

CONTESTED DIVORCE WITH MINOR CHILDREN PACKET

This forms packet is designed to guide you in the preparation of your divorce papers. You must fill in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet. If you do not have access to a typewriter, you may fill in the blanks by hand, in neat print, using BLACK ink.

You should fill in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures by the Notary Public and the Judge.

In the Complaint and the Settlement Agreement, there are some sections that have two possible answers, separated by an [OR]. In these sections, you must choose which of the two choices fits best in your situation, and then include only that choice in your documents. The other choice should be ignored, and should not be included in your documents.

Make sure that everything is signed. All signatures that require notarization must be notarized before your documents will be approved for filing.

Court personnel are not allowed to answer any questions concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. Divorce can be very complicated. The only person allowed to help you in the preparation of these forms is a licensed attorney. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

YOU MAY NEED AN ATTORNEY IF:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.
- Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.

In the packets for marriages with children, there is a form called the Domestic Relations Financial Affidavit. Each party will have to have one of these forms filled out prior to the final hearing on the divorce.

If the Defendant has filed an acknowledgment of service, then each party must submit their Domestic Relations Financial Affidavit at the time the case is filed.

If the Defendant does not file an acknowledgement of service, and the Sheriff has to serve a copy of the complaint and summons on the Defendant, the Plaintiff must still file a copy of the Domestic Relations Financial Affidavit with his or her complaint. The Defendant should be served with a copy of the Domestic Relations Financial Affidavit along with the complaint and summons.

Remember, you must fully complete the forms before the Judge will be able to grant you a decree of divorce. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your divorce. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

COMPLAINT FOR DIVORCE

Plaintiff, _____ [Name], comes before
this Court and shows this Court as follows:

1.

Subject Matter Jurisdiction (Check only one: a or b)

- a) Plaintiff is a resident of _____ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.
- b) Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the state of Georgia and the county of _____ for at least six (6) months prior to my filing this action.

2.

Venue (Check only one: a, b, c, d, e or f)

- a) Defendant is a resident of _____ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.
- b) Defendant is a resident of _____ County, _____ (state) and has signed an ACKNOWLEDGEMENT OF SERVICE AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION.

c) Defendant is a resident of _____ County, Georgia and may be served at his/her residence/work address of:

_____.

d) The Defendant is a resident of _____ County, Georgia but Defendant and I lived together in _____ County at the time we separated, Defendant has only moved from _____ County within the past six months from the date of this filing, and I am a resident of _____ County. Defendant shall be served by second original at his/her home/work address of

_____.

e) The Defendant is a resident of Georgia, but his/her whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Defendant shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Defendant, which is

_____.

within 15 days of the filing of the Order for Service by Publication.

f) Defendant is not a resident of the State of Georgia, but I am a resident of _____ County Georgia and (Check 1, 2, 3 or 4)

1. The Defendant was formerly a resident of the State of Georgia and presently is a resident of the State of _____. Defendant may be served by a second original pursuant to the Long Arm Statute, O.C.G.A. §

9-10-91(5). Defendant may be served at the following address:

2. The Defendant's whereabouts are unknown to me as shown by my Affidavit of Due Diligence, attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-10-91(5). The clerk shall mail a copy of the Notice, Order for Service

3.

Date of Marriage (Check only one: a or b)

- a) Plaintiff and Defendant were lawfully married on _____
in _____ County, _____ (State).
- b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of _____
in _____ County, _____ (State).

Note: Common law marriage was abolished in Georgia in 1997.

4.

Date of Separation

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

5.

Children born of the marriage

- There are _____ minor children born of the marriage.

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

6.

Grounds for Divorce (Check one or more grounds that you can prove)

Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that:

The marriage is **irretrievably broken** and there is no hope of reconciliation, under O.C.G.A. § 19-5-3(13). [*This is the no-fault divorce provision.*]

Cruel Treatment. My spouse committed the following acts of cruel treatment to me such that I am afraid he/she will hurt me in the future:

Adultery. My spouse has had sexual intercourse outside the marriage.

