

# Hall County

## Divorce with Children

Use these forms at your own risk

In no event will the Court Administrator, Clerk of Court, Family Law Information Center (FLIC) staff or anyone distributing or 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 In addition, due to the changing nature of the law, the information in these instructions and forms may be outdated. You should review any statutes (laws) or rules mentioned in this packet to make sure the forms are current. Ask the advice of a lawyer to protect your legal rights. 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.

**\*\*Mandatory electronic filing effective October 1, 2022\*\***

Visit [www.nejc.org/familylaw](http://www.nejc.org/familylaw) for more information.

Want detailed instructions for these forms?

Go to [www.nejc.org/familylaw](http://www.nejc.org/familylaw) for the *Divorce with Children Instructions* (PDF) or see FLIC for a hard copy.

What services are available?

The Family Law Information Center (FLIC) offers limited help to residents of Hall or Dawson County or people who are eligible to file in Hall or Dawson County (specific types of cases). Free attorney consultations are also available for people who qualify.

Website/Forms:	<a href="http://www.nejc.org/familylaw">www.nejc.org/familylaw</a>
Hours:	8 - 5, Monday through Friday ( <i>closed</i> Friday 11:30 AM to 12:30 PM)
Location:	Hall County Courthouse, 3 <sup>rd</sup> floor (1 <sup>st</sup> office on the right)
Phone:	770 531-2463
Email:	<a href="mailto:nejcflic@hallcounty.org">nejcflic@hallcounty.org</a>
Appointments:	Complete the enclosed <i>Appointment Request Form</i> and deliver it to FLIC by email or in person

## Will this packet work for you?

This packet is for someone filing an unrepresented divorce in **Hall County**, who has **minor children** with his/her spouse. If you and your spouse do not have minor children together, use one of the shorter and simpler packets available in the Clerk's office or on the FLIC website.

Filling out divorce paperwork is extremely complicated. If you fill the forms out incorrectly or leave them incomplete, it can put your rights and your case at risk. **Read the detailed instructions** on the FLIC website ([www.nejc.org/familylaw](http://www.nejc.org/familylaw)) before filling out the forms. Or ask for a hard copy at FLIC.

This packet does not cover every legal issue that may come up in a divorce. There may be better ways to handle your case than using these forms. There are often more issues than you realize.

Even if you have an agreement with your spouse, to protect your legal rights, speak with an attorney experienced in domestic relations (family) law before signing or filing any documents. **The instructions for this packet are no substitute for the advice and help of a lawyer.**

You may *especially* need to hire an attorney to represent you if:

- The case is contested OR an attorney represents your spouse.
- You or your children are victims of family violence by your spouse.
- You want an arrangement for custody/parenting time that does not fit these forms.
- You do not understand how to complete the *Child Support Worksheet*.
- You do not understand how to complete the *Parenting Plan*.
- Someone else has temporary custody or guardianship of your children.
- There is a pending juvenile court case involving the children.
- You have had children with someone other than your spouse during the marriage.
- You are unable to locate your spouse.
- You and/or your spouse have military benefits.
- You and/or your spouse have a house, pension, 401(k), business or large amount of property or income to divide.
- You think you will have a hard time getting financial information from your spouse.
- You have pending criminal charges or a protection order against you.

## Filing and service fees

Call FLIC or the Clerk of Court at (770) 503-3217 for current filing and service fees. If you are serving the Respondent by publication (because his/her location is unknown), there is also a publication fee charged by the newspaper.

There may be additional fees (mediation and parenting class fees), depending on your case.

*Poverty Affidavit:* If you have very little income, and feel you cannot afford to pay the filing and service fees, you can ask the Court to waive the fees. See FLIC for more information.

## Basic Steps

Your case may require different or additional steps.

