

## FILING INSTRUCTIONS

### PETITION FOR DIVORCE WITHOUT MINOR CHILDREN

**GENERAL COMMENTS** This is the form packet for people who want to file their own divorce, and who do not have any minor children together with their spouse. If you and your spouse have minor children together, you must not use this form packet. Instead, you must use the version called Petition for Divorce with Minor Children.

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.

### INTRODUCTION

In the State of Georgia, if you want to end your marriage, you must file a petition for divorce in the Superior 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 an attorney before filing any action with the court. There are often more issues involved in a divorce than you might realize if you fail to get legal advice. Divorce can be a very complicated process. If documents are not completed, signed, notarized and filed as required by law, a judge may dismiss your case.

State law, OCGA § 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.

### YOU MAY ESPECIALLY NEED AN ATTORNEY IF:

- The case is contested OR an attorney represents your spouse.
- Your spouse has been violent to you.

- You are unable to locate your spouse to have him/her served with this action.
- You and your spouse have a house, pension or retirement account, or large amount of property or income to be divided.
- You think you may have difficulty getting financial information from your spouse. Whether your case is contested or uncontested, you should speak with an attorney before signing a settlement agreement or filing any other documents with the court.

#### CHECKLIST OF FORMS YOU WILL NEED TO START YOUR DIVORCE:

If this divorce action may be contested (that is, you do not have a signed Settlement Agreement), you should file the following documents with the Petition.

- Domestic Relations Case Filing Information Form
- Petition for Divorce
- Verification
- Summons
- Domestic Relations Financial Affidavit
- Service Forms: Sheriff's Entry of Service (3-part carbon form) OR Acknowledgment of Service OR Publication paperwork, as follows:
  - Affidavit of Diligent Search
  - Motion for Service by Publication
  - Notice of Publication (3) Order of Publication, Return of Service, Order Perfecting Service (h)
- Rule Nisi

If this action is uncontested (that is, you have a signed Settlement Agreement), you should file the following documents with the Petition. All of these forms are included in this packet.

- Domestic Relations Case Filing Information Form
- Petition for Divorce
- Verification
- Summons
- Domestic Relations Financial Affidavit
- Settlement Agreement
- Acknowledgment of Service OR Acknowledgment of Service, Consent to Jurisdiction and Venue, and Consent to Present Case / Consent to Trial

**FORMS YOU WILL NEED AT THE FINAL HEARING TO FINISH YOUR DIVORCE:**

If you do not have a signed Settlement Agreement, you will need the following forms when you go to the final hearing in your divorce. All of these forms are included in this packet.

- Final Judgment and Decree of Divorce
- Domestic Relations Case Final Disposition Information Form
- Georgia DHS Report of Divorce, Annulment or Dissolution of Marriage

If you have a signed Settlement Agreement, you will need the following forms when you go to the final hearing in your divorce. All of these forms are included in this packet.

- Final Judgment and Decree of Divorce Incorporating Settlement Agreement
- Domestic Relations Case Final Disposition Information Form
- Georgia DHR Report of Divorce, Annulment or Dissolution of Marriage