Desertion. On or about _____ (date), my spouse, without just cause or reason, intentionally abandoned and deserted me for a period of at least one year as follows:

Intermarriage. My spouse and I are related as follows:

Mental incapacity. I did not have the mental capacity to enter into a marriage when we married because _____

Impotency. My spouse was impotent at the time of our marriage, and I was not aware of this.

Force, menace, duress, fraud in obtaining the marriage. I entered this marriage against my will as a result of _____

Pregnancy of the wife at the time of the marriage unknown to the husband. I did not know that my spouse was pregnant by another man when we got married.

Conviction of party for an offense involving moral turpitude. On or about _____, my spouse was sentenced to serve at least two years in the penitentiary for the following:

Habitual intoxication. My spouse is repeatedly intoxicated.

My spouse has been adjudged mentally ill by a court of competent jurisdiction. My spouse has been confined in an institution for the mentally ill for a period of at least two years immediately preceding this action. My spouse's mental illness has been determined to be incurable by competent examiners, and I have attached a certified statement that it is this person's opinion that my spouse is hopelessly and incurably mentally ill.

Habitual Drug Addiction. My spouse is addicted to drugs as follows:

7.

Alimony (Check only one: a, b or c)

- a) I am seeking temporary alimony which will last until the date of the final decree of divorce. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- b) I am seeking temporary and permanent alimony which will last until I remarry or until my former spouse or I should die. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- c) I voluntarily waive alimony.

8.

Marital Property (Check only one: a, b or c)

- a) Defendant and I have no marital property.
- b) Defendant and I have already divided our marital property to our mutual satisfaction.
- c) Defendant and I have the following marital property that I have checked, and I am seeking an equitable division of this property.
 - A house located at _____.
A notice of Lis Pendens is attached hereto as Exhibit “_____.”
 - Pension(s): Mine _____ My spouse’s _____.
 - Motor vehicles (list make, model & year):

- Furniture (list or attach list):

- Bank accounts and investments (list or attach list)

- Other: _____.

9.

Joint Debts (Check only one: a or b)

- a) Defendant and I have no joint outstanding debts.
- b) Defendant and I have the following debts. I have indicated which party should be responsible for each debt. The responsible party will indemnify and hold harmless the non-responsible party for any collection on these obligations.

Creditor	Amount	Responsible Party

10.

Name Restoration

My former name is _____, and I request that it be restored to me.

11.

Child(ren)'s Past Living Arrangements

For the past five years, the children lived at the following addresses with the following persons:

Address	Dates	Lived With

12.

Other actions involving the children (Choose only one: a or b)

(Please tell the court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named above, and knows of no proceeding concerning the minor children in this or any other state. No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

- b) The minor children have been involved in the following actions:
(Please tell the court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

County/State/Court	Type of Custody Action	Date Filed	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13.

Other Parties with a Custody Claim (Choose only one: a or b)

- a) I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.
- b) The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

Name	Claim
_____	_____
_____	_____
_____	_____

14.

Child Custody (Choose only one: a, b or c)

- a) Plaintiff and Defendant are both fit to share both temporary and permanent joint legal custody of the minor child(ren). It is in the best interest of the minor child(ren) for _____ to have primary physical custody. The

parties shall share decision making concerning the child (ren); however, in the event the parties cannot decide, the Husband/ Wife shall have the final decision concerning

b) It is in the best interest of the minor child(ren) for _____ to have legal custody and _____ to have physical custody.

c) It is in the best interest of the minor child(ren) for _____ to have both legal and physical custody because:

15.

Visitation (Choose only one: a or b)

a) Plaintiff requests that the Defendant be awarded visitation with the minor child(ren) as follows (or attach a schedule):

-
-
- b) The proposed visitation schedule is attached as Exhibit “_____.”

16.

Child Support Amount

Please go to <http://www.georgiacourts.org/csc/> and complete the Child Support Worksheet.

- The Husband/Wife shall pay to the Husband/Wife, as support of the minor child(ren), the sum of \$ _____ * per week/ bi-weekly/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:
-

*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

17.

Child Support Method of Payment (Choose only one: a or b)

- a) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff at the following address:
-
- b) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff by the Defendant’s employer via an income deduction order. The Plaintiff’s address is:
-
- c) Plaintiff asks that all payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

18.

