

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
PLAINTIFF

VS.

_____,
DEFENDANT

CIVIL ACTION FILE NUMBER:

COMPLAINT FOR DIVORCE

1. **[REQUIRED]** My name is _____ and I am representing myself in the above-styled divorce action. My residential address is:

[Street Address] [City] [State] [County] [Zip]

[Current Telephone Number]

2. **[REQUIRED check ONE of the following.]**

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

3. **[REQUIRED]** My spouse, _____, is the Defendant in this action.

4. **[REQUIRED check ONE of the following.]**

- Defendant's residential address is:

[Street Address] [City] [State] [County] [Zip]

- I am a resident of _____ County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Complaint for Divorce* and incorporate it herein by reference.

5. **[REQUIRED]** Defendant's last known telephone number is (_____) _____ - _____.

6. [REQUIRED check ONE of the following.] The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

- The Defendant has acknowledged service of process. I am filing the *Acknowledgement of Service* which has been signed by the Defendant with this *Complaint for Divorce*.
- The Defendant may be served by the Sheriff's Department at the Defendant's residence listed above.
- The Defendant resides outside of _____ County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the Sheriff's Department of the County where the Defendant resides.
- The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Complaint for Divorce*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) because Defendant cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known residential address is:

[Street Address] [City] [State] [Zip]

7. [REQUIRED] The Defendant and I were lawfully married on

_____.

8. [REQUIRED] To the best of my knowledge Defendant and I separated on or about _____, and we have remained in a bona fide state of separation since that date.

9. [Check ONLY if there is a signed Settlement Agreement attached]

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

10. [REQUIRED Check and complete ONE of the following.]

- The Defendant and I have already divided our marital property and we are both satisfied with the division.
- The Defendant and I do not have any property acquired during our marriage.
- The Defendant and/or I have acquired and presently own, the following property during our marriage. I am asking for a fair division of this property (*Check all that apply to you and attach a separate list, if necessary, for any of the following items*):

- House(s) located at _____
- Other real estate, located at _____
- Mobile Home (model: _____, year: _____)
- Pension (Present value of my pension, IRA, 401K, etc.: \$ _____);
- Present value of defendant's pension, IRA, 401K, etc.: \$ _____)
- Motor vehicles listed here:
 1. Model/year: _____
 2. Model/year: _____
- Furniture:

- Bank accounts and/or other investments:

- Other property:

11. **[REQUIRED check ONE of the following.]**

- I am financially dependent on the Defendant and request the Court to order the Defendant to pay alimony for my support.
- I am not asking for alimony.

12. **[REQUIRED Check and complete ONE of the following.]**

- The Defendant and I do not have any outstanding joint or marital debts.
- The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below
[Attach list if necessary]

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

13. [Check **ONLY** if applicable]
- I am the wife in this action and I request that the Court restore my former name so that after the divorce decree is entered by the court, my complete legal name will be:

FIRST MIDDLE LAST

- The Defendant in this case is my wife and she has requested that her maiden name be restored in **her Acknowledgement of Service**.

14. [**REQUIRED** Check at least one but **ALL** grounds you can prove] I request a divorce from Defendant on these ground(s):

- Our marriage is **irretrievably broken** such that the Defendant and I can no longer live together and there is no hope that we will get back together.
- Cruel treatment.** My spouse committed the following acts of cruel treatment to me such that I am afraid that he/she will harm me in the future:

- Adultery.** My spouse has had sexual intercourse outside of the marriage.
- Desertion.** On or about _____, my spouse, without just cause or reason, intentionally abandoned and deserted me for a period of at least one year.
- Habitual Drunkenness.** My spouse is in a habitual state of intoxication.
- Other Grounds** from the list in OCGA § 19-5-3, as explained here:

15. [Check **ONE** of the following.]

- The Defendant and I do not have any minor children.
- The Defendant and I have minor children whose information is below. Said minor children have resided with the parties since their birth. No proceeding other than this action has ever been initiated concerning the custody of said children and Plaintiff knows of no individual other than the parties to this action who has any claim of custody or visitation rights concerning said children.

[**REQUIRED** if you have children with the Defendant]

| <u>Full Name</u> | <u>Date of Birth</u> | <u>Lives with</u> |
|------------------|----------------------|-------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

16. **NOTE:** If you have children with the Defendant, in order for your divorce to be final, you must complete and file the following documents along with this petition:

- A parenting plan (found at <http://www.augustabar.org/common/content.asp?PAGE=366>)
- A child support addendum (found at <http://www.augustabar.org/common/content.asp?PAGE=366>)
- A child support worksheet (found at www.georgiacourts.org/csc)
- If you live in the Augusta area, a certificate of your completion of the Divorcing Parents Seminar

17. [**REQUIRED** if you have children with the Defendant. Check all boxes that apply.]:

I am seeking **custody** of the following children (*supply their full names*):

I am seeking **visitation** as the noncustodial parent with the following children (*supply their full names*):

I am not seeking custody or visitation for any of the children of this marriage at this time.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check **ALL** that apply]

- That I be granted a total divorce from the Defendant;
- That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- That I be granted legal and physical custody of the minor children born of the marriage according to Paragraph 17.
- That I be granted visitation rights with the minor children born of the marriage according to Paragraph 17.

- That the Court order the non-custodial parent to pay child support and other expenses for the minor children born of the marriage.
- That the Defendant be ordered to pay me alimony for my support;
- That our marital property be divided according to Paragraph 9;
- That our joint or marital debts be divided according to Paragraph 12;
- That my former name be restored according to Paragraph 13;
- That a hearing be scheduled by the Court, to decide on the relief I have requested;
- That the Court order any and all other relief that the Court finds appropriate.

DATE

PLAINTIFF [*Signature*]
[Verification must be attached to this document]

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

| | | |
|------------------|---|----------------------------------|
| _____ |) | |
| PLAINTIFF |) | CIVIL ACTION FILE NUMBER: |
| |) | |
| VS. |) | _____ |
| |) | |
| _____ |) | |
| DEFENDANT |) | |

VERIFICATION OF DIVORCE COMPLAINT

I, _____, personally, appeared before the undersigned Notary Public, and say under oath that I am the Plaintiff in the above-styled action and that the facts stated in the corresponding *Complaint for Divorce* are true and correct.

DATE

PLAINTIFF [*Sign in front of notary*]

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

NOTARY PUBLIC
My commission expires: _____