

## Family Law Information Center

### Important Information for Divorce and Legitimation Cases

- The civil filing fee is \$210.00 (cash or money order).
- The Sheriff's service fee is \$50.00 (if needed).
- FLIC assistance is **by appointment only (walk-in assistance is no longer available)**.

### What to Expect

1. You may need 2 or more FLIC appointments to complete the review process.
2. You may wait 4 or more weeks for each appointment.
3. You will receive free assistance reviewing your paperwork.
4. You may request and qualify for a free attorney consultation (subject to conflict check and financial qualification).

### Your Responsibilities

1. Read the packet instructions thoroughly.
2. Complete the packet documents to the best of your ability (signatures not required before review) before your appointment.
3. Arrive promptly and come prepared for your FLIC appointment.
4. Bring photo identification for notary services.
5. Notify the FLIC office in advance if you are unable to keep your appointment.

### FLIC Contact Information

- Phone: (770) 531-2463
- Fax (for *Appointment Request Forms*): (770) 536-7924
- Email (for requesting appointments only): [nejcflic@hallcounty.org](mailto:nejcflic@hallcounty.org)
- Website (for printing forms and *Appointment Request Forms*):  
[www.hallcounty.org/judicial/jud\\_FLIC\\_Forms.asp](http://www.hallcounty.org/judicial/jud_FLIC_Forms.asp)
- Location of appointments with FLIC Review Staff: Room 467
- Location of appointments with FLIC Attorney: Room 461
- Complete *Appointment Request Forms* in person and find other resource information available: Room 459



Attention: The cost for filing for divorce is now \$210.00, and \$50.00 for the Sheriff to serve papers, if needed.

*Atención: El costo para la tramitación de divorcio ahora es \$210.00 y, si es necesario, \$50.00 por la entrega de documentos a través del Sherif.*

## **DIVORCE WITHOUT MINOR CHILDREN**

**Please read this entire packet before visiting the Family Law Information Center (FLIC).**

**FLIC website:**

➤ [www.flic.hallcounty.org](http://www.flic.hallcounty.org)

### **NO AUTHORITY TO GIVE LEGAL ADVICE**

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. This rule also applies to staff persons in the Northeastern Judicial Circuit Family Law Information Center (FLIC), except for the FLIC attorney who can answer general legal questions pertaining to divorce (by appointment only), during one-time consultations provided free of charge to Hall County residents or individuals filing in Hall County (subject to conflict check and income qualification).

### **USE THESE FORMS AT YOUR OWN RISK**

In no event will the Court Administrator, Clerk of Court or anyone 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 or become outdated. You should review any statutes (laws) mentioned in this packet to make sure the forms are current. **It is strongly recommended that you obtain the services of an attorney.**

## INSTRUCTIONS FOR FILING A PETITION FOR DIVORCE WITHOUT MINOR CHILDREN

This is the form packet for people who want to file their own divorce in **Hall County**, and who do not have minor children together with their spouse, but do have marital property and joint debt. If you and your spouse have minor children together, you should not use this form packet. Instead, use the *Petition for Divorce with Minor Children*, available in the Clerk’s office. If you have no children or property or debt to divide, and you are sure your spouse will sign divorce papers, you may use *Simple Divorce* packet. It is the shortest and simplest packet available in the Clerk’s office.

**Please read these instructions and each form very carefully.** Missing or misreading a word could cause you to make serious errors in your case, placing your rights and the direction of your divorce case in jeopardy. **Please also note that this packet does not cover every legal issue that may come up in a divorce and there may be better ways to address certain issues than they are addressed in these forms.** **Whether your case is contested or uncontested, to protect your legal rights, it is always recommended that you speak with an attorney experienced in domestic relations (family law) before signing or filing any documents. You may especially need to hire an attorney to represent you if:**

- The case is contested OR an attorney represents your spouse.
- You are a victim of family violence against you by your spouse.
- You are unable to locate your spouse to have him/her served with this action.
- You and your spouse have a house, pension, or large amount of property or income to be divided.
- You think you may have difficulty getting financial information from your spouse.

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## I. INTRODUCTION

In the State of Georgia, if you want to end your marriage, you must file a petition for divorce in the Superior Court. There are two options available to you for filing a divorce case: (1) you can hire a lawyer who will prepare your paperwork and represent you in court; or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a final judgment and decree of divorce, you will be legally able to remarry.

It is advisable to speak with a lawyer before filing any action with the court. This divorce is no exception to that rule. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. However, you may want to review the forms and instructions in this packet before you talk to a lawyer, so that you will be able to make the best use of your time with the lawyer.

Dissolution of a marriage can be a very complicated process. If documents are not completed, signed, notarized and filed in compliance with the law, then a judge cannot grant your request for divorce and may dismiss your case.

If you want a court to grant your divorce, you must follow the law and you must complete each and every paragraph that applies to your case (but not any paragraphs that do not apply to your case).

### **Finding basic legal information:**

“O.C.G.A.,” followed by a symbol (“§”) and number, refers to a specific section (“§”) in the Official Code of Georgia Annotated (O.C.G.A.). You can find the annotated Georgia Code in print at some libraries (including the Hall County Law Library at 117 Bradford St., SE, Gainesville, GA). The unannotated Georgia Code is available on the Georgia General Assembly’s website at: [www.legis.state.ga.us](http://www.legis.state.ga.us).

“USCR,” followed by a number, refers to a specific rule in the Uniform Superior Court Rules (USCR). USCR 24.1 through 24.9 include several rules that apply in domestic relations cases (a divorce is considered a domestic relations case). The Uniform Superior Court Rules are available on the Georgia Judicial Branch website at [www.georgiacourts.org](http://www.georgiacourts.org) (under “Courts” and then under “Court Rules”). A hard copy of the rules is also available in FLIC.

The Internal Operating Procedures for Domestic Relations Cases also has local procedures that apply to divorce cases in Hall County. A copy of these procedures is available online at [www.hallcounty.org/judicial/jud\\_superiorcourt.asp](http://www.hallcounty.org/judicial/jud_superiorcourt.asp).

Some other helpful websites are [www.legalaid-ga.org](http://www.legalaid-ga.org) or [www.findlaw.com](http://www.findlaw.com).

**IMPORTANT NOTE ABOUT THE DOMESTIC RELATIONS ACTION STANDING ORDER:** As of April 16, 2008, you must include a copy of this Order with your paperwork when you file and provide the Respondent with a copy. It is included with this packet.

## II. BASIC STEPS FOR OBTAINING A DIVORCE IN HALL COUNTY

Your case may require different or additional steps, so please read through the entire instructions carefully.

1. **Carefully read all of these instructions at least once before filling out the forms.**
2. **Complete the forms in this packet, using these instructions to guide you.** NOTE: it is not necessary to notarize your forms before visiting FLIC. You can have them notarized at FLIC free of charge.
3. **Visit FLIC on the 4th floor of the Hall County Courthouse (Room 459).** It is a requirement that you visit FLIC before obtaining a court date from any of the Superior Court Judges in this Circuit (therefore, consider visiting FLIC before you file any documents). A FLIC staff person will review your documents for completeness, notarize any necessary documents, and give you a folder and procedural checklist for obtaining your divorce. FLIC assistance is by appointment only.
4. **Make two sets of copies of all of your paperwork.**
5. **File your divorce papers with the Clerk of Courts and arrange for the Respondent to be served** (if the Respondent has not acknowledged service in writing – see **Step 1**, Paragraph 3 on p. 7).
6. **Using a *Rule Nisi*, obtain a Court date for your hearing from the assigned Judge’s office** (bring one set of copies of your divorce papers with you to the Judge’s office).
7. **Make copies of your *Rule Nisi*, file the original with the Clerk of Courts, and make sure the Respondent is served with a copy.**
8. **If mediation has been ordered in your case** (required by this Circuit when you do not have a written *Settlement Agreement*, signed by and notarized for both parties), **contact the mediation office to schedule your mediation and attend mediation** (see p. 18). Mediation must be completed at least 15 days prior to your final hearing date or your hearing will be postponed.
9. **Make sure your spouse was actually served with the divorce papers.** Have your case number ready and check with the Hall County Clerk of Courts at (770) 531-7025 to see that a return of service has been filed.
10. **Go to your hearing on the scheduled Court date and time.**
11. **Take your Final Judgment and Decree of Divorce (given to you by the Judge) and *Domestic Relations Case Final Disposition Information Form* to the Clerk of Courts for filing after your hearing.**

### III. FORMS YOU WILL NEED TO START YOUR DIVORCE

You will need to file the following documents with the *Petition for Divorce without Minor Children*. All of these forms are included in this packet or are available from FLIC, but you can also get the *Sheriff's Entry of Service* form and *Summons* form from the Superior Court Clerk's office on the ground floor of the Hall County Courthouse (where you will be filing your case).

- Petition for Divorce without Minor Children*
- Verification* form
- Domestic Relations Financial Affidavit*
- Domestic Relations Action Standing Order and Certificate of Service*
- Domestic Relations Case Filing Information Form*
- State of Georgia Report of Divorce, Annulment or Dissolution of Marriage*

AND, depending on your method of service (one of the 4 options below), you will also need:

If you are having your spouse served by the Hall County Sheriff's Office:

- Complete copy of all of your divorce papers (the "service copy")
- Sheriff's Entry of Service* (3-page carbon copy form)
- Summons* (2-page carbon copy form)
- Money order payable to Hall County Sheriff (amount noted on front of packet)

If you are having your spouse served by another county's sheriff's department:

- Complete copy of all of your divorce papers (the "service copy")
- Sheriff's Entry of Service* (3-page carbon copy form)
- Summons* (2-page carbon copy form)
- Letter for Service by Second Original*
- Money order payable to appropriate county sheriff's department (confirm amount, name to use on money order, and sheriff's office address)
- Anything else the specific sheriff's office requires (it is your responsibility to contact the specific county's sheriff's office to find out what they require – see FLIC for a list of questions to ask when you call)

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

- Acknowledgment of Service* (complete top portion of a two-part form included in this packet)

If you are serving your spouse by publication:

- Affidavit of Diligent Search*
- Order of Publication*
- Notice of Publication*
- \$80.00 money order payable to *The Times*

**Other forms/fees, depending on your case:**

- Settlement Agreement* (if you and your spouse can reach a written agreement, and do not wish to be ordered to go to mediation)
- Notice of Lis Pendens* and related fee – check with Clerk's office (if applicable - see notes for **Step 1**, Paragraph 10, on page 11)
- Affidavit of Poverty and Order on Affidavit of Poverty* (only if you are indigent and cannot afford to pay the filing & service fees – see **Step 8** on page 16)



#### IV. DETAILED INSTRUCTIONS FOR COMPLETING THE FORMS AND FILING THEM

On the following pages are DETAILED instructions for how to complete and file the *Petition for Divorce* and some of the related documents. **Read these instructions carefully, and more than once, if necessary.**

##### Step 1: Completing the *Petition for Divorce*

➤ **Caption (Heading)**

Fill in your full name as the Petitioner, and your spouse’s full name as the Respondent. Do not fill in the “Civil Action File No.” The clerk will assign a number to your case when you file your *Petition* in the Clerk’s office. After completing the heading, write your full name again in the space provided just before Paragraph 1.

➤ **Paragraph 1: Subject Matter Jurisdiction**

\*CHECK ONLY ONE BOX\*

**Check box “(a)”** if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition*. (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago.)

**Check box “(b)”** if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. (It is not good enough if your spouse used to live in Georgia in the past, moved away, and has returned more recently than six months ago.)

*Note:* If you live in Georgia, but have not lived here for a full six months, but your spouse has been living here for at least the past six months, you may still use the *Petition for Divorce* and file in Georgia. Just check box “(b)” and cross out the first eleven words (“I am not a resident of the State of Georgia, but”), so that the sentence is accurate.

➤ **Paragraph 2: Venue**

*Note:* The issue of venue in a divorce action is very complicated, and can result in your case being defective if it is not addressed properly. **Read these instructions very carefully.** If your situation does not seem to fit any of the choices exactly, you should talk to a lawyer. You may not be able to file your case in Hall County, or you may need to make very specific changes to this form. You should also talk to a lawyer if the Respondent is currently incarcerated (where a person is currently *living* does not always mean he/she *resides* there under the law).

On the first line, write your spouse’s name and address in the space provided. \*CHECK ONLY ONE BOX\*

**Check box “(a)”** if the Respondent currently resides in Hall County.

**Check box “(b)”** only if **all** of the following are true:

- the Respondent is not a resident of Hall County but resides in Georgia;
- the two of you lived together in Hall County at the time you separated;
- you still live in Hall County; and
- the Respondent has moved out of Hall County only within the past six (6) months prior to you filing this *Petition for Divorce*.

**Check box “(c)”** if the Respondent is not a resident of Hall County but resides in Georgia and has acknowledged service of process and consented to the jurisdiction and venue of this Court, by completing both parts of the form that contains the *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*. (You must file the original signed and notarized form with the *Petition for Divorce*.) You must currently live in Hall County to check this box.

**Check box “(d)”** if you live in Hall County and the Respondent is not a resident of the State of Georgia. Then, check option “(i),” “(ii)” or “(iii)” in section (d). Check only one of these options. (If both (i) and (iii) or (ii) and (iii) apply, check only “(iii)”.)

**Check box “(i)”** if the Respondent was a resident of Hall County but currently resides in another state (enter the name of the state in the space provided), and the Respondent is subject to the personal jurisdiction of the Court under Georgia’s Long Arm Statute. (See O.C.G.A. § 9-10-91(5)). Generally this box is checked if the Respondent maintains a matrimonial domicile in Georgia at the time of the commencement of this divorce action or if he/she resided in Georgia preceding the commencement of this divorce action, whether cohabiting during that time or not.

**Check box “(ii)”** if the Respondent has never resided in the State of Georgia and currently resides in another state. Add the name of the state in the space provided. NOTE: if this option applies, you may not be able to get certain kinds of relief as part of your divorce, such as alimony.

