting seminars when involved in any of the following cases; all divorce cases, all change of custody or visitation cases in which there is no written agreement at time of filing; all legitimation cases; and any other domestic relations cases as may be otherwise ordered by the court. The Plaintiff shall successfully complete the seminar within 31 days following the filing of the Complaint and the Defendant shall successfully complete the seminar within 31 days of the date of service of the Complaint on the Defendant. Information on approved seminars, dates, locations, and possible fee waivers for indigent parties is available in the office of the Clerk of the Superior Court, the Family Law Information Center, and online at http://www.hallcounty.org/judicial/jud_superiorcourt.asp.

Parties must attend the entire seminar in order to receive credit for attendance. Upon successful completion of the seminar, the parties will be awarded a certificate of attendance to present to the judge at the time of their court appearance. Each party is also required to file with the Clerk of Superior Court written verification of his or her completion of the parenting seminar.

A deputy of the Sheriff's Department in the county in which the seminar is held will provide security at each seminar immediately prior to, during and immediately after each session.

A service of equal value may be substituted for these Seminars if written verification satisfactory to the court is provided to the court by the service provider verifying attendance and the issues addressed through professional or pastoral counseling, or other similar educational program. Parties may substitute any four (4) hour Superior Court approved parenting seminar in the State of Georgia. A certificate of attendance is valid for three (3) years.

For good cause shown, the assigned judge may excuse a party from completing the Seminar in individual cases. Requests for excusals stating the reasons must be in writing, filed with a copy delivered to the judge's office *within 10 days* of the filing of the complaint in the case, or within 10 days of the date of service of the complaint on the defendant, whichever is later. Upon failure to complete the seminar as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt.

MEDIATION

All parties in contested domestic relations cases are Ordered to participate in mediation prior to the Final Hearing. Furthermore, the parties shall attend and complete mediation within ninety (90) days of service of the Complaint by the Plaintiff upon the Defendant. This requirement does not apply to cases filed under the Family Violence Act, O.C.G.A. § 19-13-1 et seq. Waivers for mediation may be granted in the court's discretion, particularly for a Plaintiff seeking child support or alimony in a Motion for Contempt. Forms are available in the Family Law Center (FLIC) or online. Mediation services may be obtained through the Ninth Judicial Administrative District Office of Dispute Resolution located at 501 Candler Street, Gainesville, GA 30501 (770) 535-6909.

If any party is represented by counsel but chooses to not have their counsel present or available via telephone during the mediation, then any agreement reached on any issue, shall be binding upon the parties. If a party does not have an attorney of record as of the date of mediation, then they shall have ten (10) days from the date of mediation to review the agreement with an attorney of their choice. After ten (10) days, the parties shall be bound by the agreement unless written notice has been sent to the opposing counsel or the opposing party within said time period. In the event the parties attend mediation with their attorneys, then the mediation agreement shall be binding at the time an agreement is reached. Upon failure to attend mediation as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt. This Standing Order shall control over any inconsistent Office of Dispute Resolution instructions.

Prior to the final hearing and as soon as possible after the completion of mediation, the parties, through counsel if represented, shall certify to the court in writing that the parties have complied with the mediation requirement of this order.

PARENTING PLAN

Effective January 1, 2008, except when a parent seeks emergency relief for Family Violence, pursuant to O.C.G.A. § 19-13-3 or 19-13-4, in all cases in which custody of a child is at issue between the parents, the parents are required to prepare a parenting plan and submit it to the Judge and the other side prior to commencement of any hearing involving the children. All parties are put on notice that they are Ordered to read and comply with O.C.G.A. § 19-9-1 et seq. At a minimum, the parenting plan shall include the items attached hereto and incorporated herein by reference as Exhibit "C".

CONFLICTS

Attorneys shall attend calendars and be on time. If an attorney has a conflict, the attorney shall notify both the Court and the opposing counsel in accordance with Uniform Superior Court Rule 17.1. Upon completion of the case, calendar call, or hearing creating the conflict, the attorney shall immediately report by telephone to the Court and opposing counsel and shall then report in person to the Court, unless otherwise specifically instructed by the Court. Failure to advise of a conflict or to report as required by this Rule may result in an assessment of attorney's fees against the attorney failing to give notice or report, and may also result in a finding of contempt.

