

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

\_\_\_\_\_, Petitioner, \*  
v. \* Civil Action Case Number:  
\_\_\_\_\_, Respondent. \* \_\_\_\_\_

PETITION 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 Petitioner 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  
he/she is the Respondent in this action.

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

(a) The Respondent is a resident of \_\_\_\_\_ County and is subject to  
the jurisdiction of this Court.

(b) The Respondent is a resident of Georgia in \_\_\_\_\_ County, but the Respondent and I lived together in \_\_\_\_\_ County at the time we separated, I still reside in \_\_\_\_\_ County, and the Respondent has only moved away from \_\_\_\_\_ County *within* the past six months before the date of my filing this action.

(c) The Respondent is a resident of Georgia in \_\_\_\_\_ County, and I live in \_\_\_\_\_ County. The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(d) The Respondent is not a resident of the State of Georgia, but I am a resident of \_\_\_\_\_ County, Georgia, **and**:

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

(1) 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, OCGA § 9-10-91(5).

(2) The Respondent has never resided in the State of Georgia and currently resides in the State of \_\_\_\_\_.

(3) The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(e) I am a resident of \_\_\_\_\_ 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 under OCGA § 9-11-4, in the following manner:

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

(a) The Respondent has acknowledged service of process. I am filing the Acknowledgment of Service (which has been signed by the Respondent) with this Petition.

(b) The Respondent may be served by the Sheriff's Department at the Respondent's residence/work address, which is: \_\_\_\_\_

\_\_\_\_\_

(b-1) [Check only if the Respondent lives outside \_\_\_\_\_ County.]  
The Respondent resides outside of Fulton 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 Respondent resides.

(c) 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 OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. 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, either (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 was prior to January 1, 1997.

(5)

**Date of Separation:** The Respondent and I 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 Respondent 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 Petition.

(7)

**Minor Children:** The Respondent and I are the parents of \_\_\_\_\_ minor children, listed below [include only year of birth]:

Name of Child	Male/Female	Year of Birth

(8)

**Children's Current Residence:** The minor children currently live at \_\_\_\_\_ in \_\_\_\_\_ County, \_\_\_\_\_ with the  Petitioner  Respondent other: \_\_\_\_\_. The children have lived at this address since approximately \_\_\_\_\_.

(9)

**Children's Past Residences:** During the past five years, the minor children have lived at the following addresses:

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

(10)

**Adults with Whom Children Have Lived:** During the past five years, the children have lived with the following adults:

<u>Name of Person</u>	<u>Person's Address</u>
_____	_____
_____	_____
_____	_____

(11)

**Other Court Cases About Child(ren):**

[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 child(ren) in this or any other state.

(b) I have participated in other litigation concerning the custody of the minor child(ren) 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:

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(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 about any proceeding that could affect this case, including any court proceedings in this or any other state.

(b) I have information about a proceeding that could affect this case. The court, the case number and the nature of the proceeding are as follows:

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(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 child(ren) or who claims to have custody or visitation rights with respect to the child(ren).

(b) I know of someone who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren). The name(s) and present address(es) of the person(s) are:

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(14)

**Child Custody and Visitation:**

(a) I should be awarded the following: [Check all that apply]

Sole legal custody [OR]  Joint legal custody

Sole physical custody [OR]  Joint physical custody

Reasonable visitation as follows:

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Other: \_\_\_\_\_

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(b) I believe that the custody and visitation arrangement set forth in the attached Parenting Plan is in the best interests of the child(ren).

(15)

**Child Support:** [Check all that apply]

(a) The Respondent has income or is capable of earning sufficient money to help support the minor child(ren). Respondent's gross monthly income is \_\_\_\_\_.

(b) I have income or am capable of earning sufficient money to help support the minor child(ren). My current gross monthly income is \_\_\_\_\_.

(c) The Respondent should pay child support for the child(ren).

(d) I should pay child support for the child(ren).

(e) A child support worksheet has been submitted.

(f) The issue of child support cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

(16)

**Health Insurance for Child(ren):**

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

(a) The Respondent should be ordered to maintain a policy for medical, dental and hospitalization insurance for the minor child(ren).

(b) I already provide health insurance for the child(ren).

(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 Respondent.

(17)

**Other Medical Expenses for Child(ren):**

[Check only one of these: (a), (b), (c) or (d).]

(a) The Respondent should be responsible for all expenses incurred for the child(ren)'s medical, dental and hospital care, that are not covered by insurance.

(b) The Respondent and I should share the cost of expenses incurred for the child(ren)'s medical, dental and hospital care, that are not covered by insurance.

(c) I am not asking the Court to address this issue in this case.

(d) The issue of health care expenses for the child(ren) cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

(18)



**Life Insurance to Support Child(ren):**

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

(a) The child(ren) depend on the Respondent for support, and therefore the Respondent should maintain a policy of insurance on the Respondent's life, with a face amount of \$ \_\_\_\_\_, for the benefit of the minor child(ren). The Respondent should maintain the policy for so long as at least one of the child(ren) 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 child(ren) cannot be decided in this action because the Court does not have personal jurisdiction over the Respondent.

(19)

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

(a) I am financially dependent on the Respondent and need the Court to order the Respondent 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 Respondent.

(20)

**Marital Property:**

[Check only one of the following, either (a), (b), (c) or (d). Do not include complete account numbers.]

(a) The Respondent and I have already divided our marital property, and we are both satisfied with the division.

(b) The Respondent and I have not obtained any property during our marriage.

(c) The Respondent and I have obtained 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 (Plaintiff's, worth) \$ \_\_\_\_\_

(Respondent's, worth) \$ \_\_\_\_\_

Motor vehicles listed here:

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Furniture: \_\_\_\_\_

\_\_\_\_\_

Other Listed here: \_\_\_\_\_

\_\_\_\_\_

Listed on separate paper attached to this Petition

Bank accounts and/or other investments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(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 Respondent.

(21)

**Joint or Marital Debts:**

[Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.]

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

(b) The Respondent 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>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Additional debts listed on separate paper attached to this Petition.

(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 Respondent.

(22)

**Restraining Order Where Violence Has Occurred:**

[Read instructions carefully and check only if applicable.]

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

(23)

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

My former or maiden name is \_\_\_\_\_, and I am asking the Court to restore that name to me.

(24)

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

My grounds for divorce from the Respondent are:

(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) Cruel treatment - The Respondent committed the following acts of cruel treatment toward me:

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

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

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

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FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check all that apply.]

(a) That process and summons issue as provided by law;

(b) That Respondent be served with a copy of this Petition;

(c) That I be granted a total divorce from the Respondent;

(d) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.

(e) That the custody and visitation for the child(ren) be ordered according to Paragraph 14;

(f) That child support, health insurance, medical expenses and life insurance for the support of the child(ren) be ordered according to Paragraphs 15, 16, 17, and 18;

(g) That the Respondent be ordered to pay me alimony for my support

(h) That our marital property be divided according to Paragraph 20;

(i) That our joint or marital debts be divided according to Paragraph 21;

(j) That the Respondent be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;

(k) That my former or maiden name be restored according to Paragraph 23;

(l) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;

(m) That the Court order the parties to participate in mediation, to try to resolve this matter; and

(n) That the Court order any and all other relief that the Court finds appropriate.

SIGNATURE ON FOLLOWING PAGE

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Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Petitioner, Pro se (Signature)

Print Name: \_\_\_\_\_

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

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

Telephone No.: \_\_\_\_\_