**Check box “(iii)”** if the Respondent does not live in Georgia, but has acknowledged service of process and has consented to the jurisdiction of the Court, by completing both parts of the form that contains the *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*. (You must file the original signed and notarized form with the *Petition for Divorce*.)

**Check box “(e)”** if you reside in Hall County, but you do not know where the Respondent lives. In this situation, you will have to serve the Respondent by publication (in *The Times*). Serving by publication means you will not be able to get certain kinds of relief as part of the divorce, such as child support and alimony. and you must prove to the Court that you have tried to locate the Respondent and cannot find him or her.

*Note:* To obtain an order from the Judge permitting you to serve the Respondent by publication, the Judge will need to review a completed *Affidavit of Diligent Search*. Instructions for submitting the affidavit to the Judge and the *Order of Publication* and *Notice of Publication* forms are available from FLIC. (See Paragraph 3 below.)

➤ **Paragraph 3: Service of Process**

IMPORTANT: Before completing Paragraph 3, carefully read the notes in the box below.

**Choosing a Method of Service:** Service is the required formal process of notifying the Respondent that the divorce action has been filed. There are basically three ways for service to be completed: (1) the Respondent signs the *Acknowledgment of Service*, (2) service is completed by the sheriff’s department or other approved process server, or (3) service is completed by publication (publishing a notice in *The Times*).

**(1) Acknowledgment of Service**

This method is the easiest and least expensive method of service, but only if the Respondent is cooperative and willing to sign an acknowledgement form in front of a notary public. You cannot sign the form for the Respondent and you cannot sign as the notary witnessing the Respondent’s signature. Also, it is not good

enough for the Respondent to sign it without the signature being witnessed by a notary public. There is a two-part form in this packet that contains an *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue*. The top portion of the form (the *Acknowledgment of Service*) allows the Respondent to acknowledge service by selecting one of three options. The bottom portion of the form (the *Consent to Personal Jurisdiction and Venue*) allows the Respondent to consent to personal jurisdiction and venue in Hall County Superior Court (if he/she resides in another county or state).

To use this method of service, you need to complete the caption (heading) on the form and have the Respondent complete and sign it in front of a notary public. Then, you file it with your *Petition for Divorce*.

### **(2) Service by the Sheriff (“Personal Service”)**

This method is the usual way for service to be completed. It is sometimes called “Personal Service,” which means that the deputy sheriff or other court-approved process server hands the papers to the Respondent in person. If the Respondent will not sign an acknowledgment form, and you know an address where the Respondent can be served in Hall County, then you can make arrangements for the Hall County Sheriff’s Office to serve the papers by providing the required forms to the Clerk’s office when you file. The forms provided by the Hall Family Law Information Center do not include the special motion and order required to have a special process server appointed.

If the Respondent can be served by the Hall County Sheriff’s Office, you will need the forms entitled *Sheriff’s Entry of Service* (3-page carbon form) and *Summons* (2-page carbon form) to include with the “service copy” of your divorce papers. These forms are available from FLIC. After you complete the forms and are ready to file, you may pay the service fee at the Clerk’s office when you file the case, and leave the “service copy” of the papers with the clerk. The clerk will forward your payment and legal documents to the Sheriff’s Office for service. If you prefer, you may take the fee and service copy directly to the Sheriff’s Office yourself (after you filed the original papers). The Civil Process Division of the Sheriff’s Office is located on the ground floor of the Hall County Courthouse.

After the Sheriff’s Office completes service, they will send the white and yellow copies of the *Sheriff’s Entry of Service* to the Clerk’s office. You will need to follow up with the Clerk’s office to make sure the Respondent was actually served. Have your case number ready and check with the Hall County Clerk of Courts at (770) 531-7025 to see that a return of service has been filed.

If the Respondent must be served in another county or state, then the Hall County Sheriff’s Office cannot serve the papers. You should contact the sheriff’s department in the proper county to find out what forms they require, how many copies of your papers, and the fee. Depending on the county, you may need a *Sheriff’s Entry of Service* (3-page carbon form), *Summons* (2-page carbon form), and a *Letter for Service by Second Original* (all forms available from FLIC). Some counties have additional requirements. **When you file your papers, you will need to inform the Clerk’s office that the other party must be served by “second original.”** Give the clerk your “service copy,” any forms that are required, and the fee.

### **(3) Service by Publication (putting a notice in the newspaper)**

This method is the method of last resort. If you *can* find the Respondent, you must use one of the other two methods of service. But, this method is your only choice if you do not know where the Respondent lives or works, and you cannot find out that information. You must prove to the Court that you have tried to locate the Respondent and cannot find him or her.

If you have to serve the Respondent by publication, there are special limitations on your divorce case, because the Court will not have “personal jurisdiction” over the Respondent. You will not be able to get certain kinds of relief as part of the divorce, such as child support and alimony. However, if the Respondent later acknowledges service, gets served by the sheriff, or files an *Answer* to the divorce, then your case will not be limited by the restrictions that apply to publications cases.

To serve by publication, you must prepare and file an *Affidavit of Diligent Search* (included with this

packet), a *Notice of Publication* and an *Order of Publication*, signed by a judge. In the *Affidavit of Due Diligence*, you will explain to the Court the steps you took to try to find the Respondent. You must make reasonable efforts to find the Respondent before you fill out the affidavit form. Blank *Notices of Publication* and *Orders of Publication* and instructions for submitting the affidavit to the Judge for his/her review are available from FLIC. If the Court grants permission, the Judge will sign the *Order of Publication*.

If you know you must use service by publication when you prepare your *Petition for Divorce*, then you should prepare the *Affidavit of Diligent Search* at that time. However, if you have already filed your divorce case, and have tried to complete service by a different method, you can still request the Court's permission to serve by publication. See FLIC if those circumstances apply in your case.

If the Court signs the *Order of Publication*, you must pay the cost of publication (\$80.00 money order payable to *The Times*). You may pay the fee in the Clerk of Courts office when you file your divorce papers. Then, the *Notice of Publication* will be published in the county's official legal newspaper (*The Times*) four times (usually four weeks in a row). The Notice gives the Respondent 60 days to file an Answer, if she or he wants to contest the case.

Meanwhile, the Court Clerk will mail a copy of the *Notice of Publication* and "service copy" to the Respondent's last known address (which you have provided in the *Affidavit of Diligent Search*). To be on the safe side, you should also mail a set of all the papers to the last known address. Make sure you put enough postage on it, and make sure you list a return address, so the post office can return it to you if they are not able to deliver it.

You should keep clippings of the notices in the newspaper (all four publications) or obtain an Affidavit of Publication from the newspaper, stating that publication is complete. Bring these items with you to your hearing, to prove that service by publication has been completed.

You may later find out where the Respondent lives or works (before the case is over). If this circumstance applies in your case, then you should arrange for the Sheriff's Office to serve the Respondent, or for the Respondent to acknowledge service.

**\*CHECK ONLY ONE BOX\***

**Check box "(a)"** if you expect that the Respondent will acknowledge service by signing (in front of a notary public) the *Acknowledgment of Service* portion of the two-part form included with this packet. If you check box "(a)" and your spouse completes the *Acknowledgment of Service*, you must include the signed and notarized original form with the *Petition for Divorce* when you file.

**Check box "(b)"** if the Hall County Sheriff's Office can serve the Respondent with the *Petition for Divorce* and the other court papers. Complete "(b)" by filling in the address where the Respondent should be served, and write whether it is a residence or work address in the space provided.

**Check box "(c)"** if the Respondent lives or works outside of Hall County and another sheriff's department can serve him or her. Write in the name of the county and state, and fill in the Respondent's address, indicating whether it is a work or residence address.

**Check box "(d)"** if you do not know where the Respondent lives and you are planning to serve him or her by publication. Write the Respondent's last known address on the lines provided. You must also file the original signed and notarized *Affidavit of Diligent Search* with the *Petition*.

➤ **Paragraph 4: Date of Marriage**

**\*CHECK ONLY ONE BOX\***

**Check box “(a)”** if you and the Respondent were married with a license and a ceremony, such as one by a clergyman or by a judge at the courthouse. Write the date of the marriage in the space provided.

**Check box “(b)”** if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means that you and the Respondent lived together and held yourselves out as husband and wife before January 1, 1997. Write the date you began your common law marriage on the space provided.

➤ **Paragraph 5: Date of Separation**

In the space provided, write the last date that you and the Respondent separated and remained separated up to the present time. Provide only one date. If you and the Respondent have separated, gotten back together, and then separated again, use the date of the most recent separation.

➤ **Paragraph 6: Minor Child(ren)**

Review the paragraph and make sure it is an accurate statement that you and the Respondent have no minor children together (including unborn children). **If you have minor children with your spouse, STOP! You should use a different packet, available in the Clerk’s office.**

➤ **Paragraph 7: Other Child(ren)**

<p><i>Notes for this paragraph:</i> Under Georgia law, there is a presumption that children born in wedlock or within the usual period of gestation thereafter are legitimate, making the husband the “legal” father (unless otherwise disproved). If this situation applies to you, it is strongly recommended that you consult with an attorney to discuss the legal implications of addressing or <i>not</i> addressing this issue.</p>
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***This paragraph is optional:*** Check and complete the box if the **wife** in this case is pregnant with a child (or children) and/or has had children during the marriage who are not the husband’s biological or adoptive children and you have decided you want the Court to acknowledge that they are not the husband’s biological or “legal” children and that he should have no legal relationship or potential rights or obligations arising from that relationship, to the children. Write facts that you believe support the Court determining that the husband is not the father (examples: the parties were separated for several years prior to the child’s birth and did not see each other at any point during that time; or the husband was incarcerated for the years immediately prior to the child’s birth).

**You may also select the optional box (i)** if you are the wife in this case and are pregnant. You may be required to list your husband as the father on the birth records even if he is not the biological father and you are divorced by the time of birth. By asking the Court to enter an order that directs the persons to not list your current husband as the father, you *might* be able to avoid this scenario.

➤ **Paragraph 8: Settlement Agreement**

*Optional:* check this box ONLY if you and the Respondent have already COMPLETED the written *Settlement Agreement* included with this pro se packet. The parties must agree voluntarily and this document must be signed by both parties in front of a notary public. See important notes about settlement agreements in **Step 5** below.

**If you have already executed the *Settlement Agreement*, you make strike through paragraphs 9-13 of the *Petition* and skip to Paragraph 14 of these Instructions.**

➤ **Paragraph 9: Alimony**

*Note:* If you want alimony, but do not have proof of the Respondent’s income, you should see a lawyer. There are procedures called “discovery” that may be used to try to find out about the income. The income of the two parties is a key issue in deciding alimony.

\*CHECK ONLY ONE BOX\*

**Check box “(a)”** if you are financially dependent on the Respondent and want the Court to order the Respondent to pay alimony for your support.

**Check box “(b)”** if: (1) there is a protective order in effect that applies to the parties in this case; (2) you have been awarded spousal support/alimony (not the same thing as child support) in that protective order for a certain amount of time; AND (3) you do not want the Final Judgment and Decree of Divorce to have any impact on your receiving that support. You will need to attach a copy of the protective order to your *Petition*. Label it Exhibit “\_\_\_” at the bottom of the first page, and write the same letter in the space provided in Paragraph 9(b). Then write the date it expires on the line provided.

**Check box “(c)”** if you are not asking the Court to order alimony payments for your support.

**Check box “(d)”** if this divorce action involves service by publication.

➤ **Paragraph 10: Marital Property**

**Notes about Marital Property:**

(1) Generally, property that was acquired by either party during the marriage is considered marital property (no matter whose name is on the title). There are exceptions, however (examples: gifts and inherited property).

(2) If the marital home or other real estate is titled in the Respondent’s name alone (or you are not sure whose name is on the property deed), you must file a separate document called a *Notice of Lis Pendens* (available from FLIC). If you do not file a *Notice of Lis Pendens*, and the property is sold before the divorce becomes final, you will not be able to get the home (or a share of it) as part of the divorce, because it will be gone. See a lawyer if this may apply to your case. If you choose to complete a *Notice of Lis Pendens*, you must bring it to the Clerk’s attention when you file. You will also be charged a \$5.00 fee. (See Step 8 below.)

(3) If the marital home belonged to one of the parties before the marriage, it still may be claimed as marital property if its value has increased (or the mortgage has decreased) during the marriage. See a lawyer if this scenario may apply to your case.

(4) If you or the Respondent have rights to a pension(s) that have built up during the marriage, the pension(s) may be considered marital property. Figuring out the value of a pension(s) (and writing the proper QDRO Order (“Qualified Domestic Relations Order”) if it is distributed in the divorce) is very complicated. See a lawyer if this scenario may apply to your case.

(5) If you think the Respondent may have acquired assets during the marriage that are unknown to you, the law has procedures to use (called “discovery”) to try to find out about them. If it is important to you to try to learn more about the Respondent’s assets, you should see a lawyer.

\*CHECK AND COMPLETE ONLY ONE OPTION\*

**Check box “(a)”** if you and the Respondent have already divided your marital property and you are both satisfied with the division.

**Check box “(b)”** if you and the Respondent did not acquire any property during your marriage to each other (or if the property is already all gone).

**Check box “(c)”** if you and the Respondent have acquired property during your marriage to each other and you are asking for a fair division of that property. If you check box “(c),” you must provide the Court with information about the property that you and the Respondent have acquired at any time during the marriage. Use the spaces provided under box “(c)” to describe the property and check each box that applies. If necessary, attach lists of property to this *Petition for Divorce*, labeling each list as a specific exhibit and assigning a letter (“A,” “B,” “C,” etc.) to each exhibit. Fill in the corresponding letter in each space provided in Paragraph 9. Carefully read the *Notes about Marital Property* at the beginning of these instructions for Paragraph 9.

**Check box “(d)”** if this case involves service by publication and none of the marital property is located in Georgia.

➤ **Paragraph 11: Separate Property**

\*CHECK ONLY ONE BOX\*

**Check box “(a)”** if you have, in your possession, all items which you believe are your “separate property” (in other words, not marital property – see notes for Paragraph 9 above).