HEARINGS

- A. Attorneys shall advise the Court if they anticipate any domestic hearing will take more than three (3) hours to try. Such cases may be specially set for hearing.
- B. **Temporary Hearings:**
 - (1) **Scheduling:** Each judge will set temporary hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment.
 - (a) **Financial Affidavits:** Uniform Superior Court Rule 24.2 requires the timely filing and service of Domestic Relations Financial Affidavits. Failure to comply with this Rule may result in the continuance of temporary hearings and sanctions being imposed upon the offending party.

(2) **Other Affidavits:** All Affidavits shall be served in compliance with Uniform Superior Court Rule 24.2. "Twenty-four hours" means 24 hours before the temporary hearing is scheduled to begin pursuant to the Rule Nisi.

(3) **Service:** "Service of Affidavits" means by legally recognized service methods (facsimile or e-mail are not legally recognized).

C. **Temporary Hearings in Modification Cases:** If a party requests a temporary hearing in a modification case (i.e. custody, child support, alimony, etc.) then he or she shall set forth the request in a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate Code section.

D. **Pretrial Hearings:** In this Circuit, the Court may schedule pretrial hearings at which the attorneys and/or the parties shall appear as directed by the judge. The parties may also request a pretrial hearing.

E. **Final Hearings:**

(1) Each Tuesday from 8:30 a.m. to 9:30 a.m. uncontested final hearings shall be heard by a judge designated to preside over the matters. No Rule Nisi is necessary. An "uncontested final hearing" is one where service is properly made, at least forty-six (46) days have passed from the date of service or filing date of the acknowledgment of Service, and all parties have signed, with notarized signatures, a written Agreement settling each and every issue pending in the case, leaving no issues for the Court to rule upon. An uncontested final hearing may occur thirty-one days after service or filing of an Acknowledgment of Service if both parties have consented to the hearing in writing. The Court may allow, in its discretion, an uncontested final divorce to be taken upon motion and affidavit in the form attached hereto if there are no minor children and the wife is not pregnant.

F. **Dawson County Cases:** Venue of the actual hearing for temporary, pretrial, and final hearings in all Dawson County cases shall be determined by Rule Nisi completed by the Court. This Standing Order shall apply to Dawson County cases.

-16-

ORDERS

A. **Income Deduction Orders:** All final child support Orders must be in conformity with O.C.G.A. § 19-5-12. Also, an Income Deduction Order shall be required in every case involving the payment of child support unless the Order includes findings that it is in the best interests of the children not to require an Income Deduction Order. All Income Deduction Orders shall comply with O.C.G.A. § 19-6-33.1 (Family Registry).

B. **Preparation of Order:** When any Order is submitted to the Court, it should be signed by the attorney who prepared the Order and opposing counsel. The attorney preparing the Order, as directed by the Court, shall submit the Order to opposing counsel within ten (10) business days of the hearing, as measured by the postmark date. The receiving attorney shall review and respond to the Order within ten (10) business days of the postmark date or shall make a reasonable response to the proposed Order within said time (i.e. the responding attorney has requested a transcript of the ruling and has not received it; the responding attorney is on vacation; etc.). If the responding attorney does not respond within ten business days, then the Order prepared by the preparing attorney shall be submitted to the Court with a copy of the letter written to opposing counsel indicating that opposing counsel has had ten business days to review the Order. If the preparing attorney does not prepare the Order within the required time, the receiving party may prepare the Order under the same guidelines, after making a good faith attempt to make telephone or other contact with the other attorney.

C. **Rulings:** All Judges shall make every effort to issue rulings within thirty days of the close of the evidence or within thirty days of receipt of any written briefs, whichever is later.

D. **Divorce by Verified Petition and Affidavit:** In cases where there are no minor children as a result of the marriage and where wife is not pregnant, if the parties reach a settlement of all issues arising from the divorce action, parties who are represented by counsel may have their counsel submit to the Judge, upon expiration of the requisite statutory waiting

period, an Affidavit and a Checklist in the form attached to this Order, , a copy of the Settlement Agreement executed by both parties, an Agreement to Try at first term, if applicable, and a proposed Final Judgment and Decree of Divorce. The Judge, after review of the documents and the file, may, in these limited circumstances, grant the divorce on the pleadings. A photocopy of the Northeastern Judicial Circuit Checklist For Divorce By Verification And Affidavit is attached hereto, marked "# 1 " and incorporated herein by reference thereto.

-17-

VISITING JUDGES

If a case is set down for a final hearing and the local Judge to whom the case is assigned is not presiding over the final hearing, either attorney may request that the case be continued to a calendar when the assigned Judge will be presiding. Such a request should be made as soon as possible with notice to the opposing party. The Judges will endeavor to notify the attorneys of record when they will not be presiding over their final hearing days.