Health Insurance

- The Plaintiff asks that _____ shall be required to maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. The Plaintiff asks that costs not covered under the insurance policy shall be divided as follows:
-
-

The Plaintiff asks that _____ shall provide him / her with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the Plaintiff in submitting claims under the policy.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court grant temporary and permanent custody as requested in this matter;
- c) That the Court order an equitable division of property;
- d) That the Court award temporary and permanent alimony;
- d) That the court award an equitable division of the parties' property;
- e) That the court award the Plaintiff temporary use and possession of the formal marital residence located at _____.
- f) That the court award the Plaintiff temporary use and possession of the vehicle described as follows: _____.
- g) That the Plaintiff have such other and further relief as the Court deems equitable and just.

Respectfully submitted this the _____ day of _____, 20____.

_____,
/S/ Plaintiff *pro se* [Sign here]

Address: _____

Telephone number(s): _____

Exhibit “_____”

VISITATION SCHEDULE

The non-custodial parent is _____.

The custodial parent is _____.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- C. During odd numbered years (2009, 2011, etc.) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- F. The Mother shall have the minor child on Mother’s Day.
- G. The Father shall have the minor child on Father’s Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

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

Notary Public, State of Georgia

My Commission Expires: _____

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

**DEFENDANT’S ACKNOWLEDGEMENT OF SERVICE
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

I, _____, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of _____ County, _____ (state), and that the Plaintiff in the above-styled case is a resident of _____ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this superior court.

This _____ day of _____, 20_____.

Defendant Affiant
[Sign in the presence of a Notary Public]

Notary Public

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

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

)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
)	
)	
Defendant.)	

RULE NISI WITH TEMPORARY RESTRAINING ORDER

The within and foregoing Complaint having been read and considered, the same is Allowed, Ordered and Filed; and let a copy thereof be served upon the Defendant as required by law.

Plaintiff is hereby awarded temporary use and possession of the former marital residence located at _____ Defendant is ordered to vacate the residence upon service. Defendant shall be allowed to take with him his clothing and other purely personal items. Defendant is ordered to surrender all keys to the marital residence to the serving Deputy.

Defendant is hereby restrained and enjoined from coming about, calling or otherwise contacting the Plaintiff in any fashion at any location.

Plaintiff is hereby awarded temporary custody of the minor children of the parties:

(list names and birthdates).

Plaintiff is hereby awarded temporary use and possession of the _____ vehicle. Defendant is ordered to surrender all keys to the _____ vehicle to the serving Deputy.

Defendant is hereby ordered, pursuant to Rule 24.2 of the Uniform Rules of Superior Court, to serve upon the Plaintiff 1) a Financial Affidavit upon Plaintiff, 2) each of the Child Support Schedules and Worksheets which can be completed at www.georgiacourts.org/csc, and 3) proof of income such as federal income tax returns, no later than five (5) days prior to the temporary hearing in this matter.

Let the Defendant show cause before me on the ____ day of _____, 20____, at my office in the Courthouse in _____ County, Georgia at ____ o'clock __.m., why the prayers of Plaintiff for temporary relief should not be granted as requested.

In the meantime and until further order of this Court, each Party is restrained and enjoined from molesting, harassing, or harming the other Party or the minor child(ren), born as a result of this marriage in any way; from following the other Party; from interfering with the personal property held by the other Party; or from entering the other Party's dwelling house.

SO ORDERED this _____ day of _____, 20_____.

JUDGE, Superior Courts

Judicial Circuit

Presented by:

Plaintiff *pro se* [Sign here]

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
v.)
_____,) Civil Action File No. _____
Defendant)
)

MOTION FOR SERVICE BY PUBLICATION

Comes plaintiff, pursuant to O.C.G.A. § 9-10-71, and moves the court for an order directing that service on the defendant be made by publication upon the grounds that he/she cannot, after due diligence, be found within the state, as more fully appears from the affidavit filed herewith and attached hereto.