**Check box “(b)”** if you do not yet have all of your separate property in your possession and you want the Court to enter an Order requiring the Respondent to deliver the items to you or to allow you to retrieve them. Use the spaces provided under box “(b)” to describe the property. Use additional paper if necessary and attach the paper to the *Petition for Divorce*, labeling the paper as Exhibit “\_\_\_” (select a letter). Write the same letter in space provided in option “(b).”

➤ **Paragraph 12: Joint or Marital Debts**

<p><i>Note:</i> The creditors are not parties in your divorce case. Therefore, the Court cannot take away the creditors’ rights in the divorce. It means the Court cannot prevent creditors from trying to collect from any person who is liable on a particular debt. However, the Court can enter an order that says one of the parties must pay a particular marital debt. If the responsible party does not pay as ordered, she or he may be held in contempt.</p>
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\*CHECK ONLY ONE BOX\*

**Check box “(a)”** if you and the Respondent have already divided your joint or marital debts and you are both satisfied with the division.

**Check box “(b)”** if you and the Respondent do not have any outstanding joint or marital debts.

**Check box “(c)”** if you and the Respondent have joint or marital debts and you want the Court to make a fair division of these debts. In the spaces provided, list each creditor (for example, Visa, MasterCard, mortgagor, etc.) and the balance owed. Use additional paper if necessary, and attach it to the *Petition for Divorce*, labeling the paper as Exhibit “\_\_\_” (select a letter) and writing the same letter in space provided in option “(b).”

**Check box “(d)”** if this case involves service by publication.

➤ **Paragraph 13: Restraining Order Where Violence Has Occurred**

*Optional:* Check this box only if there has been a history of violence by the Respondent towards you, and you are afraid that the Respondent will continue the violent acts or harassment against you. Do not check this box if there has not been any history of violent acts against you by the Respondent.

*Note:* If there has been recent violence (or past violence plus a recent threat to renew the violence), you should consider filing for a Temporary Protective Order (TPO) immediately. A TPO provides much stronger and faster protection than a restraining order in a divorce. There is no charge for filing a TPO Petition, and free help is available for filing one. Contact the Legal Advocates' Office at (770) 531-7153 to get more information about filing for a TPO. The restraining order in a divorce is not enforceable by warrantless arrest. It is only enforceable by filing a motion for contempt. So, it can provide useful protection, but it is much more limited than a TPO.

➤ **Paragraph 14: Restore Former Name**

*Optional:* Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the name you want to have restored. This case is not a name change action and cannot be used for anyone except the wife or husband in this divorce action. If your spouse wishes to have his/her former name restored, he/she will need to file an affidavit in this case asking the Court to restore his/her name or appear at the final hearing. You cannot request your spouse's name be restored.

➤ **Paragraph 15: Grounds for Divorce**

Check only the boxes that you can prove in court if your case goes to trial.

**Check box “(a)”** if there is no hope that you and the Respondent can save this marriage. This option is the language for grounds in most cases, and may be the only grounds you choose. It is the basis for granting a divorce when fault is not proven. It can and should also be used as a “back-up,” if you check other grounds based on some kind of fault.

**Check box “(b)”** if you can prove and want to state other grounds for divorce. You must research the law at O.C.G.A. § 19-5-3, and tell the Court what other grounds for divorce you are asserting. Use the space provided or use and attach additional paper.

➤ **Final Paragraph: Request for Relief**

Strike through any provisions that do not apply to your situation.

➤ **To finish filling out this *Petition for Divorce***, sign your name in the space provided on the last page, write your address and a daytime telephone number where the Court staff could reach you if necessary. However, if you are living in a shelter for victims of family violence, **DO NOT LIST THE ADDRESS OF THE SHELTER**. To do so would violate O.C.G.A. § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Also, if the Respondent does not know your address or phone number and it should be kept confidential because of family violence, do not write that address or phone number here. Instead, you should write another address here, where you can be sure that you will receive any information that is mailed to you by the Court or the Respondent.



## Step 2: Completing the *Verification* Form

The *Verification* form must be filed with the *Petition for Divorce*. In the caption (heading), insert your name as the Petitioner and your spouse's name as the Respondent. Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your case in the Clerk's office. Insert your name in the space underneath the word "Verification," which is the title of this document. In the next space, insert the title of the document you are verifying as true, which is "Petition for Divorce without Minor Children."

Before you sign this *Verification*, remember that you will be swearing under oath that the information you have provided in the *Petition for Divorce* is true and correct to the best of your knowledge and belief. Therefore, you should re-read your *Petition for Divorce* one more time, from start to finish, to make sure it is all true. When your forms are ready, sign your name on the *Verification* in front of the notary public in the space provided, and check the box to indicate that you are the Petitioner. The notary must complete the rest of the *Verification* form after you sign it under oath. The staff persons at the Family Law Information Center can notarize this document free of charge, but you must have proper photo identification.

## Step 3: *Domestic Relations Financial Affidavit (DRFA)*

The *Domestic Relations Financial Affidavit (DRFA)* must be filed with the *Petition for Divorce*. This document specifies your financial circumstances. You are the "Affiant." It is important, as with all of your documents, that you be truthful about the information you are providing. Complete every space on the financial affidavit unless it is specified as optional. If a question is not applicable to your situation, put "N/A" on the line. If the amount is zero, put "0" on the line.

## Step 4: *Domestic Relations Action Standing Order (DRASO) and Certificate of Service*

Complete only the header on the first page of this Order (your name as Plaintiff and your spouse's name as Defendant). You, as the Plaintiff/Petitioner, do not complete the exhibits that are attached to the DRASO. You are required to serve a copy of the Order with its blank exhibits on the Defendant/Respondent and file proof of service with the Clerk. You may use the *Certificate of Service* following the DRASO in your packet for this purpose.

## Step 5: *Settlement Agreement and two-part Acknowledgment of Service and Consent to Personal Jurisdiction and Venue form*

You are not required to complete this step before filing your divorce papers, but if you do not have a complete, written agreement when you file, you will be ordered to go to mediation as explained below in **Section V** (page 18).

If you and your spouse have reached or can reach an agreement about **all** questions of alimony, division of property, debts and all other rights and obligations arising out of the marital relationship, you may use the *Settlement Agreement* with this packet to formalize your agreement in writing.

**Important notes about settlement agreements:** Generally, if two parties execute an agreement because they want to settle all of the issues in their divorce, and it is not executed under fraud, duress, accident, or mistake, the agreement is a contract which is binding on both parties. If the agreement is considered by the Court to be a valid agreement, it may be incorporated into the Final Judgment and Decree of Divorce. The Court is not bound to accept your agreement (particularly when it comes to terms that deal with the children – child support and child custody and visitation), but if the judge is satisfied with your agreement, he or she will likely incorporate it into the final decree, binding both of you to the agreement. Therefore, once you and your spouse have executed the agreement, if you want to make any changes to it, you will both have to agree to those changes in writing, unless

you can prove it is not a valid agreement.

In short, **DO NOT** execute the *Settlement Agreement* with this packet if it is incomplete, or you and your spouse have agreed to something orally that is not included in the agreement. **DO** contact an attorney if you have any questions at all about an agreement proposed to you by your spouse or if you are unclear about any of the terms included in it. It is **STRONGLY** recommended that you talk with an attorney before signing any agreement.

Additionally, the *Settlement Agreement* included with this packet is just one sample of an agreement you might reach with your spouse. It does not cover every possible scenario that might come up in the future between you and your spouse, particularly with respect to children. If you can hire an attorney to represent you, he or she will be able to help craft an agreement that is tailored to your precise needs.

If you execute an agreement with your spouse, and later believe the agreement is not valid, you will need to contact an attorney to find out what options might be available to you.

The two-part *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form is an optional form your spouse may complete and sign in front of a notary (and return to you for filing with the Court). If your spouse is not in Hall County or in the State of Georgia and he or she completes both parts of the form and signs it in front of a notary and returns it to you, the Court will have the power to award you relief it may not otherwise have the power to award you. It also means that you will not have to pay the service fee (see below).

**\*\*\*DO NOT use the *Acknowledgment of Service* until you are sure you have every document required for filing completed and copied for your spouse.**

## Step 6: Completing the other forms with your packet

- *Affidavit of Diligent Search* – You do not need this form unless you are asking the Court to allow you to serve the Respondent by publication. Fill in your complete name as the Petitioner and your spouse’s name as the Respondent. Put the last address you have for the Respondent in the space provided. Then, write all of your efforts to locate the Respondent (e.g., looking online at [www.whitepages.com](http://www.whitepages.com) or other web-based search tools, talking with relatives and friends of Respondent, talking to Respondent’s last known employer, etc.). As with any other document, you must be truthful about the information you are providing to the Court and you must be diligent in your efforts to locate the Respondent. You will also need to obtain a form *Notice of Publication* and form *Order of Publication* from FLIC (see instructions for **Paragraph 3** of the *Petition* above).
- *Domestic Relations Case Filing Information* Form – Fill in your complete name as the Petitioner (including your maiden name, if applicable) and your spouse’s complete name as the Respondent. Check the box for “Pro se.” Check the box for “Divorce.” Do not complete the Family Violence portion even if your Petition for Divorce includes a request for a restraining order. This section only applies if you had checked the box for a “Family Violence Act Petition” rather than the box for “Divorce.” Leave the rest of the form blank.
- *STATE OF GEORGIA Report of Divorce, Annulment or Dissolution of Marriage* – Complete items 4 through 15. On item 14, you will need to write the grounds for your divorce. If you are filing because the marriage is “irretrievably broken,” then write it in the space provided. If you have alleged other grounds for divorce in your *Petition*, you will need to list those grounds as well.
- *Pro Se Mediation Referral Form* – If you do not have a *Settlement Agreement* signed and notarized by both parties when you file, and you are not asking for a divorce by publication, you will be ordered to attend mediation as explained below in **Section V**. Complete the form and fax/send it to the mediation office. **You MUST follow up with the mediation office to make sure mediation is**

**actually scheduled and occurs.**

*Note:* if you live in a shelter for victims of family violence, contact the Mediation Office directly at (770) 535-6909, rather than completing the *Pro Se Mediation Referral Form*. DO NOT include an address on the mediation referral form that you do not want your spouse to know.

- *Domestic Relations Case Final Disposition Information Form* (included with this packet) – You will not need this form until the day of your final hearing (so keep it with your folder and bring it with you to Court). Fill in the requested information and file the form with your Final Judgment and Decree of Divorce on the day of your divorce.

## **Step 7: Getting your papers together**

After you have finished filling out all the papers you need to start your case, you may either sign all of them (in front of a notary public when required) before coming to FLIC, or wait until you meet with a FLIC staff person and have them notarized free of charge. If you decide to have your papers notarized before coming to the Courthouse, you may want to sort the papers and making copies as described in **Step 10** below. Make sure to also fill out the *Pro Se Mediation Referral Form* if you do not have a signed *Settlement Agreement*. You may fax it directly to the mediation office once you have a Court date, or give it to FLIC to fax when you come the Courthouse.

## **Step 8: Getting your fees ready**

The Court filing fee is noted on the front of this packet (verify current fee with Clerk of Court and pay with cash or money order only). If the Hall County Sheriff's Office is going to serve the papers, there is also a service fee. You should bring cash or money orders for these amounts with you when you bring your papers to the Clerk's office to file your case. If you have completed a Notice of Lis Pendens, there is an additional fee.

*Note:* If you have a very low income, and feel that you cannot afford to pay these fees, you can ask the Court to waive the fees. FLIC has *Poverty Affidavits* available and can explain the process for applying.

**IMPORTANT:** if you live in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER on the *Poverty Affidavit*. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county.

If the Court approves your request, you will file the *Poverty Affidavit* and *Order on Poverty Affidavit* (signed by a judge) with the other papers when you file your divorce action at the Clerk's office. A judge must sign the Order approving your *Poverty Affidavit*, before the filing of your case will be completed by the Clerk's office staff. If the judge signs the order of approval, both the filing fee and the service fee are waived. If the judge does not approve your *Poverty Affidavit*, you must pay the fees before your case will proceed.

If you are serving the Respondent by publication (because you do not know where she or he can be found for service), there is a publication fee charged by the newspaper that publishes the notice. Even if the judge approves your *Poverty Affidavit*, you will have to pay this fee. You will need an \$80.00 money order, payable to *The Times*.

If you are having your spouse served in another county, you will need to find out from that Sheriff's office whether they will accept a *Order on Poverty Affidavit* from a Hall County Superior Court Judge. If not, you will need to pay the service fee required in that county/state or inquire with them how you might get the fee waived. See "Choosing a Method for Service" above in the instructions for Paragraph 3.

## Step 9: Visiting FLIC on the fourth floor of the Courthouse in Room 459

Visiting FLIC is a requirement for all people representing themselves in divorce cases in this Circuit. Before you obtain a Court date from any judge's office, **you must visit FLIC**. The Center offers assistance by appointment. The FLIC staff person will check your forms for completeness, notarize documents free of charge, and provide you with a folder and procedural checklist.

Consultations with the FLIC attorney are available for people who financially qualify and have general legal questions regarding the divorce. Consultations are also subject to a conflict check and income qualification. You may call (770) 531-2463 for more information and to schedule an appointment.

At FLIC, you can pick up the following forms if you are having the Respondent served: *Summons*, *Sheriff's Entry of Service*, and *Letter for Service by Second Original* (if applicable). If the Respondent has already signed an *Acknowledgment of Service*, but indicated on the form that he/she does not waive further notice, you will need to ask for a *Certificate of Service* from FLIC. After you get your Court date (using the *Rule Nisi*), you will need to complete and copy the *Certificate of Service* form (see **Step 13** below).