The parties shall not have an option of requesting that their case be removed from any temporary or pretrial calendar because a Visiting Judge is presiding. The term "Visiting Judge" shall mean any Judge other than the four elected or appointed Superior Court Judges of this circuit.

-18-

APPOINTMENT OF GUARDIAN AD LITEM

On its own motion, the Court may appoint a Guardian Ad Litem, or a party may make a motion for the appointment of a Guardian Ad Litem. All requests for appointment of a Guardian Ad Litem shall be in accordance with Superior Court Uniform Rules.

-19-

JURY DEMAND

In the event either party files a Demand for Jury Trial, then the parties and their attorneys shall prepare a formal Pretrial Order and may attend a pretrial conference to review said Order. The case shall be placed on the next available jury trial calendar. Attorneys and parties should be aware that domestic cases may be placed to the front of trial calendars to expedite trial. Once a Demand for Jury Trial is filed, the Demand may not be withdrawn except by written consent of both parties and approval of the Court.

In the event either party files a Demand For Jury Trial, the parties shall not have an option of requesting that their case be removed from any temporary, pretrial calendar or jury trial calendar because a Visiting Judge is presiding.. In domestic cases in which a Demand For Jury Trial is filed by one of the parties, counsel for both parties will not be allowed to request that the elected or appointed judge preside over the jury trial. A visiting judge may preside at such jury trial

-20-

ASSIGNMENT OF JUDGES

In modification actions and contempt actions concerning a Divorce Decree, the assignment of such case shall be made, on the basis of the Plaintiff/Movant's name as it existed at the time of the divorce or other original action and not on the name as it exists at the time of filing the modification action. For example, if the wife has remarried since the entry of the Divorce Decree, and her current name begins with "C" but her last name at the time of the Divorce Decree began with a "B," then the modification action shall be assigned to the Judge handling the "B" cases. The caption of the modification action should reflect the name of the party at the time of the original filing (i.e. Jane Carter a/k/a Jane Brown). The modification action will go back to the Judge to whom the original proceeding was assigned who may not necessarily be the Judge who actually signed the Final Order (i.e. if the Final Order was signed by a presiding Judge on a Duty Day or the Judge to whom the case was originally assigned is no longer handling the cases with last names beginning in that letter). In that event, the case would still go back to the Judge that it was originally assigned to even if that Judge did not sign the original Order. Contempts of Temporary Orders will go to the Judge to whom the case is assigned and these will not be heard on a duty day. For Modifications of Temporary Orders, the Judge who heard the temporary hearing will hear the Modification of Temporary Order and these matters will not be heard on duty days.

ETHICS

All attorneys practicing in this Circuit shall follow and comply with the following aspirations:

As to clients, I will aspire:

- A. To expeditious and economical achievement of all client objectives.
- B. To fully informed client decision-making. As a professional, I should:
 - (1) Counsel clients about all forms of dispute resolution;
 - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
 - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
 - (4) Communicate promptly and clearly with clients; and
 - (5) Reach clear agreements with clients concerning the nature of the representation.

As to opposing parties and their counsel I will aspire:

- A. To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
 - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
 - (2) Grant reasonable requests for extensions or scheduling changes; and
 - (3) Consult with opposing counsel in the scheduling of appearances, meetings and depositions.
- B. To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:
 - (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
 - (2) Be courteous and civil in all communications;
 - (3) Respond promptly to all requests by opposing counsel;
 - (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
 - (5) Prepare documents that accurately reflect the agreement of all parties; and
 - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the Courts, other tribunals, and to those who assist them, I will aspire:

- A. To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
 - (1) Avoid non-essential litigation and non-essential pleading in litigation;
 - (2) Explore the possibilities of settlement of all litigated matters;
 - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
 - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
 - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
 - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- B. To model for others the respect due to our courts. As a professional, I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and
- (8) Seek to understand the judiciary's obligation of informed and impartial decision-making.