Plaintiff *pro se*

Address: _____

Telephone Number(s) _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
v.)
_____,) Civil Action File No. _____
Defendant)
)

AFFIDAVIT OF DUE DILIGENCE--SERVICE BY PUBLICATION (O.C.G.A. §9-11-4(e))

Personally appeared _____, who, after being duly sworn, states:
That the Defendant resides outside the State of Georgia, and his/her last known address is

_____.

--or--

That the Defendant has departed from the State of Georgia or cannot after due diligence be found within the state. The Defendant's last known address is

_____.

--or--

The last known residence of the Defendant was outside the State of Georgia at _____ on _____, 20___. The Defendant no longer resides at the foregoing address, nor within the State of Georgia, to the best of Affiant's knowledge, and the present address or whereabouts of the Defendant is unknown to the Affiant.

--or--

The affiant has made a diligent effort to locate defendant by:

And cannot find defendant within this state for the reason that defendant has concealed himself by:

Affiant has no knowledge as to the present residence or whereabouts of the defendant.

The affiant has made the following efforts to find the Defendant (check all that apply)

Checking with the Defendant's friends and relatives

Names, addresses, and telephone numbers of everyone plaintiff contacted:

Contacting the Defendant's former landlord

Name, address, & telephone number of former landlord:

Checking telephone information and directories

List which directories you checked:

Attempting to have Defendant served at his/her last known address, which is listed above

Other: _____

Plaintiff *pro se*

[Sign in the presence of a Notary Public]

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

Notary Public

Use this form if you do not know where the Defendant lives and cannot find the Defendant to have him or her served.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
)
v.)
)
_____,)
Defendant)
)

Civil Action File No. _____

ORDER FOR SERVICE BY PUBLICATION

Plaintiff having moved the Court for an order directing service to be made upon defendant _____ in the above-styled action by publication of summons, and it appearing to the Court from the verified Complaint and Affidavit in support of such motion that defendant is a nonresident and that the action is an action in which a defendant may be served by publication pursuant to O.C.G.A. § 9- 10-71, it is

ORDERED, that service upon _____ be made by publication as provided by law.

This _____ day of _____, 20 _____.

JUDGE, Superior Courts

Judicial Circuit

Presented by:

Plaintiff *pro se* [Sign here]

Use this form if you do not know where the Defendant lives and cannot find the Defendant to have him or her served.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,)

v.

_____,
Defendant)

) Civil Action File No. _____
)
)

NOTICE OF SUMMONS—SERVICE BY PUBLICATION

TO: _____, Defendant Named Above:

You are hereby notified that the above-styled action seeking

_____ [state the relief sought] was filed
against you in said court on _____, 20 ____, and that by reason of an order for service of
summons by publication entered by the court on _____. 20__ you are hereby
commanded and required to file with the clerk of said court and serve upon _____,
plaintiff, whose address is _____, an answer to the complaint
within sixty (60) days of the date of the order for service by publication. If you fail to do so,
judgment by default will be taken against you for the relief demanded in the complaint.

Witness the Honorable _____, Judge of said Court.

This the _____ day of _____, 20 _____.

Clerk of Superior Court
_____, County

In the Superior Court of _____ County, Georgia

_____, Plaintiff)
vs.) Civil Action No. _____
_____, Defendant)
)

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF PLAINTIFF

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

Name	Date of Birth	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and birth dates of affiant's other children:

Name	Date of Birth	<u>Resides with</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ _____

(b) Net monthly income (from item 3C) _____

(c) Average monthly expenses (item 5A) \$ _____

Monthly payments to creditors + _____

Total monthly expenses and payments
to creditors (item 5C) _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

B. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.)

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
<u>Tax Refund owed you:</u>	\$ _____	_____	_____	_____

Real Estate:

home:	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
other:	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
Automobiles/Vehicles:					
<u>Vehicle 1:</u>	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
<u>Vehicle 2:</u>	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
Life Insurance (<u>net</u> cash value):	\$	_____	_____	_____	_____
Furniture/furnishings:	\$	_____	_____	_____	_____
Jewelry:	\$	_____	_____	_____	_____
Collectibles:	\$	_____	_____	_____	_____
Other Assets:	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
Total Assets:	\$	_____	_____	_____	_____