## Step 10: Making copies

After you visit FLIC (you will now have a folder, procedural checklist, and certain other service forms if you are having the Respondent served), if your forms are complete and signed, sort them into the following order:

- *Poverty Affidavit* and *Order on Poverty Affidavit* (if applicable)
- *Affidavit of Diligent Search*, *Order of Publication*, and *Notice of Publication* (if applicable)
- *Petition for Divorce* (and any exhibits)
- *Verification*
- *Domestic Relations Financial Affidavit*
- Two-part form: *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*
- *Settlement Agreement*
- *Domestic Relations Action Standing Order* and *Certificate of Service*

If you have not already done so, make two complete sets of copies of all the above papers you are going to file (there is a copier in one of the interview rooms on the fourth floor of the Courthouse). Then, separate them into three packets: (1) originals (to be filed) – **do not staple this set together**, (2) one set of copies for your spouse (called the “service copy”), and (3) one set of copies for you to keep for your records. Even if you are serving the Respondent by publication, make a “service copy” for the Clerk’s office to send to the last known address.

Put the following additional forms together for the Clerk of Courts (but you do not have to make copies of these forms) and place them on top of your set of originals:

- *Domestic Case Relations Case Filing Information Form*
- *STATE OF GEORGIA Report of Divorce, Annulment or Dissolution of Marriage*
- *Notice of Lis Pendens* (if applicable)

Any forms that you will be filing or presenting to the Court later (such as the *Domestic Relations Case Final Disposition Information Form*), may be kept in your folder.

## Step 11: Filing your divorce in the Clerk’s office

Take all 3 sets of forms (with the originals set on top), along with your cash or money orders, to the Hall County Superior Court Clerk’s office (Civil Division window). It is located on the ground floor of the Hall

County Courthouse (225 Green Street, S.E., Gainesville). When it is your turn, give all 3 sets to the clerk, along with any fees. If your paperwork is in order, the clerk will keep the originals for the Court's file. After the fees have been paid, or the *Poverty Affidavit* has been approved by the judge, the clerk will write your case number (Civil Action File No.) on the top page of both sets of copies, stamp them with the date & time stamp, and return one set of copies to you. He/she will also tell you to which judge your case has been assigned, give you a form entitled *Rule Nisi* and instruct you to go back to the fourth floor to get a Court date from that Judge's office.

### **Step 12: Obtaining a Court date**

All offices of the Superior Court Judges are located on the fourth floor of the Courthouse. After leaving the Clerk's office, go back upstairs to the specific Judge's office and ask the calendar clerk in the office for a final hearing date. He/she will ask to see a paper indicating you have been to FLIC (and potentially ask to see a copy of your file-stamped divorce papers), and then assign you a date (using the *Rule Nisi*).

### **Step 13: Making copies of the Court date (*Rule Nisi*)**

One of the interview rooms on the fourth floor has a copier. You will need to make two copies of your *Rule Nisi* before returning to the Clerk's office.

In addition, if the Respondent signed the *Acknowledgment of Service* but indicated on the form that he/she does not waive further notice, you will need to complete a *Certificate of Service* form (if you have not already done so), certifying to the Judge that you will immediately serve the Respondent with a copy of the *Rule Nisi* (either in person or by U.S. Mail). Once the *Certificate of Service* is complete, make two copies of it. Place the original signed *Certificate of Service* behind the original *Rule Nisi* (you will file this set in the Clerk's office). Place one of the copies of the *Certificate of Service* behind the Respondent's copy of the *Rule Nisi* (you will immediately deliver this set to the Respondent – via mail or by hand). Keep the second copy of the *Certificate of Service* with your copy of the *Rule Nisi* for your records.

### **Step 14: Asking FLIC to fax the *Pro Se Mediation Referral Form***

While you are on the fourth floor, if you do not have a signed *Settlement Agreement*, you may complete the *Pro Se Mediation Referral Form* (included with this packet) and leave it with FLIC. FLIC will fax it to the mediation office as a courtesy but you must still follow up with the mediation office to make sure mediation occurs at least 15 days before your final hearing date. The form is not complete until you write your new assigned case number and Court date on it. You may also fax the form to the mediation office yourself.

### **Step 15: Filing your Court date**

Take the original *Rule Nisi* (and original *Certificate of Service*, if applicable) back to the Clerk's office for filing. If you are having the Respondent served, give one of the copies of the *Rule Nisi* to the Clerk as well.

## **V. STEPS YOU MUST TAKE BEFORE YOUR FINAL HEARING**

- Attend mandatory mediation with your spouse if you do not have a *Settlement Agreement*, signed by and notarized for both parties, and you are not obtaining your divorce by publication (in the newspaper).** Mediation is required under the Internal Operating Procedures for Domestic Relations Cases (a copy of these procedures is available online at [www.hallcounty.org](http://www.hallcounty.org) under "Superior Court").

To schedule mediation, call the 9th Judicial Administrative District Office of Dispute Resolution (“Mediation Office”) at (770) 535-6909, or complete the *Pro Se Mediation Referral Form* (included with this packet and available at FLIC) and drop it at FLIC on the fourth floor of the courthouse. FLIC will fax it to the mediation office as a courtesy, but it is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place. Mediation must be completed at least 15 days prior to your final hearing. If you do not think you will be able to pay the required mediation fees (\$150 - \$200 per hour, depending on the mediator), you must complete a *Fee Reduction Request* and submit it to mediation office at least 10 days prior to your scheduled mediation. Contact the Mediation Office for a *Fee Reduction Request* or you may download the form from [www.adr9.com](http://www.adr9.com).

\*\*\*\*If you have been ordered to mediation but later complete the *Settlement Agreement* with your spouse, you should set up an appointment with the FLIC attorney to find out about obtaining an *Order Waiving Mediation*, based on the fact that you have reached an agreement in writing with your spouse. If the Mediation Office has already started the process of setting up a mediation for you and your spouse, you will need to let them know in advance of the mediation that you intend to obtain a waiver. If you do not show up for a scheduled mediation without notifying the mediation office, you will be charged for the mediation.

\*\*\*\*If you have obtained a protective or restraining order against your spouse and are fearful that mediating in the same building presents a safety risk for you, you can set up an appointment with the FLIC attorney to find out about obtaining an *Order Waiving Mediation*. You should also consider contacting the Mediation Office to learn more about the mediation process when domestic violence has been an issue between the parties.

At a minimum, you should bring copies of all paperwork filed in your case with you to mediation, particularly the *Domestic Relations Financial Affidavit*.

- Follow up with the Clerk of Courts at (770) 531-7025 to make sure your spouse has actually been served with the divorce papers, and that proof has been received by the Clerk’s office.**

## VI. FORMS YOU WILL NEED AT THE FINAL HEARING TO FINISH YOUR DIVORCE

- Domestic Relations Case Final Disposition Information Form* (included with this packet)

## VII. GENERAL INFORMATION ABOUT HEARINGS

### Temporary Hearing

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a temporary hearing. Temporary issues may include temporary alimony, living arrangements, use of an automobile, and who is responsible for certain payments while the divorce is pending.

To schedule a temporary hearing, you should complete a *Rule Nisi Scheduling Temporary Hearing* form (available in FLIC) and make an extra copy of your *Domestic Relations Financial Affidavit*. If you know you want a temporary hearing when you file your divorce case, you can bring the *Rule Nisi Scheduling Temporary Hearing* and extra copy of the *Domestic Relations Financial Affidavit* with you to the Judge’s office after you file your divorce papers (when you are asking for a final Court date).

As with the *Rule Nisi* used to schedule your final Court date, you will need to make copies of the *Rule Nisi Scheduling Temporary Hearing* and *Domestic Relations Financial Affidavit* and make sure the Respondent receives them. If you are just filing your divorce papers, make copies of these two forms in the copy room (as you are doing with the *Rule Nisi* – explained above in **Step 13**) and bring them to the Clerk to include with the “service copy.” If the Sheriff has already served the Respondent, or the Respondent has acknowledged service, you must mail or personally deliver copies of the forms to the Respondent, using a *Certificate of Service* form (see **Step 13**), showing the Court that the Respondent was properly served.

Under the new Uniform Superior Court Rule, the *Rule Nisi Scheduling Temporary Hearing* (showing when and where the temporary hearing will take place) must be served on the Respondent at least fifteen (15) days before the hearing.

### **Final Hearing**

If you have a signed *Settlement Agreement*, and the Respondent has completed the *Acknowledgement of Service* giving his/her consent to have the case heard at 31 days, then you may ask to have the final hearing take place any time at least 31 days after the Respondent was personally served (or the *Acknowledgement of Service* was filed with the Clerk). Most of the judges and other court personnel call this type of hearing an “uncontested” divorce hearing.

If you do not have a signed *Settlement Agreement* and an *Acknowledgement of Service* giving consent to have the case heard at 31 days, then your final hearing may take place any time at least 46 days after the Respondent was personally served (or the *Acknowledgement of Service* was filed with the Clerk). If service is by publication, the hearing may take place any time after 61 days from the date of the first publication.

Although it is possible to have the final hearing at 31 days or at 46 days, you may not receive a hearing that soon. It will depend, in part, on the particular Judge’s schedule.

### **Preparing for a Hearing**

Before the hearing date, whether temporary or final, you must prepare your case to be presented to the Court. You are your main witness. You must also gather your other evidence (such as documents and photographs), and you must arrange for any other witnesses that you want to have testify at the hearing. You must also prepare the proper documents to be provided to the Judge at (or soon after) the hearing.

For a temporary hearing, you may use Affidavits from witnesses, so that they do not have to testify in person. However, there are special procedures for using Affidavits. (See USCR 24.5.) At the final hearing, Affidavits are not proper evidence. Your witnesses (if any) must testify in person at the hearing.

FLIC has some materials you can read that might help you prepare for the hearings. You should also talk to a lawyer about the hearing, to learn more about how to present your case.

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

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION  
FILE NO.:** \_\_\_\_\_

**PETITION FOR DIVORCE WITHOUT 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(e)(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):** The Respondent and I have no minor children together (including unborn children).

7.

**Other Minor Child(ren):** [Optional]

[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>Year of Birth</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 that the husband, [name] \_\_\_\_\_, is not the biological and/or legal father of  the unborn child(ren) and/or  the above-named child(ren), that he has never recognized this/these child(ren) as his child(ren) and that he has no legal relationship, nor potential rights or obligations arising from any such relationship, to this/these child(ren).

(i) [Optional - check only if applicable.] I am further asking the Court to enter an order directing that, upon the birth of the child(ren) with whom I am now pregnant, any person required by law to prepare the birth certificate(s) shall not enter the name of the Respondent as the father of the child(ren) (as the Court has made a paternity determination with respect to the Respondent) and shall enter my legal surname (at the time of the birth) as the surname of the child(ren).

8.

**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.]

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 9 through 13 below do not apply. [You may strike through paragraphs 9 through 13.]

9.

**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.



12.

**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:	_____	_____
	_____	_____
Other debts:	_____	_____
	_____	_____
	_____	_____
	_____	_____

- (d) This case involves service by publication.

13.

**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.

14.

**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.

15.

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

\_\_\_\_\_  
Petitioner, Pro se [*signature above*]

Name [*printed*]: \_\_\_\_\_

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

\_\_\_\_\_  
Phone: (     ) \_\_\_\_\_



In the Superior Court of \_\_\_\_\_ County, Georgia

_____	)	
, Petitioner	)	
	)	
vs.	)	Civil Action No. _____
	)	
_____	)	
, Respondent	)	
	)	

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

1. AFFIANT'S NAME (your 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	Year of Birth	Resides with
_____		
_____		
_____		

Names and birth dates of affiant's other children:

Name	Year of Birth	Resides with
_____		
_____		
_____		

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A)	\$ _____
(b) Net monthly income (from item 3B)	\$ _____
(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____
Total monthly expenses and payments to creditors (item 5C)	_____

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. **To convert a weekly amount to a monthly amount, multiply the weekly amount by 4.35. In calculating monthly income based on a 40 hour work week, multiply the hourly salary by 174.))**

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)	\$ _____
<b>GROSS MONTHLY INCOME (total)</b>	<b>\$ _____</b>

B. AFFIANT'S NET MONTHLY INCOME from employment  
(deducting only state and federal taxes and FICA) \$ \_\_\_\_\_  
Affiant's pay period (i.e., weekly, bi-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	Basis of the Claim
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account, but DO NOT list account numbers):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
Retirement Pensions, 401K, IRA, or Profit Sharing	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
Tax Refund owed you:	\$ _____	_____	_____	_____
Real Estate:				
home:	\$ _____	_____	_____	_____
debt owed:	\$ - _____			
other:	\$ _____	_____	_____	_____
debt owed:	\$ - _____			
Automobiles/Vehicles:				
Vehicle 1:	\$ _____	_____	_____	_____
debt owed:	\$ - _____			
Vehicle 2:	\$ _____	_____	_____	_____
debt owed:	\$ - _____			
Life Insurance (net cash value):	\$ _____	_____	_____	_____
Furniture/furnishings:	\$ _____	_____	_____	_____

Jewelry: \$ \_\_\_\_\_

Collectibles: \$ \_\_\_\_\_

Other Assets: \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**Total Assets:** \$ \_\_\_\_\_

If you need to explain anything further, you can write comments here:

**5. A. AVERAGE MONTHLY EXPENSES (To convert a weekly amount to a monthly amount, multiply the weekly amount by 4.35.)**

**HOUSEHOLD**

Mortgage or rent payments	\$ _____	Cable TV	\$ _____
Property taxes	\$ _____	Misc. household and grocery Items	\$ _____
Homeowner/Renter Insurance	\$ _____	Meals outside the home	\$ _____
Electricity	\$ _____	Other	\$ _____
Water	\$ _____	<b>AUTOMOBILE</b>	
Garbage and Sewer	\$ _____	Gasoline and oil (or taxi fare)	\$ _____
Telephone:		Repairs	\$ _____
residential line:	\$ _____	Auto tags and license	\$ _____
cellular telephone:	\$ _____	Insurance	\$ _____
Gas	\$ _____	<b>OTHER VEHICLES</b>	
		<b>(boats, trailers, RVs, etc.)</b>	
Repairs and maintenance:	\$ _____	Gasoline and oil	\$ _____
Lawn Care	\$ _____	Repairs	\$ _____
Pest Control	\$ _____	Tags and license	\$ _____
		Insurance	\$ _____

