

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____,

Plaintiff,

v.

_____,

Defendant.

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Civil Action No. _____

COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

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

1.

Subject Matter Jurisdiction (Check only one of the following):

(a) 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 the filing of this action.

2.

Venue (Check only one of the following):

(a) The Defendant is a resident of the county where this action is filed and is subject to the jurisdiction of this Court.

(b) The Defendant is no longer a resident of the county where this action is being filed but still lives in Georgia. The Defendant and I lived together in this county at the time

we separated. I still reside in this county and the Defendant has only moved away from this county within the past six months before the date of my filing this action.

(c) The Defendant is a Georgia resident but does not live in the county where this action was filed. I live in the county where this action was filed and 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 the County where this action is being filed: (check only one of the following)

(1) The Defendant lives in the State of _____ and the Defendant was formerly a resident of the State of Georgia and is subject to the jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).

(2) The Defendant lives in the State of _____ and the Defendant has never resided in the State of Georgia.

(3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(e) I am a resident of the County where this action is being filed and the Defendant's whereabouts are unknown to me. I am filing my Affidavit of Due Diligence with this Complaint, and incorporate it here by reference.

3.

Service of Process (check only one)

(a) The Defendant has acknowledged service of process. I am filing the Acknowledgment of Service (which has been signed by the Defendant) with this Complaint.

(b) The Defendant may be served by the Sheriff's Department of the County where this action is being filed at the Defendant's residence /work address, which is:

(c) The Defendant's whereabouts are unknown to me. I am filing my Affidavit of Diligent Search with this Complaint. The Defendant shall be served by publication as provided under O.C.G.A. § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known address is:

(d) Other:

4.

Date of Marriage (Check and complete only one)

The Defendant and I were lawfully married on _____.

5.

Date of Separation

The Defendant and I separated on _____ and we have remained in a bona fide state of separation since that date.

6.

Settlement Agreement (Check only one)

(a) The Defendant and I have entered into a Settlement Agreement, which we both want to be incorporated into the Final Judgment and Decree of Divorce. The Settlement Agreement has been signed by each of us in front of a notary public, and I am filing the Settlement Agreement with the Court, together with this Complaint.

(b) The Defendant and I have **not** entered into a Settlement Agreement. I acknowledge that pursuant to the Atlantic Circuit's Standing Order Mandating Alternative Dispute Resolution, I am required to either submit this case to mediation or be exempted from the Order's requirement. I further acknowledge that any exemption must be signed by the Circuit's ADR Director.

7.

Minor Children (check all that apply)

(a) The Plaintiff Defendant is pregnant. The baby is due on _____.

(b) The Plaintiff Defendant is the biological parent of (or has legally adopted) the minor child(ren) listed below who was/were born before or during the marriage:

Name of Child	Sex	Year of Birth	Lives with

(c) The Plaintiff Defendant is not the biological parent of the minor child(ren) listed below who was/were born during the marriage:

Name of Child	Sex	Year of Birth	Lives with

8.

Child(ren)'s Current Residence

Child(ren)'s current address: _____

City, State ZIP: _____

County: _____

The child(ren) has/have lived at _____

since approximately (month and year).

9.

Children's Past Residences

During the past five years, the child(ren) has/have lived at the following addresses:

Date at Address	Address

10.

People With Whom Children Have Lived

During the past five years, the children have lived with the following people:

Name of Person	Current Address

11.

Other Court Cases About the Children (check only one)

(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 the minor child(ren) in this or any other state.

(b) I have participated in other litigation concerning the custody of the minor children 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:

Court	Case Number	Date of Order

12.

Other Proceedings That Could Affect Custody or Visitation in This Case (Choose only one)

(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 this 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 this or another state. The court, the case number and the nature of the proceedings are as follows:

Court	Case Number	Type of Case

13.

Others Claiming Custody or Visitation (Choose only one)

(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 children or who claims to have custody or visitation rights with respect to the children. The names and current addresses of the person(s) are as follows:

Name of Person	Current Address

14.

Child Custody and Visitation (Choose only one)

I am a fit and capable parent, and I believe that the following custody arrangement is in the best interest of the child(ren):

(a) I should have 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:

15.

Child Support (Choose only one)

- (a) The Defendant has income or is capable of earning sufficient money to contribute support the minor child(ren).
- (b) I have income or am capable of earning sufficient money to contribute support the minor child(ren).

16.

Health Insurance for Children (Choose only one)

- (a) The Defendant should be ordered to maintain a policy for medical, dental and hospitalization insurance for the minor child(ren).
- (b) I already provide health insurance for the child(ren), and the Defendant should be required to reimburse me for a fair share of the cost each month.
- (c) I already provide health insurance for the child(ren), and I agree to continue providing health insurance for the child(ren).

17.

Other Medical Expenses for the Child(ren) (Choose only one)

- (a) The Defendant should be responsible for all expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.

(b) The Defendant and I should share the cost of expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.

18.

Life Insurance to Support the Child(ren) (Choose only one)

(a) The child(ren) depend on the Defendant for support, and therefore the Defendant should maintain a policy of insurance on the Defendant's life, for the benefit of the minor child(ren). The Defendant 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.

19.

Alimony (Choose only one)

(a) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.

(b) I am not asking for alimony.

20.

Marital Property (Choose only one)

(a) The Defendant and I have already divided our marital property and we are both satisfied with the division.

(b) The Defendant and I have not obtained any property during our marriage.

(c) The Defendant and I have obtained the following property during our marriage, and I am asking for a fair division of this property. All of our property is listed on a separate sheet attached to this Complaint.

21.

Joint or Marital Debt (Choose only one – do not include account numbers)

- (a) The Defendant and I do not have any outstanding joint or marital debts.
- (b) The Defendant and I have the following outstanding joint or marital debts,

and the responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

Attach an additional sheet of paper, if necessary.

22.

Restraining Order (Check only if applicable)

There is a history of physical violence by the Defendant toward me, and I am afraid that the Defendant will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order. I hereby request and give my consent for the Court to enter a mutual restraining order.

Restore Former of Maiden Name (Check only if applicable)

I am asking the Court to restore my former or maiden name, which is:

_____.

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

FOR THESE REASONS I REQUEST THE FOLLOWING RELIEF: (check all that apply)

(a) That process and summons issue as provided by law;

(b) That Defendant be served with a copy of this Complaint;

(c) That I be granted a total divorce from the Defendant, that is to say a divorce *a vinculo matrimonii*;

(d) That the Settlement Agreement signed by the parties be incorporated into the Final Judgment and Decree of Divorce.

(e) That the custody and visitation for the child(ren) be ordered as set forth above;

(f) That child support, health insurance, medical expenses and life insurance for the support of the child(ren) be ordered as set forth above.

(g) That the Defendant be ordered to pay me alimony for my support;

(h) That our marital property be divided as set forth above;

(i) That our joint or marital debts be divided as set forth above;

(j) That the Court enter a mutual restraining order enjoining and restraining the parties from doing or threatening to do any act of injury, maltreating, harassing, harming, or abusing the other party;

(k) That my former or maiden name be restored to be as set forth above;

(l) That the Court order any and all other relief that the Court deems proper.

Date: _____

Plaintiff Pro Se (Signature)

Name: _____

Address: _____

Phone: _____

E-mail: _____

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STATE OF GEORGIA

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Civil Action No. _____

VERIFICATION

I am the Plaintiff filing this action. I swear and affirm that I have read the Complaint for Divorce with Minor Children and that the facts contained within my Complaint are true and correct.

Plaintiff (Signature)

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

NOTARY PUBLIC