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments	\$	_____	Cable TV	\$	_____
Property taxes	\$	_____	Misc. household and grocery Items	\$	_____
<u>Homeowner/Renter</u> Insurance	\$	_____	Meals outside the home	\$	_____
Electricity	\$	_____	Other	\$	_____
Water	\$	_____	AUTOMOBILE		
Garbage and Sewer	\$	_____	Gasoline and oil	\$	_____

Telephone:		Repairs	\$ _____
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<u>OTHER VEHICLES</u>	
		<u>(boats, trailers, RVs, etc.)</u>	
Repairs and maintenance:	\$ _____	<u>Gasoline and oil</u>	\$ _____
Lawn Care	\$ _____	<u>Repairs</u>	\$ _____
Pest Control	\$ _____	<u>Tags and license</u>	\$ _____
		<u>Insurance</u>	\$ _____

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

Child care <u>(total monthly cost)</u>	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
<u>Tutoring</u>	\$ _____	<u>Medical, dental, prescription</u> <u>(out of pocket/uncovered expenses)</u>	\$ _____
<u>Private lessons (e.g., music, dance)</u>	\$ _____	Affiant's gifts (special holidays)	\$ _____
School supplies/expenses	\$ _____	Entertainment	\$ _____
Lunch Money	\$ _____	<u>Recreational Expenses (e.g.,</u> <u>fitness)</u>	\$ _____
<u>Other Educational Expenses (list)</u>		Vacations	\$ _____
_____	\$ _____	<u>Travel Expenses for Visitation</u>	\$ _____
_____	\$ _____	Publications	\$ _____
Allowance	\$ _____	Dues, clubs	\$ _____
Clothing	\$ _____	Religious and charities	\$ _____
Diapers	\$ _____	<u>Pet expenses</u>	\$ _____
<u>Medical, dental, prescription</u> <u>(out of pocket/uncovered expenses)</u>	\$ _____	Alimony paid to former spouse	\$ _____
Grooming, hygiene	\$ _____	Child support paid <u>for other</u> <u>children</u>	\$ _____
Gifts <u>from children to others</u>	\$ _____	<u>Date of initial order:</u>	_____

Entertainment \$ _____ Other (attach sheet) \$ _____

Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____

Summer Camps \$ _____

OTHER INSURANCE

Health \$ _____
 Child(ren)'s portion: \$ _____

Dental \$ _____
 Child(ren)'s portion: \$ _____

Vision \$ _____
 Child(ren)'s portion: \$ _____

Life \$ _____
 Relationship of Beneficiary: _____

Disability \$ _____

Other(specify): \$ _____

TOTAL ABOVE EXPENSES \$

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES:
\$ _____

This _____ day of _____, 20_____.

Affiant
[Sign in the presence of a Notary Public]

Notary Public

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

FINAL JUDGMENT AND DECREE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce a vinculo matrimonii, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the Court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

The Court restores to _____ her prior or maiden name, to wit:
_____.

- The Court awards to _____
- temporary alimony in the amount of \$ _____ per _____.
 - permanent alimony in the amount of \$ _____ per _____.

The Court awards custody of the minor child(ren) as follows:

Based on the evidence presented, including the Child Support Worksheet, Schedules “A” through “E,” incorporated by reference, and specifically the Child Support Worksheet and Schedule “E” attached hereto, and where applicable, Special Interrogatories also attached hereto, the Court finds as follows:

1. Children for whom support is being determined:

Child	Date of Birth

2. (a) For purposes of Calculating Child Support, the Court Orders that the Custodial Parent shall be _____.

(b) For purposes of Calculating Child Support the Court Orders that the Noncustodial Parent shall be _____.

(c) The Court finds that the amount of the Noncustodial Parent’s parenting time as set forth in the Order of Visitation is _____ days.

3. (a) The Court finds as set on Schedule “A,” the gross income of the father is \$_____.

(b) The Court finds as set on Schedule “A,” the gross income of the Mother is \$_____.

4. (a) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Noncustodial Parent’s Adjusted Income is \$_____.

(b) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Custodial Parent’s Adjusted Income is \$_____.

(c) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Parties’ Total Adjusted Income \$_____.

5. The Court finds as set by the “Child Support Obligation Schedule Table” and as listed on the “Child Support Worksheet” the Basic Child Support Obligation is \$_____.