-22-

LOCAL PRACTICES IN ADOPTION CASES

A. Filing with the Clerk of Court:

- (1) Pursuant to O.C.G.A. § 19-8-14(b), the Clerk of Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition. As a courtesy to attorneys, at the attorney's request, the law clerk for the Judge to whom the case is assigned will review a Petition prior to its being filed with the Clerk, and will get back to the attorney within forty-eight (48) hours to discuss any necessary amendments or supplements to the Petition.
- (2) If the Petition is filed with the Clerk before it is reviewed by the Judge's law clerk, the Clerk of Court will forward a copy of the Petition and all attachments thereto to the Judge's office immediately. Upon prompt review of the Petition and attachments, the Judge's office will supply the Clerk of Court with a Rule Nisi within fifteen (15) days of the Petition's filing date, to ensure that the Clerk has sufficient time to forward a copy of the Petition, attachments and Rule Nisi to the Department of Human Resources as required by O.C.G.A. §19-8-14(g).

B. Hearing Date: Pursuant to O.C.G.A. § 19-8-14, unless the Petitioner files a written request for an expedited final hearing, the Judge's office will schedule the final hearing on a date no less than forty-five (45) and no more than one hundred twenty (120) days from the date the Petition is filed with the Clerk of Court. The hearing will be held within that time period unless the Petitioner has failed to arrange for the Court to receive the report required by O.C.G.A. § 19-8-16, or has otherwise failed to provide the Court with all exhibits, surrenders, or certificates required by Title 19, Chapter 8 within that time period.

C. Review of Petition (After Filing):

- (1) Timely Review: Once the Clerk of Court has delivered a copy of the Petition and attachments to the Judge's office, the law clerk will promptly review the Petition for statutory compliance.

- Please note that in cases where there is no legal father of the child and the biological father has signed surrender, it is the better practice to provide the Court with a certificate from the Putative Father Registry.

- (2) Problems with Statutory Compliance:

- a. If there are issues with statutory compliance and they are not significant, the Judge's law clerk will send a letter to the attorney for the Petitioner with helpful information.
- b. If the problems are significant, the Judge may send out a letter informing the attorney for the Petitioner that the Court is appointing a special master, whose fees shall be paid by the Petitioner's attorney, to address the problems with the Petition. A copy of the order appointing a special master will be sent to the Petitioner(s).

D. Investigations: If an investigation is ordered, the Judge's office will provide a copy of the report to the Petitioner's attorney

prior to the hearing in accordance with O.C.G.A. §19-8-16(a).

-23-

DOMESTIC RELATIONS CASE INITIATION FORMS

In accordance with the Method of Case Assignment Order of the Superior Court for the Northeastern Judicial Circuit, O.C.G.A. §§ 9-11-3 and 9-11-133 and Rule 39.2.1 of the Uniform Rules of the Superior Court of Georgia, the Clerks of the Superior Court of Dawson and Hall Counties shall require the plaintiffs or petitioners in domestic relations cases to complete and file the appropriate Domestic Relations Case Filing Information Forms. Failure of a plaintiff or petitioner to abide by this requirement could result in the case of the plaintiff or petitioner being dismissed. For the purposes of this paragraph, the appropriate Domestic Relations Case Filing Information Form must be completed and filed in the following domestic relations case types:

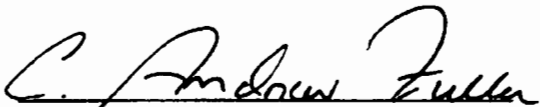
- Divorce (includes annulment) Separate Maintenance Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action Domestication of Foreign Custody Decree
- Family Violence Act Petition Modification:
 - Custody and/or Visitation
 - Child Support and/or Alimony Contempt
 - Custody and/or Visitation
 - Child Support and/or Alimony

Photocopies of the required Domestic Relations Case Filing Information Form and Domestic Relations Case Final Disposition Information Form are attached hereto, marked "# 2 and #3", and are incorporated herein by reference thereto.

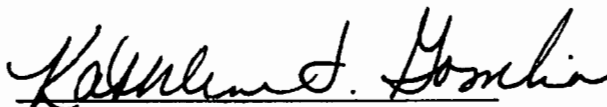
All parties are ordered to read and comply with this Standing Order for Domestic Relations Cases.

Plaintiff shall be responsible for serving the Defendant with a copy of this Order and filing proof of the service with the Clerk of Superior Court.

IT IS SO ORDERED this 31 day of December, 2010.



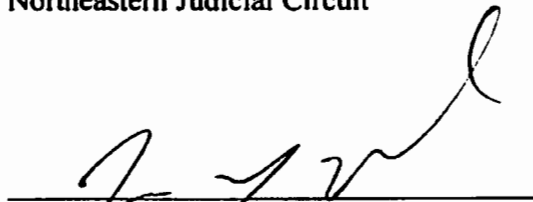
C. Andrew Fuller
Chief Judge, Superior Court
Northeastern Judicial Circuit



Kathlene F. Gosselin
Judge, Superior Court
Northeastern Judicial Circuit



Bonnie C. Oliver
Judge, Superior Court
Northeastern Judicial Circuit



Jason J. Deal
Judge, Superior Court
Northeastern Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Petitioner,
v.
_____,
Respondent.