**CHILDREN'S EXPENSES**

Child care (total monthly cost) \$ \_\_\_\_\_

School tuition \$ \_\_\_\_\_

Tutoring \$ \_\_\_\_\_

Private lessons (e.g., music, dance) \$ \_\_\_\_\_

School supplies/expenses \$ \_\_\_\_\_

Lunch Money \$ \_\_\_\_\_

Other Educational Expenses (list)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Allowance \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Diapers \$ \_\_\_\_\_

Medical, dental, prescription  
(out of pocket/uncovered expenses) \$ \_\_\_\_\_

Grooming, hygiene \$ \_\_\_\_\_

Gifts from children to others \$ \_\_\_\_\_

Entertainment \$ \_\_\_\_\_

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): \$ \_\_\_\_\_

**AFFIANT'S OTHER EXPENSES**

Dry cleaning/laundry \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Medical, dental, prescription  
(out of pocket/uncovered expenses) \$ \_\_\_\_\_

Affiant's gifts (special holidays) \$ \_\_\_\_\_

Entertainment \$ \_\_\_\_\_

Recreational Expenses (e.g.,  
fitness) \$ \_\_\_\_\_

Vacations \$ \_\_\_\_\_

Travel Expenses for Visitation \$ \_\_\_\_\_

Publications \$ \_\_\_\_\_

Dues, clubs \$ \_\_\_\_\_

Religious and charities \$ \_\_\_\_\_

Pet expenses \$ \_\_\_\_\_

Alimony paid to former spouse \$ \_\_\_\_\_

Child support paid for other  
children \$ \_\_\_\_\_  
Date of initial order: \_\_\_\_\_

Other (attach sheet) \$ \_\_\_\_\_

**TOTAL ABOVE EXPENSES** \$ \_\_\_\_\_

**B. PAYMENTS TO CREDITORS**

(Check "✓" who is to pay this debt)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS:\$ \_\_\_\_\_

**C. TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Affiant

If you need to explain anything further, you can write comments here:



**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	§	
Petitioner,	§	
v.	§	<b>CIVIL ACTION</b>
	§	<b>FILE NO.:</b> _____
Respondent.	§	

**SETTLEMENT AGREEMENT**

This agreement (also referred to here as “Agreement” or “Settlement Agreement”) is between [name] \_\_\_\_\_ (also referred to in this Agreement as “Mother” or “Wife” or [Petitioner / Respondent] “\_\_\_\_\_”) and [name] \_\_\_\_\_ (also referred to in this Agreement as “Father” or “Husband” or [Petitioner / Respondent] “\_\_\_\_\_”).

The parties are married, but are currently separated, and want to settle between themselves all questions of custody, visitation and child support (if the parties have minor children together), insurance, alimony, division of property, debts and all other rights and obligations arising out of their marital relationship.

THEREFORE, in consideration of the mutual promises and declarations in this Agreement, the parties agree as follows:

**1.**

**SEPARATION.** The parties shall continue to live apart and each party shall be free from all interference and control by the other party, direct or indirect, as fully as if unmarried, and each party may reside at such places as he or she may choose.

**2.**

**ALIMONY.** [Check and complete only one of these options, (a) or (b). Do not check both (a) and (b).]

- (a) The [Wife / Husband] \_\_\_\_\_ shall pay to the [Wife / Husband] \_\_\_\_\_ as alimony, the sum of \$ \_\_\_\_\_ per month, beginning on \_\_\_\_\_, 20\_\_ and continuing monthly thereafter,  
[To finish (a), you must check and complete only one of the options, (i), (ii) or (iii).]
- (i) until the existing order for support currently in effect between the parties (case number: \_\_\_\_\_) expires on \_\_\_\_\_, 20\_\_.
- (ii) until the recipient remarries or dies.
- (iii) for a period of \_\_\_\_\_.
- (b) Each party expressly waives the right to receive alimony from the other party.

Wife’s initials \_\_\_\_\_

Husband’s initials \_\_\_\_\_

3.

**PROPERTY DIVISION.** [Check and complete only one option, (a) or (b). Do not check both (a) and (b).]

- (a) The parties acknowledge that they have already made a division of their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this Agreement.
- (b) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this Agreement. The parties agree to transfer possession, right and title to their property as follows:

[If you have chosen (b), check and complete only the parts that apply, from (i) through (iv) below. Cross out the parts that do not apply.]

- (i) **Marital Home** - The marital home of the parties, located at the following address: \_\_\_\_\_, bearing the legal description contained in a copy of the deed attached to this Agreement as Exhibit “\_\_\_\_\_” and hereby incorporated by reference, shall be conveyed to [full name] \_\_\_\_\_ in fee simple. The [Wife / Husband] \_\_\_\_\_ shall be responsible for all taxes, assessments and mortgage loan payments on the marital home after the date of \_\_\_\_\_. [MAKE SURE TO ATTACH A COPY OF THE DEED TO THIS AGREEMENT. You may also check any options below that you want to apply, but none of the options are required.]

- (1) The [Wife / Husband] \_\_\_\_\_ shall have a protected interest in the home in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_). Upon the sale or transfer of the home, the protected interest shall be paid.

- (2) The [Wife / Husband] \_\_\_\_\_ shall pay to the [Wife / Husband] \_\_\_\_\_ an amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_ ) by the date of \_\_\_\_\_ for his/her interest in the home.

- (3) The [Wife / Husband] \_\_\_\_\_ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the [Wife / Husband] \_\_\_\_\_ shall no longer be liable on the mortgage loan(s). If the [Wife / Husband] \_\_\_\_\_ is not able to refinance by \_\_\_\_\_, 20\_\_\_\_, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

- (ii) **Mobile Home** - The parties’ mobile home, which is described as a \_\_\_\_\_, with Vehicle Identification Number (VIN) of \_\_\_\_\_ shall be transferred to the [Wife / Husband] \_\_\_\_\_. The [Wife / Husband] \_\_\_\_\_ shall be responsible for all loan payments on the mobile home after the date of \_\_\_\_\_.

- (iii) **Vehicles** - The vehicles owned by the parties shall be transferred or retained as follows:

<u>Year/Make/Model of Vehicle</u>	<u>Vehicle ID # (VIN)</u>	<u>Goes to</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

The party listed above for each vehicle shall be responsible for all car loan payments, *ad valorem* taxes, registration fees and insurance on that vehicle accruing after the following date: \_\_\_\_\_, 20\_\_\_\_.

Wife’s initials \_\_\_\_\_

Husband’s initials \_\_\_\_\_

- (iv) **Other Personal Property** - The parties acknowledge that they own various other items of personal property, which right, title, and interest shall be transferred to the party listed below, on or before \_\_\_\_\_, 20\_\_.

To the Wife: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

To the Husband: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Except as otherwise specifically provided in this Agreement, the transfers listed above shall be completed no later than \_\_\_\_\_, and each party shall execute all documents necessary to promptly complete and/or evidence the transfers (including, but not limited to, execution of a quitclaim deed to complete and/or evidence the transfer of the marital home). Upon the failure of either party to execute and deliver any deed or other document necessary to complete and/or evidence the transfers required by this Agreement, this Agreement shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this Agreement or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this Agreement, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this Agreement, except as provided in this Agreement.

The responsible party listed above for any debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection the other party may incur as a result of the legal action.

**4.**

**OTHER DEBTS.** [Check and complete only one of these options, (a), (b), or (c).]

- (a) The parties acknowledge that they have no outstanding joint or marital debts.
- (b) The parties acknowledge that they have no outstanding joint or marital debts, other than debts associated with the marital property as addressed above in Paragraph 3.
- (c) The responsibility for payment of the parties' joint and marital debts (not otherwise addressed above in Paragraph 3) shall be as follows:

<u>Creditor</u>	<u>Amount</u>	<u>Responsible Party</u>
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____
_____	\$ _____	_____

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all

Wife's initials \_\_\_\_\_

Husband's initials \_\_\_\_\_



attorney's fees and costs of collection the other party may incur as a result of the legal action.

Except as provided in this Agreement, each party shall be responsible for his/her own respective remaining debts not specified in this Agreement, which were incurred in his/her own individual name. Neither party shall incur any debt or liability in the other party's name from and after the date of signing this Agreement.

5.

**MINOR CHILD(REN) AND PARENTING PLAN.** [Check (a) or (b).]

- (a) The parties have no minor child(ren) together (including unborn children).
- (b) The parties have minor child(ren) together. All questions of custody and/or visitation regarding the child(ren) are addressed by the parties in the *Parenting Plan* attached to this Agreement. The parties agree to all of the terms of the attached *Parenting Plan* and hereby incorporate it by reference into this Agreement, as if all of its terms were set forth here. [**MAKE SURE TO COMPLETE THE PARENTING PLAN BEFORE SIGNING THIS AGREEMENT.**]

6.

**CHILD SUPPORT, HEALTH, DENTAL AND VISION INSURANCE, AND UNINSURED HEALTH CARE EXPENSES FOR THE MINOR CHILD(REN).** [Check (a) or (b).]

- (a) The parties have no minor child(ren) together (including unborn children).
- (b) The parties have minor child(ren) together and have completed the *Child Support Addendum*, *Child Support Worksheet*, and appropriate schedules attached to this Agreement. The parties agree to the terms contained within these forms and hereby incorporate them by reference into this Agreement, as if all of the terms were set forth here. [**MAKE SURE TO COMPLETE THE CHILD SUPPORT ADDENDUM, CHILD SUPPORT WORKSHEET AND APPROPRIATE SCHEDULES BEFORE SIGNING THIS AGREEMENT.**]

7.

**LIFE INSURANCE FOR THE BENEFIT OF THE CHILD(REN).** [Check and complete (a) or (b).]

- (a) The parties  have no minor children together (including unborn children) or  are not asking the Court to address the issue of life insurance for the benefit of the minor child(ren) in this action.
- (b) The child(ren) depend on [*Mother / Father / both parties*] \_\_\_\_\_ for financial support, and therefore [*Mother / Father / each party*] \_\_\_\_\_ agrees to maintain a policy of insurance on his/her life, with a face amount of at least \$ \_\_\_\_\_, for the benefit of the minor child(ren). The policy/ies shall be maintained for so long as at least one of the child(ren) is a minor or is otherwise entitled to child support pursuant to this Agreement.

8.

**TAX AND BANKRUPTCY CONSTRUCTION OF THIS AGREEMENT.** The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this Agreement, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party's financial independence would be impaired. Therefore, it is the parties' intention that if either party ever seeks bankruptcy protection, the amounts payable under this Agreement shall not be dischargeable in bankruptcy under 11 United States Code Section 523(a)(5), as the payments are in the nature of a domestic support obligation. Alternatively, the payments shall be nondischargeable in bankruptcy under 11 United States Code Section 523(a)(15).

Wife's initials \_\_\_\_\_

Husband's initials \_\_\_\_\_

9.

**OTHER PROVISIONS.** [Optional – check and complete any options both parties agree apply.]

\_\_\_\_\_

**Restraining order.** [Wife / Husband / both parties] \_\_\_\_\_ shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing and stalking [Wife / Husband / the other party] \_\_\_\_\_. By consenting to this provision, [Wife / Husband / the parties] \_\_\_\_\_ in no way admit(s) that such acts were ever done in the past, but agree(s) not to engage in such acts in the future. This provision shall be enforceable by the Court’s contempt power.

**Other child(ren).** The parties acknowledge that Wife has had \_\_\_\_\_ other minor child(ren) (listed below) who are not Husband’s biological child(ren). Husband has never recognized these child(ren) as his child(ren). The Husband is not the biological and/or legal father of these child(ren) and has no legal relationship, nor potential rights or obligations arising from any such relationship, to these children:

<u>Name of child</u>	<u>Sex</u>	<u>Date of Birth</u>
_____	_____	_____
_____	_____	_____

**Pregnancy.** The parties acknowledge that Wife is pregnant with a child (or children in the case of multiples) who is/are not the Husband’s biological child(ren). Husband is not the biological and/or legal father of the child(ren) and does not recognize the child(ren) as his child(ren). Husband has no legal relationship, nor potential rights or obligations arising from any such relationship, to the child(ren). This Agreement shall constitute and operate as a paternity determination with respect to Husband if incorporated by the Court into the Final Judgment and Decree of Divorce. Although the child(ren) was conceived during the marriage, upon the birth of the child(ren) with whom Wife is now pregnant, any person required by law to prepare the birth certificate(s) shall not enter Husband as the father of the child(ren) and shall enter Wife’s surname (at the time of the birth) as the surname of the child(ren).

10.

**VOLUNTARINESS OF AGREEMENT.** The parties acknowledge that they have entered into this Agreement freely and voluntarily, and that it is not the result of any duress or any undue influence. We understand that we do not have to enter into this Agreement, that we have the right to trial before a judge or jury on all issues that could be raised in this action. We also understand that we have the right to certain discovery procedures that may reveal other income or assets of the other party. We have agreed to enter into this Agreement based on our knowledge of the income and assets of the parties and their written statements in this Agreement. After considering all of this, we have decided to enter into this Agreement freely and voluntarily.

11.

**COMPLETENESS OF AGREEMENT.** This Agreement constitutes the entire understanding of the parties. There are no representations or promises other than those expressly included in this Agreement. Each party hereby states under oath that the financial representations in this Agreement are accurate and complete, to the best of that party’s information, knowledge and belief.

Wife’s initials \_\_\_\_\_

Husband’s initials \_\_\_\_\_

12.

