

SUPERIOR COURT OF DEKALB COUNTY

STATE OF GEORGIA

_____ , Plaintiff,	Civil Action
vs.	Case Number _____
_____ , Defendant.	

COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

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

1. **Subject Matter Jurisdiction:** I am the Plaintiff in this action and:

[Check only one of the following, either (a) or (b).]

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

2. **Venue:** My spouse's name is _____, and they are the Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d) or (e).

If none of these apply in your case, you must consult a lawyer to find out whether or not you can file your divorce in DeKalb County.]

- (a) The Defendant is a resident of DeKalb County and is subject to the jurisdiction of this Court.
- (b) The Defendant is a resident of Georgia in _____ County, but the Defendant and I lived together in DeKalb County at the time we separated, I still reside in DeKalb County, and the Defendant has only moved away from DeKalb County within the past six months before the date I am filing this action in court.
- (c) The Defendant is a resident of Georgia in _____ County, and I live in DeKalb County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this County.

- (d) The Defendant is not a resident of the State of Georgia, but I am a resident of DeKalb County, Georgia, and:

[Check only one of the following, either (1), (2), or (3).]

- (1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(5).
- (2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.
- (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

- (e) I am a resident of DeKalb County and the Defendant's whereabouts are unknown to me. I have tried to find the Defendant, and I am filing my *Affidavit of Due Diligence* with this *Complaint*, explaining what I have done to try to find them.

3. **Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

[Check only one of the following, either (a), (b), or (c).]

- (a) The Defendant has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Defendant) with this *Complaint*.
- (b) The Defendant may be served by the Sheriff's Department at the Defendant's residence or work address: ***(Please enter an address for one location only)***

Residence:

Work:

_____	_____
_____	_____
_____	_____

(Check only if the Defendant lives outside DeKalb County.) The Defendant resides outside of DeKalb 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.

- (c) The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, explaining what I have done to try to find them. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia.

To the best of my knowledge, the Defendant's last known address is:

4. **Date of Marriage:** *[Check and complete only one of the following, either (a) or (b).]*

- (a) The Defendant and I were lawfully married on _____.
- (b) The Defendant and I are married by common law because we lived together and held ourselves out as spouses as of the following date: _____, which date was prior to January 1, 1997.

5. **Date of Separation:** The Defendant and I last separated on _____, and we have remained in a true state of separation since that date.

6. **Settlement Agreement:** *[Check only if there is a signed agreement.]*

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

7. **Minor Children:** *[Check and complete all that apply. If there are no minor children, you may use a different form, which is much shorter. See instructions.]*

- (a) The Plaintiff Defendant is pregnant. The baby is due on _____.
- (b) The Defendant and I are the (biological or legally adoptive) parents of ___ minor child(ren), listed below:

<u>Name of Child</u>	<u>Sex</u>	<u>Year of Birth</u>	<u>Lives with (Plaintiff, Defendant, Other)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(c) The Plaintiff Defendant is not the biological parent of the minor child(ren) listed below who was/were born during the marriage and their legal rights to this/these child(ren) should be terminated.

<u>Name of Child</u>	<u>Sex</u>	<u>Year of Birth</u>	<u>Name of Biological Parent</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Children’s Current Residence:

The minor children currently live at _____
 _____ in _____ County, with the
 following people: _____
 _____. The
 children have lived at this address since approximately _____.

9. Children’s Past Residences:

During the past five years, the children have lived at the following addresses:

<u>Dates at Address</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10. People With Whom Children Have Lived:

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

<u>Name of Person</u>	<u>Person’s Current Address</u>
_____	_____
_____	_____
_____	_____

11. **Other Court Cases About Children:**

[Check only one of the following, either (a) or (b).]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor children in this or any other state.
- (b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows:

12. **Other Proceedings That Could Affect Custody or Visitation in This Case:**

[Check only one of the following, either (a) or (b).]

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another state. The court, the case number and the nature of the proceeding(s) are as follows:

13. **Others Claiming Custody or Visitation:**

[Check only one of these, either (a) or (b).]

- (a) I do not know of any person who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children.

- (b) I know of someone who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children. The names and present addresses of the person(s) are:

14. **Child Custody:** *[Check and complete only one of these, either (a) or (b).]*

I am filing the following *Parenting Plan* with this *Divorce Complaint*:

- (a) *Parenting Plan Agreement*, which has been signed by my spouse & myself. Both of us believe that the physical and legal custody arrangement in this parenting plan will serve the best interests of our child(ren).
- (b) *Parenting Plan Proposal*, which has been completed by myself, but has not been agreed to by my spouse. I believe that the physical and legal custody arrangement in this parenting plan will serve the best interests of our child(ren).

15. **Child Visitation:** *[Check and complete only one of these, either (a) or (b).]*

I am filing the following *Parenting Plan* with this *Divorce Complaint*:

- (a) *Parenting Plan Agreement*, which has been signed by my spouse & myself. Both of us believe that the visitation arrangements in this parenting plan will serve the best interests of our child(ren).
- (b) *Parenting Plan Proposal*, which has been completed by myself, but has not been agreed to by my spouse. I believe that the visitation arrangements in this parenting plan will serve the best interests of our child(ren).