§
§
§
§ CIVIL ACTION
§ FILE NO.: _____
§
§
§
§

CERTIFICATE OF SERVICE

This is to certify that I [] have served [] will immediately serve a copy of the **DOMESTIC RELATIONS ACTION STANDING ORDER** upon the Respondent in the following manner:

(method of service)

- ___ a) by placing a copy in the United States Postal Service, with postage prepaid, or
___ b) by hand delivering a copy
___ c) by having it personally served with the *Petition for Divorce*

(to whom service is made)

- ___ a) to the Respondent who is representing him/herself, or
___ b) to the attorney for the Respondent

whose name and address are listed below:

This ___ day of _____, 20__.

Petitioner, Pro Se (*signature*)

Print name: _____

Address: _____

Phone: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Petitioner,	§	
	§	
v.	§	CIVIL ACTION
	§	FILE NO.: _____
Respondent.	§	
	§	

SETTLEMENT AGREEMENT
[From the Simple Divorce Packet]

This agreement (also referred to here as “Agreement” or “Settlement Agreement”) is between [name] _____ (also referred to here as “Wife” or [Petitioner / Respondent] “_____”) and [name] _____ (also referred to here as “Husband” or [Petitioner / Respondent] “_____”). The parties are married but are currently separated; and

The parties want to settle between themselves all questions of alimony, division of property, debts and all other rights and obligations arising out of their marital relationship;

THEREFORE, in consideration of the mutual promises and declarations in this Agreement, the parties agree as follows:

1.

SEPARATION. The parties shall continue to live apart and each one shall be free from all interference and control by the other, direct or indirect, as fully as if unmarried, and each may reside at such places as he or she may choose.

2.

ALIMONY. Each party expressly waives the right to receive alimony from the other party.

3.

PROPERTY DIVISION. The parties acknowledge they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this Agreement.

4.

DEBTS. The parties acknowledge they have no outstanding joint or marital debts. Neither party shall incur any debt or liability in the other party’s name from and after the date of signing this Agreement.

Wife’s initials _____

Husband’s initials _____

5.

NO MINOR CHILDREN. The parties have no minor children together (including unborn children).

6.

OTHER PROVISIONS. [Optional – check and complete any options both parties agree apply.]

- Restraining order.** [Wife / Husband / both parties] _____ shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing and stalking [Wife / Husband / the other party] _____. By consenting to this provision, [Wife / Husband / the parties] _____ in no way admit(s) that such acts were ever done in the past, but agree(s) not to engage in such acts in the future. This provision shall be enforceable by the Court’s contempt power.
- Other child(ren).** The parties acknowledge Wife has had _____ other minor child(ren) (listed below) who are not Husband’s biological child(ren). Husband has never recognized these child(ren) as his child(ren). The Husband is not the biological and/or legal father of these child(ren) and has no legal relationship, nor potential rights or obligations arising from any such relationship, to these children:

<u>Name of child</u>	<u>Sex</u>	<u>Date of Birth</u>
_____	_____	_____
_____	_____	_____

- Pregnancy.** The parties acknowledge Wife is pregnant with a child (or children in the case of multiples) who is/are not the Husband’s biological child(ren). Husband is not the biological and/or legal father of the child(ren) and does not recognize the child(ren) as his child(ren). Husband has no legal relationship, nor potential rights or obligations arising from any such relationship, to the child(ren). This Agreement shall constitute and operate as a paternity determination with respect to Husband if incorporated by the Court into the Final Judgment and Decree of Divorce. Although the child(ren) was conceived during the marriage, upon the birth of the child(ren) with whom Wife is now pregnant, any person required by law to prepare the birth certificate(s) shall not enter Husband as the father of the child(ren) and shall enter Wife’s surname (at the time of the birth) as the surname of the child(ren).

7.

VOLUNTARINESS OF AGREEMENT. The parties acknowledge they have entered into this Agreement freely and voluntarily, and it is not the result of any duress or any undue influence. We understand we do not have to enter into this Agreement, we have the right to trial before a judge or jury on all issues that could be raised in this action. We also understand we have the right to certain discovery procedures that may reveal other income or assets of the other party. We have agreed to enter into this Agreement based on our knowledge of the income and assets of the parties and their written statements in this Agreement. After considering these rights, we have decided to enter into this Agreement freely and voluntarily.

