

IN THE SUPERIOR COURT OF FLOYD COUNTY,  
STATE OF GEORGIA

_____	)	
<b>Plaintiff</b> (person starting this case),	)	
	)	<b>CIVIL ACTION FILE</b>
v.	)	
	)	No. _____
_____	)	
<b>Defendant</b> (other spouse).	)	

**PETITION FOR DIVORCE WITH MINOR CHILDREN**

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 Plaintiff in this action and:  
[*Check only one of the following, either (a) or (b).*]

- (a) I am a resident of \_\_\_\_\_ County, Georgia, and I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.
  
- (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. **Venue:** My spouse's name is \_\_\_\_\_ and he/she is the Defendant in this action.

[*Check only one of the following, either (a), (b), (c), (d), or (e) If none of these applies to your case, you should consult a lawyer to find out whether or not you can file for divorce in Floyd County.*]

- (a) The Defendant is a resident of Floyd County, Georgia and is subject to the jurisdiction of this Court.
  
- (b) The Defendant is a resident of Georgia in \_\_\_\_\_ County, but the Defendant and I lived together in Floyd County at the time we separated, I still reside in Floyd County, and the Defendant has only moved away from Floyd County within the past six (6) months before the date of my filing of this action.

- (c) The Defendant is a resident of Georgia in \_\_\_\_\_ County, and I live in Floyd County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (d) The Defendant is not a resident of the State of Georgia, but I am a resident of Floyd County, Georgia and: [**Check only one** of the following, either (1), (2), or (3).]
  - (1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of \_\_\_\_\_. The Defendant is subject to the personal jurisdiction of this Court under Georgia’s Long Arm Statute O.C.G.A. § 19-5-91(5).
  - (2) The Defendant has never resided in the State of Georgia and currently resides in the State of \_\_\_\_\_.
  - (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (e) I am a resident of Floyd County, Georgia and the Defendant’s location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her.

3. **Service of Process:** The Defendant shall be served, as provided under O.C.G.A. § 9-11-4, in the following manner:

[**Check only one** of the following, either (a), (b), or (c).]

- (a) The Defendant has acknowledged service of process. I am filing the *Acknowledgement of Service* (which has been signed by the Defendant) with this *Divorce Petition*.
- (b) The Defendant may be served by the Sheriff’s Department at the Defendant’s residence/work address, which is: \_\_\_\_\_  
\_\_\_\_\_.
- (c) The Defendant’s location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her. The Defendant shall be served by publication as provided under O.C.G.A. § 9-11-4. To the best of my knowledge, the Defendant’s last known address is: \_\_\_\_\_  
\_\_\_\_\_.

4. **Date of Marriage:** [*Check and complete only one of the following.*]

- (a) The Defendant and I were lawfully married on \_\_\_\_\_.
- (b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife since \_\_\_\_\_, which date was prior to January 1, 1997.

5. **Date of Separation:** The Defendant and I last separated on \_\_\_\_\_, and we have remained in a true state of separation since that date.

6. **Settlement Agreement:** [*Check only if there is a signed agreement*]

- The Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* and the *Parenting Plan* has been signed by each of us in front of a notary public and I am filing that document with the Court.

7. **Minor Children:** [*Check any that apply.*]

- (a) The Defendant and I do not have any minor children together.

[**STOP** – If you and the Defendant DO NOT HAVE any minor children together, you must use the *Petition for Divorce without Minor Children* form.]

- (b) The  Plaintiff  Defendant is pregnant. The baby is due on \_\_\_\_\_
- (c) The Defendant and I are the parents of \_\_\_\_\_ minor children, listed below:

<u>Name of Child</u>	<u>Year of Birth</u>	<u>Child Lives With</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- (d) The  Plaintiff  Defendant **is not** the biological or adoptive parent of the following children that are listed above: \_\_\_\_\_  
\_\_\_\_\_.

8. **Minor Children's Current Residence:** The minor children currently live at \_\_\_\_\_ (address) in \_\_\_\_\_ (county), \_\_\_\_\_ (state) with \_\_\_\_\_. The children have lived at this address since approximately \_\_\_\_\_.

9. **Minor Children's Past Residence:**

During the past three years, the minor children have lived with the following people at these addresses:

<u>Dates</u>	<u>Name of Person</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. **Other Court Cases Involving the Minor Children:**

- (a) I have never participated as a party, witness, or in any other capacity in any other litigation concerning the custody of and/or visitation with the minor children.
- (b) I have participated in other litigation concerning the custody of and/or visitation with the minor children. The court, case number, and date of any court order are: \_\_\_\_\_
- (c) I have information about a proceeding that could affect this case. The court, case number, and nature of the proceeding are as follows: \_\_\_\_\_

11. **Others Claiming Custody or Visitation:** [*Check one of the following*]

- (a) I do not know of any person who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children.
- (b) I know of a person(s) who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children. Their names and address are: \_\_\_\_\_

12. **Child Custody and Visitation:** I believe that the following custody arrangement is in the best interest of our minor children: [*Check only one*]

- (a) I should have sole legal and physical custody.
- (b) The Defendant and I should share joint legal custody but I should have primary physical custody and the Defendant should have visitation.
- (c) The Defendant and I should share joint legal custody but the Defendant should have primary physical custody and I should have visitation.
- (d) Other custody arrangement: \_\_\_\_\_  
\_\_\_\_\_.

