

SUPERIOR COURT
STATE OF GEORGIA
ADULT CHILDREN
With or Without Property
Control Number GA-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the Clerk must be printed on Bond paper.

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this petition form for divorce only when all of the following facts are true;
 - (a) Your marriage is irretrievably broken due to irreconcilable differences and there is no reasonable prospect of reconciliation;
 - (b) There are no minor children of said marriage, and the wife is not now pregnant. All children of the marriage are over the age of twenty-one (21) and emancipated;
 - (c) You or your spouse have/has been a resident of the State of Georgia for at least six months immediately prior to the filing of the action for divorce.
 - (d) You and your spouse agree on all property issues and debts.

2. **THE BASICS:** In a typical divorce, there are basic two requirements that must be met before you can file for a divorce. Those requirements are below:
 - (a) You must satisfy the **residency** requirements.
 - (b) You and your spouse must be seeking a divorce based upon irreconcilable differences which have caused and irremediable breakdown of the marriage.

3. **RESIDENCY REQUIREMENTS:** The party filing for divorce must have been an actual and bona fide resident of the State of Georgia for at least six months prior to the filing of the petition for divorce and such divorce action shall be filed in that party's county of residence. If the filing party is a non-resident of the State of Georgia and the other spouse has been a resident of the state for six months, the filing party may file the petition in the county in which the other party resides.

4. **GROUND FOR DIVORCE:** A divorce may be granted in the State of Georgia on the following grounds:
 - (a) Incest;
 - (b) Mental incapacity at the time of marriage;
 - (c) Impotency at the time of marriage;
 - (d) Force, menace, duress, or fraud in obtaining the marriage;
 - (e) Pregnancy of the wife by one other than the husband at the time of marriage, unknown to the husband;
 - (f) Adultery by either party;
 - (g) Willful and continued desertion by either party for one year;
 - (h) Conviction and imprisonment for at least two years for a crime of moral turpitude;
 - (i) Habitual intoxication or drug addiction;

- (j) Cruel treatment;
- (k) Incurable mental illness;
- (l) The marriage is irretrievably broken.

Irretrievable breakdown of the marriage is the no-fault grounds for divorce in the State of Georgia.

- 5. **LEGAL SEPARATION:** When the spouses are separated, the State of Georgia permits either party to petition the court for support on that party's behalf or on the behalf of any minor children of the marriage.

This package does not contain forms for a legal separation.

- 6. **WAITING PERIOD:** A divorce based upon the irretrievable breakdown of the marriage shall not be granted until at least 30 days have elapsed from the date of service upon the respondent.
- 7. **ALIMONY/SUPPORT:** Since this is an agreed upon divorce, you and your spouse will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, alimony may be awarded to either spouse on either a permanent or temporary basis in accordance with that party's needs and the other party's ability to pay, although a party is not entitled to alimony if the court determines that the cause of the spouses' separation was due to that party's adultery or desertion. The amount of alimony will be determined by the court after consideration of the following factors:
 - (a) The standard of living established during the marriage;
 - (b) The duration of the marriage;
 - (c) The age, physical and emotional condition of both parties;
 - (d) The financial resources of each party;
 - (e) The time necessary for either party to acquire sufficient education and training to find suitable employment;
 - (f) The contribution of each spouse to the marriage;
 - (g) The condition of the parties, including the separate estate, earning capacity and fixed liabilities of each party;
 - (h) Any other factor the court deems relevant and just.
- 8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. Georgia is an equitable distribution state. In a contested case, this means that the court will distribute the marital property of the parties between them as it deems equitable and just, after setting aside to each spouse that party's separate property.
- 9. **NAME CHANGE:** In all divorce actions, upon request, the court may restore a party to a former or maiden name.

FORMS LIST

The forms included or needed are:

1. Domestic Relations Filing Information Form (GA-813D);
2. Petition for Divorce (GA-804D);
3. Verification (GA-805D);
4. Non-Military Affidavit (GA-806D);
5. Acknowledgement of Service (GA-807D);
6. Acknowledgement of Service / Waiver of Venue (GA-808D);
7. Acknowledgement of Service / Waiver of Jurisdiction (GA-809D);
8. Separation Agreement (GA-811D);
9. Consent to Trial 31 Days After Service (GA-812D);
10. Final Judgment and Decree (GA-802D);
11. Domestic Relations Case Final Disposition Information Form;
(GA-819D);
12. Domestic Relations Financial Affidavit (GA-820D);
13. Motion for Judgment on the Pleadings (GA-821D)
14. Report of Divorce, Annulment or Dissolution of Marriage
(GA-824D)

FORM EXPLANATIONS

All forms included in this package, or needed, are identified and described below.

