

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

| | | |
|------------|----|---------------------------------|
| Plaintiff, | v. | Civil Action File No.: _____ |
| Defendant. | | |

COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

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

1. **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. **2. Venue:** Myspouse is the named Defendant in this action.
[Check only one of the following, either (a), (b), (c), (d) or (e).]
 - (a) The Defendant is a resident of Gwinnett County and is subject to the jurisdiction of this Court.
 - (b) The Defendant is no longer a Gwinnett County resident, but still lives in Georgia. The Defendant and I lived together in Gwinnett County at the time we separated. I still reside in Gwinnett County, and the Defendant has only moved away from Gwinnett County within the past six months before the date of my filing this action.
 - (c) The Defendant is a Georgia resident but does not live in Gwinnett

County. I live in Gwinnett County and the Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

- (d) The Defendant is not a resident of the State of Georgia, but I am a resident of Gwinnett County, Georgia, and:
[Check only one of the following, either (1), (2), or (3).]
 - (1) The Defendant lives in the state of _____ and the Defendant was formerly a resident of the State of Georgia and is subject to the personal jurisdiction of the Court under Georgia’s Long Arm Statute, OCGA § 9-10-91(5).
 - (2) The Defendant lives in the state of _____ and the Defendant has never resided in the State of Georgia.
 - (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (e) I am a resident of Gwinnett County and the Defendant’s whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it here by reference.

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/work address, which is:

- (b-1) [Check only if the Defendant lives outside Gwinnett County.] The Defendant resides outside of Gwinnett 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 Diligent Search* with this *Complaint*. 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 husband and wife before January 1, 1997, beginning on _____

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 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*.

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

- (a) The Plaintiff Defendant is pregnant. The baby is due on _____.

- (b) The Plaintiff Defendant **is** the biological parent of (or has legally adopted) the minor child(ren) listed below who was/were born before or during the marriage:

| Name of child | Sex | Year of Birth | Lives with (Plaintiff, Defendant, other) |
|---------------|-----|---------------|--|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

- (c) The Plaintiff Defendant **is not** the biological parent of the minor child(ren) listed below who was/were born during the marriage:

| Name of child | Year of Birth | Name of biological Parent |
|---------------|---------------|---------------------------|
| | | |
| | | |
| | | |

8. Children's Current Residence:

Child(ren's current address: _____

City, State ZIP _____

County: _____

The child(ren) has/have lived at this address since approximately (month and year): _____

9. **Children's Past Residences:**

During the past five years, the child(ren) has/have lived at the following addresses:

| Dates at Address | Address |
|-------------------------|----------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

10. **People With Whom Children Have Lived:**

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

| Name of Person | Current Address |
|-----------------------|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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 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 current addresses of the person(s) are as follows:

14. **Child Custody and Visitation:** I am a fit and capable parent, and I believe that the following custody arrangement is in the best interests of the children:
[Check only one of the following, either (a), (b), or (c) or (d).]

- (a) I should have legal and physical custody.
- (b) The Defendant and I should share joint legal custody but I should have primary physical custody and the Defendant should have visitation.
- (c) The Defendant and I should share joint legal custody but the Defendant should have primary physical custody and I should have visitation.
- (d) Other custody arrangement:

- (e) The Plaintiff Defendant **is not** the biological or adoptive parent of the children listed in Paragraph 7(c) and his legal rights to these children should be terminated.

Permanent Parenting Plan. I understand I am required to prepare a Parenting Plan which:

- I am filing a Parenting Plan with this *Complaint*.
- I will file a Parenting Plan before the first hearing in this case.

15. **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 support the minor children.
- (b) I have income or am capable of earning sufficient money to support the minor children.

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

16. **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.

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

- (a) The Defendant should be responsible for all expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.
- (b) 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.
- (c) I am not asking the Court to address this issue in this case.
- (d) 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.

18. **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, 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.

19. **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.

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

- (a) The Defendant and I have already divided our marital property, and we are both satisfied with the division.
 - All of our property is listed on our *Settlement Agreement*.
- (b) The Defendant and I have not obtained any property during our marriage.
- (c) The Defendant and I have obtained the following property during our marriage, and I am asking for a fair division of this property:
 - All of our property is listed on a separate sheet attached to this *Complaint*.
 - All of our property is listed below:

| Type | Description |
|--|-------------|
| <input type="checkbox"/> House (address): | _____ |
| | _____ |
| <input type="checkbox"/> Other Real Estate (address): | _____ |
| | _____ |

Mobile Home
(year, model): _____

Pension(s):
Mine worth: _____ Defendant's worth: _____

Motor Vehicles
Year *Make* *Model*

Bank Accounts *Name of Institution, type of account*

Other property

(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.

21. **Joint or Marital Debts:** *[Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.]*

- (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*
- Listed in the signed *Settlement Agreement*

- (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

22. **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.

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

I am asking the Court to restore my former or maiden name, which is:

24. **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:
- (f) **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 process and summons issue as provided by law;
- (b) That Defendant be served with a copy of this Complaint;
- (c) That I be granted a total divorce from the Defendant;
- (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 children be ordered according to Paragraph 14;
- (f) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 15, 16 and 17;
- (g) That the Defendant 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 Defendant 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.

Dated: _____

Plaintiff *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

| | | |
|------------|----|-----------------|
| | | |
| Plaintiff, | v. | Civil Action |
| | | File No.: _____ |
| | | |
| Defendant. | | |

VERIFICATION

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Divorce with Minor Children* and that the facts contained within my *Complaint* are true and correct.

Plaintiff *[signature]*

SWORN AND AFFIRMED before me this
____ day of _____ 20____.

NOTARY PUBLIC