

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

_____,
Petitioner,
v.
_____,
Respondent.

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§

CIVIL ACTION
FILE NO.: _____

PETITION FOR DIVORCE WITH MINOR CHILD(REN)

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 and his/her address, if known is: _____
_____. He/she is the Respondent in this action, and:
[*Check and complete only one of the options below, (a) through (e).*]

- (a) The Respondent is a resident of Hall County, Georgia and, therefore, venue is proper in Hall 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 Hall County at the time we separated. I still reside in Hall County, and the Respondent has only moved away from Hall County within the past six months before the date of my filing this action. Therefore, venue is proper in Hall 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 Hall County. I expect the Respondent will consent to venue in Hall 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 Hall County, Georgia, making venue in Hall County proper, and:
[*To complete this Section (d), check and complete one of the options below, (i), (ii), or (iii).*]
 - (i) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of _____. The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).
 - (ii) The Respondent has never resided in the State of Georgia and currently resides in the State of _____.

- (iii) 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*.
- (e) I am a resident of Hall County and the Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Petition*, and incorporate it here by reference.

3.

Service of Process: The Respondent shall be served as provided by law in the following manner:
 [Check and complete only one of the following options, (a) through (d).]

- (a) 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*.
- (b) The Respondent may be served by the Hall County Sheriff's Office at the Respondent's [residence / work] _____ address in Hall County, which address is:

- (c) The Respondent is living or working in another county or state and I am arranging for service to be made by the sheriff's department of _____ County in the State of _____ at the Respondent's [residence / work] _____ address, which address is: _____
- (d) The Respondent's whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Petition*. The Respondent shall be served by publication as provided under O.C.G.A. § 9-11-4(f)(1). To the best of my knowledge, the Respondent's last known 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.

Minor Child(ren): [You must check and complete (a) or (b) below. You may also select option (c).]

- (a) The Respondent and I have no minor child(ren) together.
- (b) The Respondent and I are the biological/adoptive parents of ____ minor child(ren), listed below:

<u>Name of child(ren)</u>	<u>Sex</u>	<u>Birth Year</u>	<u>Lives with mother, father, other</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(c) [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 of child(ren)</u>	<u>Sex</u>	<u>Birth Year</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 section (c) that the Court enter an order acknowledging the husband, [name] _____, is not the biological and/or legal father of the unborn child(ren) and/or the above-named child(ren), he has never recognized this/these child(ren) as his child(ren) and he has no legal relationship, nor potential rights or obligations arising from any such relationship, to this/these child(ren). Specifically I ask the Court to determine the presumption of legitimacy has been sufficiently disputed under O.C.G.A. § 19-7-20(b) or terminate his presumed parental rights under O.C.G.A. § 19-7-1(b)(8) as in the best interests of the child(ren) for the following reasons:

7.

Child(ren)'s Current Residence: The minor child(ren) (the Parties' biological/adopted child(ren)) currently live(s) at [address]: _____ in _____ County, with the following people [make sure to include your name or your spouse's name, if applicable]: _____ The child(ren) has/have lived at this address since approximately _____.

8.

Child(ren)'s Previous Residences and People with Whom the Child(ren) Has/Have Lived: During the past five years, our child(ren) has/have lived at the following address(es) with the following people: [Start with the **most recent** address and **go back five years**. Attach additional paper if necessary and check the box below.]

Child(ren)'s most recent previous address (other than the address listed above in Paragraph 7):

The child(ren) lived here from _____ to _____ with the following people:
Name(s): _____ Person's current address: _____

[addresses continue on next page]

Next most recent address (if applicable):

The child(ren) lived here from _____ to _____ with the following people:

Name(s):

Person's current address:

Additional paper is attached regarding the child(ren)'s residences in the past five years.

9.

Other Court Cases about the Child(ren): [Check only one of the following options, (a) or (b).]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with our minor child(ren) in this state or any other state.
- (b) I have participated in other litigation concerning the custody of our minor child(ren) in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: _____

_____.

10.

Other Proceedings that Could Affect Custody or Visitation in this Case:

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

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in Georgia or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in Georgia or another state. The court, the case number and the nature of the proceeding are as follows: _____

_____.

11.

Others Claiming Custody or Visitation: [Check and complete only one of the following options, (a) or (b).]

- (a) I do not know of any person who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
- (b) I know of someone who is not a party to this case, who has physical custody of the child(ren), temporary legal guardianship of the child(ren), or who claims to have custody or visitation rights with respect to the child(ren). The names and current addresses of the person(s) are:

_____.

12.