**EFFECT OF DIVORCE.** Both parties understand that this Agreement does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this Agreement shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the Agreement. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

\_\_\_\_\_  
Signature of Wife

\_\_\_\_\_  
Signature of Husband

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_ appeared  
[print name]

\_\_\_\_\_ appeared  
[print name]

before me on \_\_\_\_\_, 20\_\_\_\_, and  
said under oath that she had read and understood this  
Agreement, and was signing it voluntarily in my  
presence.

before me on \_\_\_\_\_, 20\_\_\_\_, and  
said under oath that he had read and understood this  
Agreement, and was signing it voluntarily in my  
presence.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_,  
Petitioner,  
v. \_\_\_\_\_,  
Respondent.

§  
§  
§  
§  
§  
§  
§

**CIVIL ACTION  
FILE NO.:** \_\_\_\_\_

**AFFIDAVIT OF DILIGENT SEARCH**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and state under oath that I am the Petitioner in the above-styled action and that the last known address of Respondent is: \_\_\_\_\_

I have been unsuccessful in locating Respondent, despite the following diligent efforts to do so:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Accordingly, I request that the Court permit me to serve Respondent by publication.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Sworn to and subscribed before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Petitioner, *Pro Se* [signature above]  
Petitioner's name [print]:

\_\_\_\_\_  
Petitioner's address: \_\_\_\_\_

\_\_\_\_\_  
Petitioner's telephone number:  
(    ) \_\_\_\_\_

IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTIES

STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff  
v.  
\_\_\_\_\_  
Defendant.

/  
/  
/  
/  
/  
/

Civil Action File  
Number: \_\_\_\_\_

**DOMESTIC RELATIONS ACTION**  
**STANDING ORDER**

FILED  
HALL CO., GA.  
11 JAN -4 AM 9:42  
CHIEF CLERK  
SUPERIOR COURT  
BY *DL*

-1-

Pursuant to O.C.G.A. § 19-9-1(b) and the Implementing Order of the Court ~~filed~~ on the 31st day of December, 2010,, this Standing Order binds the parties in all domestic relations cases, their agents, servants, employees, and all other persons acting in concert with the parties.

-2-

Each party is hereby enjoined and restrained from unilaterally causing or permitting the child or children of the parties to be removed from the jurisdiction of the Court without express permission of the Court or written approval of both parties. For purposes of this paragraph, the jurisdiction of the Court shall be the State of Georgia.

-3-

Each party is hereby enjoined and restrained from doing or attempting to do or threatening to do any act which injures, maltreats, vilifies, molests, or harasses the adverse party or the child or children of the parties or the pets of the parties.

-4-

Each party is hereby enjoined and restrained from selling, damaging, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of this Court, without the permission of the Court, any of the property belonging to the parties except in the ordinary course of business or except by an emergency which has been created by the other party to the action.

-5-

Each party is hereby enjoined and restrained from disconnecting, transferring, changing or otherwise interrupting the utilities servicing the marital residence. Utilities shall be defined as electricity, gas, water, basic residential telephone (excluding long distance), or cell phone if the parties are not using a residential land line for phone service, basic internet, and basic cable.

-6-

Each party is hereby enjoined and restrained from canceling or changing auto, health, dental, vision, prescription and/or life insurance for the parties and/or the parties' child or children which is in place at the time of the filing of the action. This shall include the change of beneficiary for life insurance policies.

-7-

Each party shall complete, file and serve a **Domestic Relations Financial Affidavit (DRFA)** as required by Uniform Superior Court Rule 24.2. Failure of any party to furnish the affidavit as directed in Uniform Superior Court Rule 24.2 may subject the offending party to the penalties of contempt. A copy of the DRFA is attached hereto, as Exhibit "A".

In all actions involving child custody and/or modifications of child support, the Plaintiff shall be required to file and serve upon the Defendant a completed **Child Support Worksheet** and any applicable Schedules as required by Uniform Superior Court Rule 24.2. Said Worksheet and Schedules shall be completed in substantial form to the best of the Plaintiff's knowledge and belief. The Worksheet and Schedules are available at [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc). The Defendant shall file his or her Worksheet and Schedules as required by Uniform Superior Court Rule 24.2. Failure to timely furnish the Worksheet and Schedules may subject the offending party to the penalties of contempt. All Final Judgments and Agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. § 19-5-12 and 19-6-15. Pursuant to O.C.G.A. § 19-6-31, 32, and 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

This Order shall apply to all domestic relations cases filed in the Northeastern Judicial Circuit and shall be the standing order until further order or action by the judges of this Court. It is ordered that all parties shall be subject to and comply with this Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

**All parties are put on notice that they are to read and comply with Uniform Superior Court Rule 24.2, which is attached hereto and incorporated herein by reference as Exhibit "B". Failure to comply with Uniform Superior Court Rule 24.2 could result in the Court imposing sanctions.**

#### PARENTING SEMINAR

All parties with minor children shall successfully complete one of the approved co-parenting seminars when involved in any of the following cases; all divorce cases, all change of custody or visitation cases in which there is no written agreement at time of filing; all legitimation cases; and any other domestic relations cases as may be otherwise ordered by the court. The Plaintiff shall successfully complete the seminar within 31 days following the filing of the Complaint and the Defendant shall successfully complete the seminar within 31 days of the date of service of the Complaint on the Defendant. Information on approved seminars, dates, locations, and possible fee waivers for indigent parties is available in the office of the Clerk of the Superior Court, the Family Law Information Center, and online at [http://www.hallcounty.org/judicial/jud\\_superiorcourt.asp](http://www.hallcounty.org/judicial/jud_superiorcourt.asp).

Parties must attend the entire seminar in order to receive credit for attendance. Upon successful completion of the seminar, the parties will be awarded a certificate of attendance to present to the judge at the time of their court appearance. Each party is also required to file with the Clerk of Superior Court written verification of his or her completion of the parenting seminar.

A deputy of the Sheriffs Department in the county in which the seminar is held will provide security at each seminar immediately prior to, during and immediately after each session.

A service of equal value may be substituted for these Seminars if written verification satisfactory to the court is provided to the court by the service provider verifying attendance and the issues addressed through professional or pastoral counseling, or other similar educational program. Parties may substitute any four (4) hour Superior Court approved parenting seminar in the State of Georgia. A certificate of attendance is valid for three (3) years.

For good cause shown, the assigned judge may excuse a party from completing the Seminar in individual cases. Requests for excusals stating the reasons must be in writing, filed with a copy delivered to the judge's office *within 10 days* of the filing of the complaint in the case, or within 10 days of the date of service of the complaint on the defendant, whichever is later. Upon failure to complete the seminar as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt.

**MEDIATION**

All parties in contested domestic relations cases are Ordered to participate in mediation prior to the Final Hearing. Furthermore, the parties shall attend and complete mediation within ninety (90) days of service of the Complaint by the Plaintiff upon the Defendant. This requirement does not apply to cases filed under the Family Violence Act, O.C.G.A. § 19-13-1 et seq. Waivers for mediation may be granted in the court's discretion, particularly for a Plaintiff seeking child support or alimony in a Motion for Contempt. Forms are available in the Family Law Center (FLIC) or online. Mediation services may be obtained through the Ninth Judicial Administrative District Office of Dispute Resolution located at 501 Candler Street, Gainesville, GA 30501 (770) 535-6909.

If any party is represented by counsel but chooses to not have their counsel present or available via telephone during the mediation, then any agreement reached on any issue, shall be binding upon the parties. If a party does not have an attorney of record as of the date of mediation, then they shall have ten (10) days from the date of mediation to review the agreement with an attorney of their choice. After ten (10) days, the parties shall be bound by the agreement unless written notice has been sent to the opposing counsel or the opposing party within said time period. In the event the parties attend mediation with their attorneys, then the mediation agreement shall be binding at the time an agreement is reached. Upon failure to attend mediation as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt. This Standing Order shall control over any inconsistent Office of Dispute Resolution instructions.

Prior to the final hearing and as soon as possible after the completion of mediation, the parties, through counsel if represented, shall certify to the court in writing that the parties have complied with the mediation requirement of this order.

**PARENTING PLAN**

Effective January 1, 2008, except when a parent seeks emergency relief for Family Violence, pursuant to O.C.G.A. § 19-13-3 or 19-13-4, in all cases in which custody of a child is at issue between the parents, the parents are required to prepare a parenting plan and submit it to the Judge and the other side prior to commencement of any hearing involving the children. All parties are put on notice that they are Ordered to read and comply with O.C.G.A. § 19-9-1 et seq. At a minimum, the parenting plan shall include the items attached hereto and incorporated herein by reference as Exhibit "C".

**CONFLICTS**

Attorneys shall attend calendars and be on time. If an attorney has a conflict, the attorney shall notify both the Court and the opposing counsel in accordance with Uniform Superior Court Rule 17.1. Upon completion of the case, calendar call, or hearing creating the conflict, the attorney shall immediately report by telephone to the Court and opposing counsel and shall then report in person to the Court, unless otherwise specifically instructed by the Court. Failure to advise of a conflict or to report as required by this Rule may result in an assessment of attorney's fees against the attorney failing to give notice or report, and may also result in a finding of contempt.

**HEARINGS**

- A. Attorneys shall advise the Court if they anticipate any domestic hearing will take more than three (3) hours to try. Such cases may be specially set for hearing.
- B. **Temporary Hearings:**
  - (1) **Scheduling:** Each judge will set temporary hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment.
    - (a) **Financial Affidavits:** Uniform Superior Court Rule 24.2 requires the timely filing and service of Domestic Relations Financial Affidavits. Failure to comply with this Rule may result in the continuance of temporary hearings and sanctions being imposed upon the offending party.

(2) Other Affidavits: All Affidavits shall be served in compliance with Uniform Superior Court Rule 24.2. "Twenty-four hours" means 24 hours before the temporary hearing is scheduled to begin pursuant to the Rule Nisi.

(3) Service: "Service of Affidavits" means by legally recognized service methods (facsimile or e-mail are not legally recognized).

C. Temporary Hearings in Modification Cases: If a party requests a temporary hearing in a modification case (i.e. custody, child support, alimony, etc.) then he or she shall set forth the request in a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate Code section.

D. Pretrial Hearings: In this Circuit, the Court may schedule pretrial hearings at which the attorneys and/or the parties shall appear as directed by the judge. The parties may also request a pretrial hearing.

E. Final Hearings:

(1) Each Tuesday from 8:30 a.m. to 9:30 a.m. uncontested final hearings shall be heard by a judge designated to preside over the matters. No Rule Nisi is necessary. An "uncontested final hearing" is one where service is properly made, at least forty-six (46) days have passed from the date of service or filing date of the acknowledgment of Service, and all parties have signed, with notarized signatures, a written Agreement settling each and every issue pending in the case, leaving no issues for the Court to rule upon. An uncontested final hearing may occur thirty-one days after service or filing of an Acknowledgment of Service if both parties have consented to the hearing in writing. The Court may allow, in its discretion, an uncontested final divorce to be taken upon motion and affidavit in the form attached hereto if there are no minor children and the wife is not pregnant.

F. Dawson County Cases: Venue of the actual hearing for temporary, pretrial, and final hearings in all Dawson County cases shall be determined by Rule Nisi completed by the Court. This Standing Order shall apply to Dawson County cases.

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#### ORDERS

A. Income Deduction Orders: All final child support Orders must be in conformity with O.C.G.A. § 19-5-12. Also, an Income Deduction Order shall be required in every case involving the payment of child support unless the Order includes findings that it is in the best interests of the children not to require an Income Deduction Order. All Income Deduction Orders shall comply with O.C.G.A. § 19-6-33.1 (Family Registry).

B. Preparation of Order: When any Order is submitted to the Court, it should be signed by the attorney who prepared the Order and opposing counsel. The attorney preparing the Order, as directed by the Court, shall submit the Order to opposing counsel within ten (10) business days of the hearing, as measured by the postmark date. The receiving attorney shall review and respond to the Order within ten (10) business days of the postmark date or shall make a reasonable response to the proposed Order within said time (i.e. the responding attorney has requested a transcript of the ruling and has not received it; the responding attorney is on vacation; etc.). If the responding attorney does not respond within ten business days, then the Order prepared by the preparing attorney shall be submitted to the Court with a copy of the letter written to opposing counsel indicating that opposing counsel has had ten business days to review the Order. If the preparing attorney does not prepare the Order within the required time, the receiving party may prepare the Order under the same guidelines, after making a good faith attempt to make telephone or other contact with the other attorney.

C. Rulings: All Judges shall make every effort to issue rulings within thirty days of the close of the evidence or within thirty days of receipt of any written briefs, whichever is later.

D. Divorce by Verified Petition and Affidavit: In cases where there are no minor children as a result of the marriage and where wife is not pregnant, if the parties reach a settlement of all issues arising from the divorce action, parties who are represented by counsel may have their counsel submit to the Judge, upon expiration of the requisite statutory waiting



period, an Affidavit and a Checklist in the form attached to this Order, , a copy of the Settlement Agreement executed by both parties, an Agreement to Try at first term, if applicable, and a proposed Final Judgment and Decree of Divorce. The Judge, after review of the documents and the file, may, in these limited circumstances, grant the divorce on the pleadings. A photocopy of the Northeastern Judicial Circuit Checklist For Divorce By Verification And Affidavit is attached hereto, marked "# 1 " and incorporated herein by reference thereto.

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#### VISITING JUDGES

If a case is set down for a final hearing and the local Judge to whom the case is assigned is not presiding over the final hearing, either attorney may request that the case be continued to a calendar when the assigned Judge will be presiding. Such a request should be made as soon as possible with notice to the opposing party. The Judges will endeavor to notify the attorneys of record when they will not be presiding over their final hearing days.

The parties shall not have an option of requesting that their case be removed from any temporary or pretrial calendar because a Visiting Judge is presiding. The term "Visiting Judge" shall mean any Judge other than the four elected or appointed Superior Court Judges of this circuit.

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#### APPOINTMENT OF GUARDIAN AD LITEM

On its own motion, the Court may appoint a Guardian Ad Litem, or a party may make a motion for the appointment of a Guardian Ad Litem. All requests for appointment of a Guardian Ad Litem shall be in accordance with Superior Court Uniform Rules.