Wife’s initials _____

Husband’s initials _____

8.

COMPLETENESS OF AGREEMENT. This Agreement constitutes the entire understanding of the parties. There are no representations or promises other than those representations or promises expressly included in this Agreement. Each party hereby states under oath the financial representations in this Agreement are accurate and complete, to the best of that party's information, knowledge and belief.

9.

EFFECT OF DIVORCE. Both parties understand this Agreement does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this Agreement shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the Agreement. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

Signature of Wife

Signature of Husband

Date

Date

_____ appeared
before me on _____, 20____,
and said under oath she had read and
understood this Agreement, and was signing it
voluntarily in my presence.

_____ appeared
before me on _____, 20____,
and said under oath he had read and
understood this Agreement, and was signing it
voluntarily in my presence.

Notary Public
My commission expires: _____

Notary Public
My commission expires: _____

Domestic Relations Case Filing Information Form

Superior Court County _____ Date Filed _____
MM-DD-YYYY

Docket # _____

Plaintiff(s)

Defendant(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney Pro Se

Last First Middle I. Suffix

Bar # _____

Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify _____

FAMILY VIOLENCE

Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence? Yes No
2. Was ex parte relief requested? Yes No
3. Was ex parte relief granted? Yes No

STATE OF GEORGIA
Report of Divorce, Annulment or Dissolution of Marriage
 Type or print all information

1. Civil Action Number	2. Date Decree Granted (mo., day, year)	3. County Decree Granted
4. Wife's Name (first, middle, last)	5. Maiden (Birth) Last Name	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Husband's Name (first, middle, last, generation)	10. Date of Birth (mo., day, year)	11. County of Residence
12. Number of This Marriage (1 st , 2 nd , etc.)	13. Date of This Marriage (mo., day, year)	
14. Specify Grounds for Divorce (19-5-3, OCGA)	15. Number of Children Less Than 18 Affected by This Decree	

This above Report may be reproduced by use of a computer. However, the finished report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use.

(31-10-7, O.C.G.A.)

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner's legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases, the completed record shall be a prerequisite to the granting of the final decree.

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.

Domestic Relations Case Final Disposition Information Form

Superior Court County _____ Date Disposed _____
MM-DD-YYYY
 Docket # _____

Reporting Party _____
Last First Middle I. Suffix Prefix Maiden Title

Name of Plaintiff/Petitioner(s)

Name of Defendant/Respondent(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney Pro Se

Defendant/Respondent's Attorney Pro Se

Last First Middle I. Suffix

Last First Middle I. Suffix

Bar # _____

Bar # _____

Type of Disposition (Check all that apply)

1. Dismissed Without Final Order
 - A. Voluntary (by parties)
 - B. Involuntary (by court)
2. Pre-Trial Settlement
3. Judgment on the Pleadings
4. Summary Judgment
5. Trial
 - A. Bench Trial
 - B. Jury Trial
 1. Dismissal after jury selected
 2. Settlement during trial
 3. Judgment on Verdict
 4. Directed Verdict or JNOV

Relief Granted (Check all that apply)

1. Ex Parte Relief
2. Temporary Relief
3. Final Relief
 - a. Divorce/Annulment/Separate Maintenance
 - b. Child Custody

Parenting Plan? Yes No

Custodial Arrangement? Yes No

If Yes, check one:

 - Joint Custody
 - Joint Legal Custody
 - Joint Physical Custody
 - Sole Custody to: _____

14 year old parental selection? Yes No
 - c. Visitation or Parenting Time

Approx. Parenting Time (days per year)

Mother _____ Father _____

Parenting Time Contested? Yes No
 - d. Child Support

Forms attached? Yes No
 - e. Legitimation/Paternity
 - f. Alimony
 - g. Contempt
 - h. Equitable Division
 - i. Protective Order
 - Person Property
 - Finding of Family Violence?
 - j. Adoption
 - k. Attorneys Fees?

If Yes, enter amount: _____

to whom: _____
 - l. Other (Specify) _____
4. Dismissed prior to granting of relief.

ADR

1. Was mediation utilized? Yes No
2. If Yes, was it (check if applicable)
 - court annexed?
 - court mandated?
3. Binding Arbitration Agreement Yes No

If Yes, what matters were subject:

 - Child Custody
 - Visitation/Parenting Time
 - Parenting Plan