Settlement Agreement:

[Check this option only if you and your spouse have already completed and executed the written agreement included with the pro se packet **WITH ALL OF ITS REQUIRED ATTACHMENTS** – see Instructions.]

- The Respondent and I have entered into a *Settlement Agreement* that resolves all issues of our divorce. It was signed by each of us in front of a notary public. I am filing it with this *Petition* and ask that it be incorporated into the *Final Judgment and Decree for Divorce*. Therefore, Paragraphs 13 through 24 below do not apply. [You may strike through paragraphs 13 through 24.]

13.

Child Custody and Visitation: [Check and complete only one of the options, (a) or (b).]

- (a) Petitioner and Respondent should have the custody and/or visitation arrangement set forth in the *Parenting Plan* attached to this *Petition* as Exhibit “_____”. It is hereby incorporated by reference. I believe this custody and/or visitation arrangement is in the best interests of the child(ren). [**MAKE SURE TO COMPLETE THE PARENTING PLAN.** A form is included in the pro se packet.]
- (b) The child(ren) should be in the full (sole) custody of [name]:
 _____ and Respondent should have no
 visitation with the child(ren) for the following reasons: _____

 _____.

14.

Child Support Determination: [Check and complete only one of the options below, (a) or (b).]

- (a) I am asking the Court to determine child support based on the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “_____”. [**MAKE SURE TO COMPLETE THESE FORMS.** They are **NOT INCLUDED** in this packet. You can find them at: <https://georgiacourts.gov/csc/>] [To complete this section (a), you must also check and complete one of the options below, (i), (ii) or (iii).]
 - (i) There is an existing child support order in effect that applies to the child(ren) in this case. A copy of the order is attached to this *Petition* as Exhibit “_____”.
 - (ii) There are no other orders currently in effect that apply to the child(ren) in this case.
 - (iii) There is a protective order in effect that applies to the parties in this case and concerns the support of the minor child(ren), but it is scheduled to expire _____, 20____. A copy of the order is attached to this *Petition* as Exhibit “_____”.
- (b) This case involves service by publication.

15.

Child Support Arrearage (Past Amount Due): [*Optional* – check this box only if there is an existing child support order in effect and you want the Court to address past due amounts.]

- As of _____, 20____, the Respondent is behind in court-ordered child support payments in the amount of \$_____. A copy of the support order is attached to this *Petition* as Exhibit “_____.” In addition to any child support determination, I am asking the Court to order the Respondent to pay me this past due amount of child support.

16.

Health, Dental and Vision Insurance for the Child(ren):

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

- (a) The following insurance for the child(ren) is available at a reasonable cost to the Respondent through [examples: employer, PeachCare] _____, and he/she should be ordered to obtain such insurance coverage for the minor child(ren): Health (medical, mental health and hospitalization); Dental; and/or Vision. So long as it remains available to the Respondent, he/she should maintain it for the benefit of the minor child(ren) until each child reaches the age of 18, dies, marries, or otherwise becomes emancipated; except that if a child becomes 18 years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued until the child has graduated from secondary school or reaches the age of 20, whichever occurs first.
- (b) I already provide or will provide Health (medical, mental health and hospitalization) Dental and/or Vision insurance for the child(ren) involved in this action through [examples: employer, PeachCare] _____.
- (c) Insurance is not available (other than Medicaid) to either party at a reasonable cost. [The following sentence is optional; strike through it if you do not want it to apply]. If the following insurance coverage later becomes available to either party: Health (medical, mental health and hospitalization); Dental; and/or Vision, then he/she shall obtain that coverage and the cost of maintaining the insurance (the child(ren)'s share) shall be split equally (50/50) between the parties.
- (d) This case involves service by publication.

17.

Uninsured Health Care Expenses for the Child(ren): [Check only one of the options below, (a) or (b).]

- (a) The cost of uninsured medical expenses (including, but not limited to, co-payments, deductibles, and other costs reasonably necessary for orthodontia, dental treatment, asthma treatment, physical therapy, vision care, and any acute or chronic medical or health problem or mental health illness, including counseling or other medical or mental health expenses not covered by insurance) incurred for the child(ren) should be allocated between the parties as follows:
_____.
- (b) This case involves service by publication.

18.

Life Insurance to Support the Child(ren): [Check only one of the options below, (a) through (c).]