6. (a) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Custodial Parent is: \$_____.

_____ %

(b) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Noncustodial Parent is: \$ _____
_____ %

7. The Court finds that health insurance that provides for the health care needs of the child
 is/ is not reasonably available at a reasonable cost. If provided, it will be provided by
_____.

8. (a) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support for the Custodial Parent is \$ _____

(b) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Non-custodial Parent is \$ _____

(c) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Custodial Parent is \$ _____

9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor’s account and the amount the child receives on a monthly basis is
\$ _____

10. The Court has considered the existence of special circumstances and as set forth on the “Child Support Worksheet” and Schedule “E,” has found the following special circumstances marked with an [“X”] to be present in this case.

Note: Refer to Schedule “E” and, where applicable, “Special Interrogatories” attached hereto for an explanation for the reasons for the deviation, how the application of the Presumptive Amount of Child Support would have been unjust and how the best interest of the child for whom support is being determined will be served by a deviation from the Presumptive Amount of Child Support.

- _____ A. High Income
- _____ B. Low Income
- _____ C. Other Health-Related Insurance
- _____ D. Life Insurance
- _____ E. Child and Dependent Care Tax Credit
- _____ F. Travel Expenses
- _____ G. Alimony
- _____ H. Mortgage
- _____ I. Permanent Plan or Foster Care Plan
- _____ J. Extraordinary Expenses

_____ K. Parenting Time

_____ L. Non-Specific Deviations (Other)

11. (a) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Custodial Parent is \$ _____

(b) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Noncustodial Parent is \$ _____

(c) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support the Noncustodial Parent shall Pay the Custodial Parent is \$ _____

12. (a) The Court finds as set on the "Child Support Worksheet" that the Custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____ %

(b) The Court finds as set on the "Child Support Worksheet" that the Noncustodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____ %

The Noncustodial parent, _____, shall pay Child Support for each of the _____ minor child(ren) at \$ _____ per month, for a total of \$ _____ per month to the Custodial parent, starting _____, and continuing until each minor child reaches the age of majority, dies, marries, becomes emancipated, whichever first occurs, provided however, the Court, in the exercise of its sound discretion, directs (or does not direct) the Noncustodial Parent to continue to pay child support for a Child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, until that child graduates from high school, or until the child attains _____ years of age (not to exceed 20 years), whichever first occurs.

The Court equitably divides the parties' marital property as follows:

Each party is restrained and enjoined from molesting or harassing the other party.

SO ORDERED, this _____ day of _____, 20_____.

JUDGE, Superior Courts
_____ Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____)	
Plaintiff)	CIVIL ACTION
v.)	NO. _____
_____)	
Defendant)	

INCOME DEDUCTION ORDER

The above-styled matter was heard by the court on _____, 20____. The _____ was properly served and present and represented by counsel. This court having entered an order requiring the _____ to pay child support to the _____, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

- Defendant shall pay child support of \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20____.
- Defendant shall pay \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20____.
- The total amount to be withheld is \$ _____ weekly bi-weekly semi-monthly monthly. This amount shall be made payable to _____ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: _____.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the _____ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

Other: _____

This order shall become effective immediately upon signing and shall remain in full force and effect until modified, suspended, or terminated by order of this Court.

SO ORDERED this _____ day of _____, 20____.

 JUDGE, Superior Courts
 _____ Judicial Circuit

Notice To: Employer or any other person, private entity, Federal or State Government, or any unit of local government providing or administering income due to Defendant

Re: Income Deduction Order

DATE: _____

Attached you will find an Income Deduction Order. Please read this order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v. _____,
Defendant.

§
§
§
§ Civil Action # _____
§
§
§

SUMMONS

To the above named defendant:

You are hereby summoned and required to file with the Clerk of said Court and serve upon _____, the *pro se* plaintiff, whose address is _____, an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so judgment may be taken against you for the relief demanded in the complaint.

This the _____ day of _____, 20____.

Clerk/Deputy Clerk of the Superior Court of _____ County

If the defendant has not acknowledged service of the complaint and waived issuance of summons it is your responsibility to present this form to the clerk and insure it is signed and included with the complaint that is served on the defendant.