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#### JURY DEMAND

In the event either party files a Demand for Jury Trial, then the parties and their attorneys shall prepare a formal Pretrial Order and may attend a pretrial conference to review said Order. The case shall be placed on the next available jury trial calendar. Attorneys and parties should be aware that domestic cases may be placed to the front of trial calendars to expedite trial. Once a Demand for Jury Trial is filed, the Demand may not be withdrawn except by written consent of both parties and approval of the Court.

In the event either party files a Demand For Jury Trial, the parties shall not have an option of requesting that their case be removed from any temporary, pretrial calendar or jury trial calendar because a Visiting Judge is presiding.. In domestic cases in which a Demand For Jury Trial is filed by one of the parties, counsel for both parties will not be allowed to request that the elected or appointed judge preside over the jury trial. A visiting judge may preside at such jury trial

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#### ASSIGNMENT OF JUDGES

In modification actions and contempt actions concerning a Divorce Decree, the assignment of such case shall be made, on the basis of the Plaintiff/Movant's name as it existed at the time of the divorce or other original action and not on the name as it exists at the time of filing the modification action. For example, if the wife has remarried since the entry of the Divorce Decree, and her current name begins with "C" but her last name at the time of the Divorce Decree began with a "B," then the modification action shall be assigned to the Judge handling the "B" cases. The caption of the modification action should reflect the name of the party at the time of the original filing (i.e. Jane Carter a/k/a Jane Brown). The modification action will go back to the Judge to whom the original proceeding was assigned who may not necessarily be the Judge who actually signed the Final Order (i.e. if the Final Order was signed by a presiding Judge on a Duty Day or the Judge to whom the case was originally assigned is no longer handling the cases with last names beginning in that letter). In that event, the case would still go back to the Judge that it was originally assigned to even if that Judge did not sign the original Order. Contempts of Temporary Orders will go to the Judge to whom the case is assigned and these will not be heard on a duty day. For Modifications of Temporary Orders, the Judge who heard the temporary hearing will hear the Modification of Temporary Order and these matters will not be heard on duty days.

ETHICS

All attorneys practicing in this Circuit shall follow and comply with the following aspirations:

As to clients, I will aspire:

- A. To expeditious and economical achievement of all client objectives.
- B. To fully informed client decision-making. As a professional, I should:
  - (1) Counsel clients about all forms of dispute resolution;
  - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
  - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
  - (4) Communicate promptly and clearly with clients; and
  - (5) Reach clear agreements with clients concerning the nature of the representation.

As to opposing parties and their counsel I will aspire:

- A. To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
  - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
  - (2) Grant reasonable requests for extensions or scheduling changes; and
  - (3) Consult with opposing counsel in the scheduling of appearances, meetings and depositions.
- B. To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:
  - (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
  - (2) Be courteous and civil in all communications;
  - (3) Respond promptly to all requests by opposing counsel;
  - (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
  - (5) Prepare documents that accurately reflect the agreement of all parties; and
  - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the Courts, other tribunals, and to those who assist them, I will aspire:

- A. To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
  - (1) Avoid non-essential litigation and non-essential pleading in litigation;
  - (2) Explore the possibilities of settlement of all litigated matters;
  - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
  - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
  - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
  - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- B. To model for others the respect due to our courts. As a professional, I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and
- (8) Seek to understand the judiciary's obligation of informed and impartial decision-making.

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LOCAL PRACTICES IN ADOPTION CASES

A. Filing with the Clerk of Court:

- (1) Pursuant to O.C.G.A. § 19-8-14(b), the Clerk of Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition. As a courtesy to attorneys, at the attorney's request, the law clerk for the Judge to whom the case is assigned will review a Petition prior to its being filed with the Clerk, and will get back to the attorney within forty-eight (48) hours to discuss any necessary amendments or supplements to the Petition.
- (2) If the Petition is filed with the Clerk before it is reviewed by the Judge's law clerk, the Clerk of Court will forward a copy of the Petition and all attachments thereto to the Judge's office immediately. Upon prompt review of the Petition and attachments, the Judge's office will supply the Clerk of Court with a Rule Nisi within fifteen (15) days of the Petition's filing date, to ensure that the Clerk has sufficient time to forward a copy of the Petition, attachments and Rule Nisi to the Department of Human Resources as required by O.C.G.A. §19-8-14(g).

- B. Hearing Date: Pursuant to O.C.G.A. § 19-8-14, unless the Petitioner files a written request for an expedited final hearing, the Judge's office will schedule the final hearing on a date no less than forty-five (45) and no more than one hundred twenty (120) days from the date the Petition is filed with the Clerk of Court. The hearing will be held within that time period unless the Petitioner has failed to arrange for the Court to receive the report required by O.C.G.A. § 19-8-16, or has otherwise failed to provide the Court with all exhibits, surrenders, or certificates required by Title 19, Chapter 8 within that time period.

C. Review of Petition (After Filing):

- (1) Timely Review: Once the Clerk of Court has delivered a copy of the Petition and attachments to the Judge's office, the law clerk will promptly review the Petition for statutory compliance.

- Please note that in cases where there is no legal father of the child and the biological father has signed surrender, it is the better practice to provide the Court with a certificate from the Putative Father Registry.

- (2) Problems with Statutory Compliance:

- a. If there are issues with statutory compliance and they are not significant, the Judge's law clerk will send a letter to the attorney for the Petitioner with helpful information.
- b. If the problems are significant, the Judge may send out a letter informing the attorney for the Petitioner that the Court is appointing a special master, whose fees shall be paid by the Petitioner's attorney, to address the problems with the Petition. A copy of the order appointing a special master will be sent to the Petitioner(s).

- D. Investigations: If an investigation is ordered, the Judge's office will provide a copy of the report to the Petitioner's attorney

prior to the hearing in accordance with O.C.G.A. §19-8-16(a).

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**DOMESTIC RELATIONS CASE INITIATION FORMS**

In accordance with the Method of Case Assignment Order of the Superior Court for the Northeastern Judicial Circuit, O.C.G.A. §§ 9-11-3 and 9-11-133 and Rule 39.2.1 of the Uniform Rules of the Superior Court of Georgia, the Clerks of the Superior Court of Dawson and Hall Counties shall require the plaintiffs or petitioners in domestic relations cases to complete and file the appropriate Domestic Relations Case Filing Information Forms. Failure of a plaintiff or petitioner to abide by this requirement could result in the case of the plaintiff or petitioner being dismissed. For the purposes of this paragraph, the appropriate Domestic Relations Case Filing Information Form must be completed and filed in the following domestic relations case types:

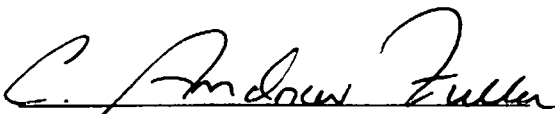
- Divorce (includes annulment) Separate Maintenance Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action Domestication of Foreign Custody Decree
- Family Violence Act Petition Modification:
  - Custody and/or Visitation
  - Child Support and/or Alimony Contempt
  - Custody and/or Visitation
  - Child Support and/or Alimony

Photocopies of the required Domestic Relations Case Filing Information Form and Domestic Relations Case Final Disposition Information Form are attached hereto, marked "# 2 and #3", and are incorporated herein by reference thereto.

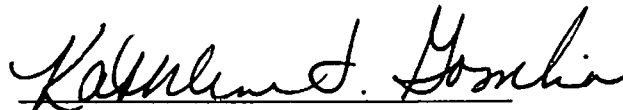
All parties are ordered to read and comply with this Standing Order for Domestic Relations Cases.

Plaintiff shall be responsible for serving the Defendant with a copy of this Order and filing proof of the service with the Clerk of Superior Court.

IT IS SO ORDERED this 31 day of December, 2010.



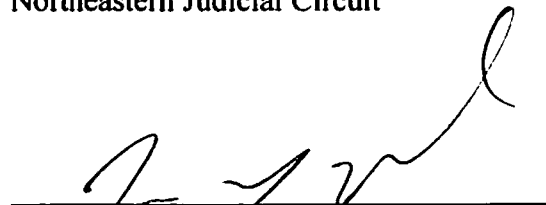
**C. Andrew Fuller**  
Chief Judge, Superior Court  
Northeastern Judicial Circuit



**Kathlene F. Gosselin**  
Judge, Superior Court  
Northeastern Judicial Circuit



**Bonnie C. Oliver**  
Judge, Superior Court  
Northeastern Judicial Circuit



**Jason J. Deal**  
Judge, Superior Court  
Northeastern Judicial Circuit

**NORTHEASTERN JUDICIAL CIRCUIT**  
**Hall and Dawson Counties**

Standing Order  
For Domestic Relations Cases

**EXHIBITS**

- A. Domestic Relations Financial Affidavit
- B. Uniform Superior Court Rule 24.2
- C. Parenting Plan

In the Superior Court of \_\_\_\_\_ County, Georgia

_____ , Petitioner	)	
	)	
vs.	)	Civil Action No. _____
	)	
_____ , Respondent	)	
	)	

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

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	Resides with
_____		
_____		
_____		

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)	_____

**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 (total)** **\$ \_\_\_\_\_**

**A. AFFIANT'S NET MONTHLY INCOME from employment**  
 (deducting only state and federal taxes and FICA) **\$ \_\_\_\_\_**

Affiant's pay period (i.e., weekly, bi-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	Basis of the Claim
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
Retirement Pensions, 401K, IRA, or Profit Sharing	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
Tax Refund owed you:	\$ _____	_____	_____	_____
Real Estate:				
home:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
other:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Automobiles/Vehicles:				
Vehicle 1:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Vehicle 2:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Life Insurance (net cash value):	\$ _____	_____	_____	_____
Furniture/furnishings:	\$ _____	_____	_____	_____

Exhibit "A"



Jewelry:	\$ _____	_____	_____	_____
Collectibles:	\$ _____	_____	_____	_____
Other Assets:	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<b>Total Assets:</b>	\$ _____	_____	_____	_____

**5. A. AVERAGE MONTHLY EXPENSES**

**HOUSEHOLD**

Mortgage or rent payments	\$ _____	Cable TV	\$ _____
Property taxes	\$ _____	Misc. household and grocery Items	\$ _____
Homeowner/Renter Insurance	\$ _____	Meals outside the home	\$ _____
Electricity	\$ _____	Other	\$ _____
Water	\$ _____	<b>AUTOMOBILE</b>	
Garbage and Sewer	\$ _____	Gasoline and oil	\$ _____
Telephone:		Repairs	\$ _____
residential line:	\$ _____	Auto tags and license	\$ _____
cellular telephone:	\$ _____	Insurance	\$ _____
Gas	\$ _____	<b>OTHER VEHICLES</b>	
		(boats, trailers, RVs, etc.)	
		Gasoline and oil	\$ _____
Repairs and maintenance:	\$ _____	Repairs	\$ _____
Lawn Care	\$ _____	Tags and license	\$ _____
Pest Control	\$ _____	Insurance	\$ _____

**CHILDREN'S EXPENSES**

Child care (total monthly cost)	\$ _____
School tuition	\$ _____
Tutoring	\$ _____
Private lessons (e.g., music, dance)	\$ _____

**AFFIANT'S OTHER EXPENSES**

Dry cleaning/laundry	\$ _____
Clothing	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____

		Affiant's gifts (special holidays)	\$ _____
School supplies/expenses	\$ _____	Entertainment	\$ _____
Lunch Money	\$ _____	Recreational Expenses (e.g., fitness)	\$ _____
Other Educational Expenses (list)		Vacations	\$ _____
_____	\$ _____	Travel Expenses for Visitation	\$ _____
_____	\$ _____	Publications	\$ _____
Allowance	\$ _____	Dues, clubs	\$ _____
Clothing	\$ _____	Religious and charities	\$ _____
Diapers	\$ _____	Pet expenses	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____	Alimony paid to former spouse	\$ _____
Grooming, hygiene	\$ _____	Child support paid for other children	\$ _____
Gifts from children to others	\$ _____	Date of initial order: _____	
Entertainment	\$ _____	Other (attach sheet)	\$ _____
Activities (including extra-curricular, school, religious, cultural, etc.)	\$ _____		
Summer Camps	\$ _____		
<b>OTHER INSURANCE</b>			
Health	\$ _____		
Child(ren)'s portion:		\$ _____	
Dental	\$ _____		
Child(ren)'s portion:		\$ _____	
Vision	\$ _____		
Child(ren)'s portion:		\$ _____	
Life	\$ _____		
Relationship of Beneficiary:		_____	
Disability	\$ _____		
Other(specify):	\$ _____		
<b>TOTAL ABOVE EXPENSES</b>			\$ _____

**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\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Affiant

## **24.2. Financial data required; scheduling and notice of temporary hearing.**

Except as noted below, at least fifteen (15) days before any temporary or final hearing in any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, the party requesting such hearing shall file with the Clerk of Court and serve upon the opposing party the affidavit specifying his or her financial circumstances in the form set forth herein. In cases involving child support, the worksheet and schedules required by O.C.G.A. § 19-6-15 and only as promulgated by the Georgia Child Support Commission, shall be completed insofar as possible and filed with the clerk and shall be served upon the opposing party contemporaneously with the filing of the affidavit required above. In emergency actions, the affidavit, worksheet and schedules may be filed and served on or before the date of the hearing or at such other time as the Court orders.

In cases filed with complete separation agreements or consent orders resolving all issues but the issue of divorce, the parties are not required to file financial affidavits, unless otherwise ordered by the Court. In cases involving child support the parties must attach to the proposed final judgment a completed worksheet and any applicable schedules. In addition, the separation agreement must include the parties' gross and adjusted incomes.

The Office of Child Support Services is exempt from filing financial affidavits.

Notice of the date of any temporary hearing shall be served upon the adverse party at least 15 days before the date of the hearing, unless otherwise ordered by the Court.

Within five (5) days of service of the affidavit and worksheet and schedules (where applicable) unless the court shortens or enlarges the time, the opposing party shall file with the clerk and serve upon the other party the affidavit specifying his or her financial circumstances in the form set forth herein and the worksheet and schedules, completed insofar as possible.