1. **Domestic Relations Filing Information Form (GA-813D)** – This form is used to inform the Court as to the nature of the case filed and to provide basic information about the parties.
2. **Petition for Divorce (GA-804D)** - The Petition for Divorce is the document is the document is which you are asking the court to grant your divorce along with any other relief requested.
3. **Verification (GA-805D)** – This form is used by the Petitioner to certify to the Court that the information contained in the Petition for Divorce is true and correct.
4. **Non-Military Affidavit (GA-806D)** – This document is used by the Petitioner to certify that the Respondent is not on active duty with any branch of the U.S. Armed Forces.
5. **Acknowledgement of Service (GA-807D)** – This form is used by the Respondent to acknowledge receipt of the Petition and to waive any and all further notice, service, and issuance of process.
6. **Acknowledgement of Service / Waiver of Venue (GA-808D)** – This form is used by the Respondent to acknowledge receipt of the Petition and to waive any and all further notice, service, and issuance of process. This form is also used by the Respondent to waive his or her right to venue in the county of his or her residence and to consent to venue and personal jurisdiction the Court of filing.
7. **Acknowledgement of Service / Waiver of Jurisdiction (GA-809D)** – This form is used by the Respondent to acknowledge receipt of the Petition and to waive any and all further notice, service, and issuance of process. This form is also used by the Respondent to waive his or her right to jurisdiction in the state of his or her residence and to consent to venue and personal jurisdiction in the State of Georgia.
8. **Separation and Property Settlement Agreement (GA-811D)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.
9. **Consent to Trial 31 Days After Service (GA-812D)** – This form is used by both parties to consent to the hearing and granting of a divorce at any time thirty-one (31) days after the filing of the acknowledgment of service or after service having been perfected against the Respondent.
10. **Final Judgment and Decree (GA-802D)** – This document grants the divorce and any other relief requested.
11. **Domestic Relations Case Final Disposition Information Form (GA-819D)** – This form is used by the Court to document the type of disposition and any relief granted.

12. **Domestic Relations Financial Affidavit (GA-820D)** – This form is a written, sworn statement by a party to a divorce that discloses the party's financial status, including assets, debts, income and expenses. It is witnessed and signed by Notary Public.
13. **Motion for Judgment on the Pleadings (GA-821D)** – This form is used by a plaintiff in a divorce case to request that the court order judgment based on the pleadings alone on the grounds that over 30 days have passed since the Defendant filed his or her Acknowledgement of Service and Consent to Trial and that the Defendant has not filed any answer, counterclaim or other defensive pleadings. Further, the Plaintiff claims that the marriage is irretrievably broken and no hope of reconciliation exists.
14. **Report of Divorce, Annulment or Dissolution of Marriage (GA-824D)** – This Report of Divorce is required to be filed along with a new divorce action. The information is given to the Vital Records Branch of the Division of Public Health, Georgia Department of Human Resources.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

STEP 1: The filing party (Petitioner) and Respondent should complete the following forms:

Petition for Divorce (GA-804D)

Verification form (GA-805D)

Non-Military Affidavit (GA-806D).

Acknowledgement of Service (GA-807D), if your spouse resides in the County where the case is to be filed. Signed by Respondent.

Acknowledgement of Service and Waiver of Venue (GA-808D), if your spouse resides in another County of Georgia. Signed by Respondent.

Acknowledgement of Service and Waiver of Jurisdiction (GA-809D), if your spouse resides outside the State of Georgia. Signed by Respondent.

Separation Agreement (GA-811D). Signed by both parties.

Consent to Trial 31 Days after Service (GA-812D) Signed by both parties.

Domestic Relations Financial Affidavit (GA-820D)

STEP 2: Attach to the Separation Agreement to the Complaint. Make three copies of all the signed forms used under step 1 and then file with the Clerk of Court in the county of filing. A filing fee is paid.

STEP 3: After the required waiting period of thirty (30) days has expired, contact the Clerk of Court in the county of filing to schedule a hearing date. (Some judges will finalize a divorce action without a final hearing through a process called Judgment on the Pleadings. You may submit a Motion for Judgment on the Pleadings (GA-821D) at this time, if it is applicable to your case).

STEP 4: The *Final Judgement and Decree (GA-802D)* should then be completed.

STEP 5: *Final Judgment and Decree (GA-802D)* presented to the Court at the Final Hearing for Judge’s review and signature.

STEP 6: *Domestic Relations Case Final Disposition Information Form (GA-819D)* completed and filed with Clerk of Court.

The filing party is the Petitioner and the other party is the Respondent.

The Clerk will give you a case number upon filing. Be certain to put this number on all copies and originals.

CHECKLIST

- ☐ Forms used under Step 1 are completed.
- ☐ Step 1 forms filed with Clerk of Court in county of filing. Filing Fee Paid.
- ☐ Waiting period of thirty days from date of filing the Acknowledgment of Service.
- ☐ Clerk of Court contacted and hearing date obtained or *Motion for Judgment on the Pleadings (GA-821D)* filed.
- ☐ *Final Judgment and Decree (GA-802D)* completed and presented to Court.
- ☐ *Domestic Relations Case Final Disposition Information Form (GA-819D)* completed and filed with Clerk of Court.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/GA/GA-008-D.htm>

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