- ☐ Make an appointment with FLIC. Hall County Superior Courts require that you have your forms reviewed by FLIC before they will assign you a court date, with limited exceptions. It is therefore best to schedule an appointment with FLIC *before* filing to make sure you have your documents in order and to avoid delay. FLIC help is free.
- ☐ Go to [www.nejc.org/familylaw](http://www.nejc.org/familylaw) for detailed packet instructions or ask for a hard copy from FLIC. Carefully read the instructions at least once before filling out the forms.
- ☐ Complete the forms in this packet but don't *sign* your forms before your FLIC appointment. You can have them notarized at FLIC free of charge. If you show up for your appointment without filling out your forms, you will be asked to reschedule.
- ☐ Complete a *Child Support Worksheet* at <https://csconlinecalc.georgiacourts.gov/>. Contact FLIC if you need an appointment to help with this form. Limited legal consultations are available for people who qualify. The worksheet is not included with this packet and it is required in all child custody cases (very limited exceptions), even when you have an agreement.
- ☐ Register for PeachCourt at [www.peachcourt.com](http://www.peachcourt.com). E-filing is mandatory as of October 1, 2022.
- ☐ Come to your FLIC appointment with: 1) your paperwork, 2) your court fees (if you plan to file that day), 3) valid photo ID for notarizing and 4) a USB drive, if possible. FLIC can scan your documents for e-filing if you bring a USB drive. At FLIC you will receive a detailed checklist and instructions for requesting a court date. Some cases do not require formal hearings. See FLIC for details.
- ☐ Electronically file your paperwork using PeachCourt and arrange for sheriff's service (if service is required in your case). FLIC has detailed e-filing instructions to guide you, whether you e-file from your home PC or at the courthouse. The Clerk's office has a free PeachCourt public access terminal (PAT). Filing and service fees still apply.
- ☐ If mediation is required in your case (usually because you do not have a signed *Settlement Agreement*), use the *Mediation Referral Form* to schedule your mediation and attend mediation. If you do not complete this step, your hearing will be postponed.
- ☐ Complete a parenting seminar (required). Approved courses: [www.nejc.org/familylaw/page/forms-and-links](http://www.nejc.org/familylaw/page/forms-and-links). If you do not complete this step, your case will be postponed.
- ☐ Make sure the sheriff's office serves your spouse with the divorce papers. Have your case number ready and check with the Hall County Clerk of Courts (770) 503-3217 or the sheriff's office to confirm.
- ☐ Prepare for and attend your hearing. Or, if your case does not require a hearing, follow any additional instructions given to you by FLIC.
- ☐ File your *Final Judgment and Decree of Divorce* with the *General Civil and Domestic Relations Case Disposition Information Form*.

## Forms to Start your Divorce

Your case may require different or additional forms.

- ☐ *Petition for Divorce with Minor Children*
- ☐ *Parenting Plan*
- ☐ *Child Support Worksheet* (prepared online and printed)
- ☐ *Verification*
- ☐ *Domestic Relations Standing Order and Certificate of Service or Inclusion*
- ☐ *General Civil and Domestic Relations Case Filing Information Form*
- ☐ *State of Georgia Report of Divorce, Annulment or Dissolution of Marriage*
- ☐ *Proposed Rule Nisi* (to request a court date)

If the sheriff is serving your spouse, you may need additional, special forms (see FLIC).

If your spouse has acknowledged service in writing (signed and notarized):

- ☐ *Acknowledgment of Service*

If you are serving your spouse by publication:

- ☐ *Affidavit of Diligent Search*
- ☐ *Order of Publication* (see FLIC)
- ☐ *Notice of Publication* (see FLIC)

AND, if you have an agreement with your spouse:

- ☐ *Settlement Agreement* (with any exhibits)
- ☐ *Parenting Plan*
- ☐ *Child Support Addendum*
- ☐ *Child Support Worksheet* (prepared online and printed)
- ☐ *Agreement to Try* (see FLIC)

## Additional Forms for Contested Cases

- ☐ *Domestic Relations Financial Affidavit and Certificate of Service*
- ☐ *Mediation Referral Form*

## Forms to Finish your Case

- ☐ *General Civil & Domestic Relations Case Disposition Information Form*
- ☐ *Income Deduction Order* (for child support or alimony paycheck deductions – see FLIC)
- ☐ *Final Judgment and Decree of Divorce*

## Want to finish your case without a formal hearing?

If you have a signed *Settlement Agreement* (with all the proper legal forms attached), and there are no complicated issues in your case, it may be possible to finish your case without a hearing. There are more steps and paperwork involved. See FLIC for details and forms.