[If you have proposed restrictions on the Defendant's visitation, you must also check and complete the following sentence.]

Visitation for the Defendant should be limited in the following way, for the following reasons: _____

16. **Child Support:** *[Check only one of these, either (a), (b) or (c).]*

- (a) The Defendant has income or is capable of earning sufficient money to contribute to the support of our minor children. Based on the Defendant's gross income of \$ _____ per month, my gross income of \$ _____

per month, and the Georgia child support guidelines (OCGA § 19-6-15), the Defendant should pay child of support of approximately \$_____per month to me. I have completed the *Child Support Worksheet* and appropriate *Schedules*, and I am filing them together with this *Complaint for Divorce*.

- (b) Based on my gross income of \$_____per month, the Defendant's gross income of \$_____, and the Georgia child support guidelines (OCGA § 19-6-15), I can pay the Defendant child support of \$_____per month. I have completed the *Child Support Worksheet* and appropriate *Schedules*, and I am filing them together with this *Complaint for Divorce*.
- (c) The issue of child support cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

17. **Health Insurance for Children:** *[Check only one of these, either (a), (b), (c) or (d).]*

- (a) The Defendant should be ordered to maintain a policy for medical, dental and hospitalization insurance for the minor children.
- (b) I already provide health insurance for the children, and the Defendant should be required to reimburse me for a fair share of the cost each month.
- (c) I am not asking the Court to address this issue in this case.
- (d) The issue of health insurance cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

18. **Other Medical Expenses for Children:** *[Check only one of these: (a) or (b).]*

- (a) The Defendant and I should share the cost of expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance. The Defendant should pay _____% and I should pay _____%.
- (b) The issue of health care expenses for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

19. **Life Insurance to Support Children:** *[Check only one of these, either (a), (b) or (c).]*

- (a) The children depend on the Defendant for support, and therefore the Defendant should maintain a policy of insurance on the Defendant's life, with a face amount of \$_____, for the benefit of the minor children. The Defendant should maintain the policy for so long as at least one of the children is a minor or is otherwise entitled to child support.

- (b) I am not asking the Court to address this issue in this case.
- (c) The issue of life insurance for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

20. **Alimony:** *[Check only one of the following, either (a), (b), or (c).]*

- (a) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.
- (b) I am not asking for alimony.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

21. **Marital Property:** *[Check only one of the following, either (a), (b), (c) or (d).]*

- (a) The Defendant and I have already divided our marital property, and we are both satisfied with the division. I want to keep what I have now, and I want the Defendant to keep what they have now.
- (b) The Defendant and I do not have any property that was acquired by either one of us during our marriage (from the date we got married until today). I want to keep what I have now, and I want the Defendant to keep what they have now.
- (c) The Defendant and I have acquired the following property during our marriage, and I am asking for a fair division of this property:

House located at _____

Other real estate, located at _____

Mobile home (model: _____, year: _____)

Pension (mine, worth \$ _____; Defendant's, worth \$ _____)

Motor vehicles listed here:

Model & year: _____

Model & year: _____

Model & year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Bank accounts and / or other investments:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Other property:

Listed here: _____

Listed on separate paper attached to this *Complaint*

(d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

22. **Joint or Marital Debts:** [*Check only one of the following, either (a), (b), or (c).*]

(a) The Defendant and I do not have any outstanding joint or marital debts.

(b) The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

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

Listed on separate paper attached to this *Complaint*

(c) The issue of dividing joint and marital debts cannot be decided in this case, because the Court does not have personal jurisdiction over the Defendant.

23. **Restraining Order Where Violence Has Occurred:**

[Read instructions carefully and check only if applicable.]

There is a history of physical violence by the Defendant toward me, and I am afraid that the Defendant will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

24. **Restore Former Name:** *[Check only if applicable.]*

My former name is _____, and I am asking the Court to restore that name to me.

25. **Grounds for Divorce:** *[Check the ones that you can prove at trial.]*

My grounds for divorce from the Defendant are:

(a) **Our marriage is irretrievably broken.** The Defendant and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment** - The Defendant committed the following acts of cruel treatment toward me: _____

(c) **Adultery** - The Defendant has had sexual intercourse with someone else during our marriage.

(d) **Desertion** - The Defendant has intentionally and continually deserted me for at least a year.

(e) **Other grounds** from list in OCGA § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF: *(Check all that apply.)*

- (a) That I be granted a total divorce from the Defendant;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- (c) That the Plaintiff's Defendant's legal rights to the child(ren) listed in paragraph 7(c) be terminated;
- (d) That the custody and visitation for the children be ordered according to the *Parenting Plan* that I am filing with this *Complaint*;
- (e) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 16, 17, 18 and 19, as well as the *Child Support Worksheet and Schedules* I am filing with this *Complaint*;
- (f) That the Defendant be ordered to pay me alimony for my support;
- (g) That our marital property be divided according to Paragraph 21;
- (h) That our joint or marital debts be divided according to Paragraph 22;
- (i) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (j) That my former name be restored according to Paragraph 24;
- (k) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (l) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff, Pro se *(Signature)*

Name: _____

Address: _____

Phone: (_____) _____

Email: _____