13. **Parenting Plan:** I understand that I am required to prepare and file a parenting plan before my divorce can be finalized.

14. **Child Support:** [*Check all that apply*]

- (a) The Defendant has income or is capable of earning sufficient money to help support our children.
- (b) I have income or I am capable of earning sufficient money to help support our children.
- (c) The Court should order the  Plaintiff  Defendant to pay child support.
- (d) The Required **Child Support Worksheets** has been submitted with this divorce.
  - *See Georgia Child Support Commission's website at <http://csc.georgiacourts.gov/>*
- (e) The issue of child support cannot be decided in this action.

15. **Health Insurance for Children:** [*Check only one of the following*]

- (a) The Defendant should be ordered to maintain a policy for medical, dental, and hospitalization insurance for the minor children.
- (b) I already provide health insurance for the minor children.
- (c) I am not asking the Court to address this issue.

**16. Other Medical Expenses for Children:** [*Check only one of the following.*]

- (a) The Defendant should be responsible for all the minor children's medical expenses not covered by insurance.
- (b) Both the Defendant and I should share the minor children's medical expenses not covered by insurance.
- (c) I am not asking the Court to address this issue.

**17. Life Insurance to Support Children:** [*Check only one of the following.*]

- (a) The minor children depend on the Defendant for support and, thus, the Defendant should maintain a policy of insurance on the Defendant's life, with a face amount of \$\_\_\_\_\_, for the benefit of the minor children. The Defendant should maintain the policy until our youngest child reaches the age of majority or is otherwise no longer entitled to child support.
- (b) I am not asking the Court to address this issue.

**18. Alimony:** [*Check only one of the following*]

- (a) I am not asking for alimony.
- (b) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

**19. Marital Property** [*Check only one of the following, either (a), (b), (c), or (d).*]

- (a) The Defendant and I have already divided our marital property and we are both satisfied with the division.
  - All of our property is listed in our *Settlement Agreement*.
- (b) The Defendant and I did not acquire property during our marriage.
- (c) The Defendant and I acquired the following property during our marriage, and I am asking for a fair division of this property.

- House located at \_\_\_\_\_  
\_\_\_\_\_
- Other real estate, located at: \_\_\_\_\_
- Motor vehicle (model & year): \_\_\_\_\_
- Motor vehicle (model & year): \_\_\_\_\_
- Bank accounts and/or other investments: \_\_\_\_\_  
\_\_\_\_\_
- Pension (mine is worth \$\_\_\_\_\_ ; Defendant's is worth \$\_\_\_\_\_ )
- Furniture: \_\_\_\_\_  
\_\_\_\_\_
- Other property: \_\_\_\_\_  
\_\_\_\_\_
- I have listed additional property on a separate paper that I have attached to this *Divorce Petition*.

- (d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

**20. Joint or Marital Debts:** [*Check only one of the following*]

- (a) The Defendant and I do not have any outstanding debt together.
- (b) The Defendant and I have the following outstanding debts together and the responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- I have listed additional joint or marital debts on a separated paper that I have attached to this *Divorce Petition*.
- (c) The issue of dividing joint and marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

**21. Restore Former Name:** [*If applicable.*]

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

22. **Grounds for Divorce:** [*Check the ones that you can prove at trial.*]

- (a) **Our marriage is irretrievably broken** – The Defendant and I can no longer live together and there is no hope that we will get back together.
- (b) **Cruel Treatment** – The Defendant committed the following acts of cruel treatment toward me: \_\_\_\_\_  
\_\_\_\_\_.
- (c) **Adultery** – The Defendant has had sexual intercourse with someone else during our marriage.
- (d) **Desertion** – The Defendant had intentionally and continually deserted me for at least a year.
- (e) **Other grounds** from list in O.C.G.A. § 19-5-3, as explained here: \_\_\_\_\_  
\_\_\_\_\_.

**FOR THESE REASONS, I REQUEST:** [*Check all that apply.*]

- (a) That I be granted a total divorce from the Defendant;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the custody and visitation for the child(ren) be ordered according to the *Parenting Plan* filed with this Complaint;
- (d) That child support, insurance, medical expenses for the children be ordered according to Paragraphs 14 through 17 of this Complaint;
- (e) That the Defendant be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 9;
- (g) That our joint or marital debts be divided according to Paragraph 10;
- (h) That my former name be restored;
- (i) That the Rule Nisi be issued requiring the Defendant to appear before the Court to show cause why the relief sought should not be granted;
- (j) That the Court order any and all other relief that the Court finds appropriate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff, Pro se [*Signature*]

Name [*Print*]: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_