The parties shall file with the clerk and serve upon each other the affidavit and worksheet and schedules (where applicable) at least ten (10) days prior to any court-ordered mediation or other alternative dispute resolution proceeding.

In any case in which a party has previously filed and served the affidavit, worksheet and schedules and thereafter amends the affidavit or worksheet and schedules, any such amendments shall be served upon the opposing party at least 10 days prior to final hearing or trial and shall be filed with the Clerk of Court at or before trial.

On the request of either party, and upon good cause shown to the Court, the affidavits, worksheets, schedules, and any other financial information may be sealed, upon order of the Court.

No social security numbers or account numbers shall be included in any document filed with the Court pursuant to this rule. Each account shall be specified by financial institution and a partial account number. No party shall be required to include full account numbers.

Failure of any party to furnish the above financial information, in the discretion of the Court, may subject the offending party to the penalties of contempt and may result in continuance of the hearing until such time as the required financial information is furnished or such other sanctions or remedies deemed appropriate in the Court's discretion.

Notwithstanding the time limits contained in this rule, the Court may decide a matter without strict adherence to a time limitation, if the financial information was known or reasonably available to the other party, or if a continuance would result in a manifest injustice to a party.

The affidavit shall be under oath and in substantially the following form (EXHIBIT A):

Exhibit "B"

**NORTHEASTERN JUDICIAL CIRCUIT**  
**Hall and Dawson Counties**

**Standing Order**  
**For Domestic Relations Cases**

**OTHER FORMS**

- D. Checklist for Divorce by Verified Petition & Affidavit**
- E. Domestic Relations Case Filing Information Form**
- F. Domestic Relations Case Final Disposition Information Form**



**IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTY**

**STATE OF GEORGIA**

\_\_\_\_\_, §  
PLAINTIFF, § CIVIL ACTION FILE NUMBER:  
\_\_\_\_\_  
VS. §  
\_\_\_\_\_, §  
DEFENDANT.

**AFFIDAVIT**

Personally appeared before the undersigned officer, an officer duly authorized by law to administer oaths, who, after being duly sworn, on oath, states that the facts contained in the following Affidavit are true and correct.

1.

Affiant is the \_\_\_\_\_ in the above-styled case and this Affidavit is given in lieu of live testimony in Superior Court.

2.

The Affiant was a resident of the State of Georgia for more than six (6) months prior to filing the above complaint. At the time the petition was filed, the opposing party was a resident of \_\_\_\_\_ County, Georgia and was subject to the jurisdiction of this Court.

3.

The Affiant was legally married on \_\_\_\_\_, to the opposing party and they separated prior to the filing of the Complaint and are presently living in a bona fide state of separation.

4.

Affiant shows that \_\_\_\_\_ and \_\_\_\_\_ entered into an agreement as to the disposition of their property and other matters and this is satisfactory to \_\_\_\_\_ and \_\_\_\_\_ and they desire it to be incorporated into the Final Decree of Divorce.

5.

Affiant shows that she is not currently pregnant, and there are no minor children as a result of this marriage. (OR) Affiant shows that the opposing party is not pregnant, and there are no minor children as a result of this marriage.

6.

Affiant shows that \_\_\_\_\_ marriage is irretrievably broken as defined by Georgia Law and that there is no chance of reconciliation. Affiant further acknowledges and understands a final decree of divorce will be entered forthwith after the execution of this affidavit unless written notice is given to Affiant's attorney prior to the entry of the final decree.

**FURTHER AFFIANT SAYETH NOT.**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(To be executed within five (5) days prior to submission to Court for final decree.)

By: \_\_\_\_\_  
Affiant's Name  
\_\_\_\_\_  
Plaintiff or Defendant

Sworn to and subscribed before me  
this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

Presented by:  
\_\_\_\_\_  
Name of Attorney  
Georgia Bar Number: \_\_\_\_\_  
Attorney Address: \_\_\_\_\_  
\_\_\_\_\_  
Attorney Telephone: \_\_\_\_\_  
Attorney for: \_\_\_\_\_



# Domestic Relations Case Filing Information Form

Superior Court      County \_\_\_\_\_      Date Filed \_\_\_\_\_  
MM-DD-YYYY

Docket # \_\_\_\_\_  
Plaintiff(s)      Defendant(s)

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

Plaintiff/Petitioner's Attorney       Pro Se

\_\_\_\_\_  
Last      First      Middle I.      Suffix

Bar # \_\_\_\_\_

### Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

### MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

### CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### FAMILY VIOLENCE

#### Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence?     Yes     No
2. Was ex parte relief requested?     Yes     No
3. Was ex parte relief granted?       Yes     No

# Domestic Relations Case Final Disposition Information Form

Superior Court      County \_\_\_\_\_      Date Disposed \_\_\_\_\_  
MM-DD-YYYY  
 Docket # \_\_\_\_\_

Reporting Party \_\_\_\_\_  
Last      First      Middle I.      Suffix Prefix      Maiden      Title

Name of Plaintiff/Petitioner(s)

Name of Defendant/Respondent(s)

Last      First      Middle I.      Suffix Prefix      Maiden

Last      First      Middle I.      Suffix Prefix      Maiden

Plaintiff/Petitioner's Attorney       Pro Se

Defendant/Respondent's Attorney       Pro Se

Last      First      Middle I.      Suffix

Last      First      Middle I.      Suffix

Bar # \_\_\_\_\_

Bar # \_\_\_\_\_

### Type of Disposition (Check all that apply)

1.  Dismissed Without Final Order
  - A.  Voluntary (by parties)
  - B.  Involuntary (by court)
2.  Pre-Trial Settlement
3.  Judgment on the Pleadings
4.  Summary Judgment
5.  Trial
  - A.  Bench Trial
  - B.  Jury Trial
    1.  Dismissal after jury selected
    2.  Settlement during trial
    3.  Judgment on Verdict
    4.  Directed Verdict or JNOV

### ADR

1. Was mediation utilized?       Yes       No
2. If Yes, was it (check if applicable)
  - court annexed?
  - court mandated?
3. Binding Arbitration Agreement       Yes       No
 

If Yes, what matters were subject:

  - Child Custody
  - Visitation/Parenting Time
  - Parenting Plan

### Relief Granted (Check all that apply)

1.  Ex Parte Relief
2.  Temporary Relief
3.  Final Relief
  - a.  Divorce/Annulment/Separate Maintenance
  - b.  Child Custody
 

Parenting Plan?       Yes       No

Custodial Arrangement?       Yes       No

If Yes, check one:

    - Joint Custody
    - Joint Legal Custody
    - Joint Physical Custody
    - Sole Custody to: \_\_\_\_\_

14 year old parental selection?       Yes       No
  - c.  Visitation or Parenting Time
 

Approx. Parenting Time (days per year)

Mother \_\_\_\_\_ Father \_\_\_\_\_

Parenting Time Contested?       Yes       No
  - d.  Child Support
 

Forms attached?       Yes       No
  - e.  Legitimation/Paternity
  - f.  Alimony
  - g.  Contempt
  - h.  Equitable Division
  - i.  Protective Order
    - Person       Property
    - Finding of Family Violence?
  - j.  Adoption
  - k.  Attorneys Fees?
 

If Yes, enter amount: \_\_\_\_\_

to whom: \_\_\_\_\_
  - l.  Other (Specify) \_\_\_\_\_
4.  Dismissed prior to granting of relief.

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

§  
§  
§  
§ CIVIL ACTION  
§ FILE NO.: \_\_\_\_\_  
§  
§  
§  
§

CERTIFICATE OF SERVICE

This is to certify that I [ ] have served [ ] will immediately serve a copy of the **DOMESTIC RELATIONS ACTION STANDING ORDER** upon the Respondent in the following manner:

*(method of service)*

- \_\_\_ a) by placing a copy in the United States Postal Service, with postage prepaid, or
- \_\_\_ b) by hand delivering a copy
- \_\_\_ c) by having it personally served with the *Petition for Divorce*

*(to whom service is made)*

- \_\_\_ a) to the Respondent who is representing him/herself, or
- \_\_\_ b) to the attorney for the Respondent

whose name and address are listed below:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner, Pro Se (*signature*)  
Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_

# Domestic Relations Case Filing Information Form

Superior Court      County \_\_\_\_\_      Date Filed \_\_\_\_\_  
MM-DD-YYYY

Docket # \_\_\_\_\_

Plaintiff(s)

Defendant(s)

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

Plaintiff/Petitioner's Attorney       Pro Se

\_\_\_\_\_  
Last      First      Middle I.      Suffix

Bar # \_\_\_\_\_

## Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

## MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

## CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## FAMILY VIOLENCE

### Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence?     Yes     No
2. Was ex parte relief requested?     Yes     No
3. Was ex parte relief granted?     Yes     No

**STATE OF GEORGIA**  
**Report of Divorce, Annulment or Dissolution of Marriage**  
 Type or print all information

1. Civil Action Number	2. Date Decree Granted (mo., day, year)	3. County Decree Granted
4. Wife's Name (first, middle, last)	5. Maiden (Birth) Last Name	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 <sup>st</sup> , 2 <sup>nd</sup> , etc.)	
9. Husband's Name (first, middle, last, generation)	10. Date of Birth (mo., day, year)	11. County of Residence
12. Number of This Marriage (1 <sup>st</sup> , 2 <sup>nd</sup> , etc.)	13. Date of This Marriage (mo., day, year)	
14. Specify Grounds for Divorce (19-5-3, OCGA)	15. Number of Children Less Than 18 Affected by This Decree	

**This above Report may be reproduced by use of a computer. However, the finished report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use.**

**(31-10-7, O.C.G.A.)**

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner's legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases, the completed record shall be a prerequisite to the granting of the final decree.

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.

# PRO SE MEDIATION REFERRAL FORM

This form is for self-represented parties in domestic cases (divorce, legitimation, custody, visitation, child support, etc.). You may use this form if you are the Plaintiff or Defendant. **It is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place prior to your final hearing (contact the mediation office for timing requirements).** If it does not occur within enough time before your final hearing, your hearing may be postponed.

**Please Complete the Following Information:** Today's Date \_\_\_\_\_

Next Court Date \_\_\_\_\_ Judge \_\_\_\_\_ County \_\_\_\_\_

Case # \_\_\_\_\_ (top right corner of your legal papers)

## PLAINTIFF

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

## DEFENDANT

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

**TYPE OF ADR REQUESTED:** MEDIATION

**CASE TYPE:** DOMESTIC

**TYPE OF DOMESTIC CASE** (please specify): \_\_\_\_\_ DIVORCE \_\_\_\_\_ MODIFICATION

\_\_\_ CUSTODY \_\_\_ VISITATION \_\_\_ CHILD SUPPORT \_\_\_ PROPERTY \_\_\_ ALIMONY \_\_\_ DEBTS

**OTHER COMMENTS** (specify) \_\_\_\_\_

**HAVE THERE BEEN ANY ALLEGATIONS OF DOMESTIC VIOLENCE:** \_\_\_\_\_

Yes No Unknown

\*\*\*\*Mail or fax the form to:

NINTH JUDICIAL ADMINISTRATIVE DISTRICT  
OFFICE OF DISPUTE RESOLUTION  
756 Green Street  
Gainesville, GA 30501  
Phone: 770.535.6909 / Fax: 770.531.4072  
www.adr9.com

# Domestic Relations Case Final Disposition Information Form

Superior Court County \_\_\_\_\_ Date Disposed \_\_\_\_\_  
MM-DD-YYYY  
Docket # \_\_\_\_\_

Reporting Party \_\_\_\_\_  
Last First Middle I. Suffix Prefix Maiden Title

Name of Plaintiff/Petitioner(s) Name of Defendant/Respondent(s)  
Last First Middle I. Suffix Prefix Maiden Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney  Pro Se Defendant/Respondent's Attorney  Pro Se

Last First Middle I. Suffix Last First Middle I. Suffix

Bar # \_\_\_\_\_ Bar # \_\_\_\_\_

## Type of Disposition (Check all that apply)

1.  Dismissed Without Final Order
  - A.  Voluntary (by parties)
  - B.  Involuntary (by court)
2.  Pre-Trial Settlement
3.  Judgment on the Pleadings
4.  Summary Judgment
5.  Trial
  - A.  Bench Trial
  - B.  Jury Trial
    1.  Dismissal after jury selected
    2.  Settlement during trial
    3.  Judgment on Verdict
    4.  Directed Verdict or JNOV

## ADR

1. Was mediation utilized?  Yes  No
2. If Yes, was it (check if applicable)
  - court annexed?
  - court mandated?
3. Binding Arbitration Agreement  Yes  No  
If Yes, what matters were subject:
  - Child Custody
  - Visitation/Parenting Time
  - Parenting Plan

## Relief Granted (Check all that apply)

1.  Ex Parte Relief
2.  Temporary Relief
3.  Final Relief
  - a.  Divorce/Annulment/Separate Maintenance
  - b.  Child Custody  
Parenting Plan?  Yes  No  
Custodial Arrangement?  Yes  No  
If Yes, check one:
    - Joint Custody
    - Joint Legal Custody
    - Joint Physical Custody
    - Sole Custody to: \_\_\_\_\_  
14 year old parental selection?  Yes  No
  - c.  Visitation or Parenting Time  
Approx. Parenting Time (days per year)  
Mother \_\_\_\_\_ Father \_\_\_\_\_  
Parenting Time Contested?  Yes  No
  - d.  Child Support  
Forms attached?  Yes  No
  - e.  Legitimation/Paternity
  - f.  Alimony
  - g.  Contempt
  - h.  Equitable Division
  - i.  Protective Order
    - Person  Property
    - Finding of Family Violence?
  - j.  Adoption
  - k.  Attorneys Fees?  
If Yes, enter amount: \_\_\_\_\_  
to whom: \_\_\_\_\_
  - l.  Other (Specify) \_\_\_\_\_
4.  Dismissed prior to granting of relief.