- (a) The child(ren) depend on the Respondent for support, and therefore the Respondent should maintain a policy of insurance on the Respondent's life, with a face amount of \$_____, for the benefit of the minor child(ren). The Respondent should maintain the policy for so long as at least one of the child(ren) is a minor or is otherwise entitled to child support.
- (b) I am not asking the Court to address this issue in this case.
- (c) This case involves service by publication.

19.

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

- (a) I am financially dependent on the Respondent and need the Court to order the Respondent to pay alimony for my support.
- (b) I have been awarded spousal support/alimony in a protective order that applies to the parties in this case. It is scheduled to expire _____, 20____. A copy of that order is attached to this *Petition* as Exhibit “____.” I am asking this Court to enter an order providing that the spousal support/alimony awarded in the protective order shall remain in effect for so long as the protective order remains in effect.
- (c) I am not asking for alimony.
- (d) This case involves service by publication.

20.

Income Deduction Order: [You must check and complete only one of the following paragraphs: (a) or (b).]

- (a) I am asking the Court to enter an Income Deduction Order, under O.C.G.A. § 19-6-32, for payment of the child support, alimony (if any), and arrearage payments (if any), provided. I am asking that the Income Deduction Order take effect:
[To finish (a), you must check either (i) or (ii). Do not check both options.]
 - (i) Immediately upon entry by the Court.
 - (ii) Upon accrual of a delinquency equal to one month's support, in which case the Income Deduction Order may be enforced by serving a “Notice of Delinquency,” as provided in O.C.G.A. § 19-6-32(f).
- (b) I am asking the Court not to enter an Income Deduction Order because:
 - (i) The parent obligated to pay support is self-employed or it is not feasible for income to be deducted through an employer.
 - (ii) It is not immediately necessary.
 - (iii) This case involves service by publication.
 - (iv) Support payments are already being deducted for the minor child(ren) pursuant to an existing support order.

21.

Marital Property: [Check only one of the following options, (a) through (d).]

- (a) The Respondent and I have already divided any marital property, and we are both satisfied with the division.
- (b) The Respondent and I do not have any marital property.
- (c) I am asking the Court to award me a fair division of the following property acquired by the Respondent and/or me during our marriage:
 - Home located at: _____
 - Other real estate, located at: _____
 - Mobile home (model: _____, year: _____)
 - Pension or 401(k) (mine, worth \$ _____; Respondent's, worth \$ _____)
 - Motor vehicles:
 - Model/year: _____
 - Model/year: _____
 - Model/year: _____

- Furniture:
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Petition* as “Exhibit ____”.
- Bank accounts and/or other investments: [*Do not list account numbers.*]
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Petition* as “Exhibit ____”.
- Other property:
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Petition* as “Exhibit ____”.
- (d) This case involves service by publication and none of the marital property is located in Georgia.

22.

Separate Property: [*Check and complete only one of the following options, (a) or (b).*]

- (a) I have, in my possession, all of my separate property to which I am entitled to keep.
- (b) I am entitled to keep the following items which constitute separate property, which are not yet in my possession, and I am asking the Court to enter an Order requiring the Respondent to deliver them to me or allowing me to retrieve them from the Respondent upon the entry of a Final Judgment and Decree of Divorce:
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Petition* as “Exhibit ____”.

23.

Joint or Marital Debts: [*Check and complete only one of the following options, (a) through (d).*]

- (a) The Respondent and I have already divided any joint or marital debts, and we are both satisfied with the division.
- (b) The Respondent and I do not have any outstanding joint or marital debts.
- (c) The Respondent and I have outstanding joint or marital debts, and I am asking the Court to make a fair division of these debts:

	<u>Creditor</u>	<u>Balance</u>
Mortgage payments:	_____	_____
Mobile home payments:	_____	_____
Vehicle loan payments:	_____	_____
	_____	_____
	_____	_____
Credit card payments:	_____	_____
	_____	_____

Medical bills: _____

Other debts: _____

(d) This case involves service by publication.

24.

Restraining Order If Violence Has Occurred:

[Read instructions carefully and check the box only if applicable.]

There is a history of physical violence by the Respondent towards me, and I am afraid that the Respondent will engage in further acts of violence or harassment towards me unless the Court enters a temporary and permanent restraining order.

25.

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.

26.

Grounds for Divorce: My grounds for divorce from the Respondent are:

[Check only the options that you can prove at trial.]

(a) **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.

(b) **Other grounds** from list in O.C.G.A. § 19-5-3, as explained here:

_____.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

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

 Petitioner, Pro se [signature above]
 Name [printed]: _____
 Address: _____

 Phone: () _____