

INSTRUCTIONS FOR FILING A PETITION FOR ANNULMENT

In Georgia, if you want to annul your marriage, you must file a Petition for Annulment in the Superior Court. After a court issues an Order of Annulment, legally it will be as if you were never married to that person. You should seek the advice of an attorney when filing legal papers to be sure that your rights are protected and that all procedures are correctly followed particularly if:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income.
- You think you will have difficulty obtaining documents from your spouse.

HERE ARE THE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:

STEP 1- Complete the attached sample form petition for annulment

Page 1: Fill in your name as Petitioner, and your spouse's name as Respondent. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint. Then write your name after the words "My name is".

Paragraph 1: Subject Matter Jurisdiction -Check (a) if you have been a resident of the State of Georgia for at least six months prior to filing your Petition for Annulment. Check (b) if you are not a resident of the State of Georgia, but your spouse has lived in Georgia for at least six months prior to your filing your petition for annulment. Check (c) if you have been a resident of the State of Georgia for less than six months, but the Respondent has been a resident of the State of Georgia for six months or more.

If none of the options applies to you, then you cannot file for an annulment here in Fulton County.

Paragraph 2: Venue: When filing a petition, you need to make sure you are filing in the correct county. The general rule is that you file in the county where the opposing party lives.

Write your spouse's name in the space next to "The Respondent's name is".

PLEASE READ ALL THE ANSWER CHOICES BEFORE CHECKING ANY BOXES.

Check box (a) if your spouse is a resident of Fulton County.

Check box (b) if your spouse lives in another county in Georgia but has signed an *Waiver of Venue*. (This is sometimes included in the *Acknowledgment of Service*.)

Check box (c) if your spouse lives outside of Georgia, and you live in Fulton County. Then review (1), (2), and (3), and check all that apply.

Paragraph 3: Service - Service is the way the other person will get a copy of your petition.

Check (a) if your spouse has signed an Acknowledgment of Service

Check (b) if your spouse will be served by the Sheriff's Department (This is the most common type of service.) Enter your spouse's address in the space provided. Check the next space below if your spouse will need to be served in another county other than Fulton.

Check (c) if you do not know where your spouse lives and you want to publish notice of the petition in the newspaper. Enter your spouse's last known address in the space provided.

Paragraph 4: Marriage

Enter the date you were married.

Paragraph 5: Separation

Enter the date you and your spouse separated.

Paragraph 6: Children

Review paragraph 6. If you and your spouse have minor children, you cannot use these forms to file for an annulment. You should speak with an attorney.

Paragraph 7: Jointly Owned Property

Check box (a) if you and your spouse do not have any jointly owned property.

Check box (b) if you and your spouse have already divided your jointly owned property to your mutual satisfaction.

Check box (c) if you and your spouse have property that needs to be divided by the Court. In the space provide write the property to be divided (for example, house, car, bank account, etc.)

Check box (d) if you are serving your spouse by publication and the Court does not have jurisdiction over your spouse to divide the property. ****Check with an attorney for advice on what property the Court can award in your case.**

Paragraph 8: Joint Debts

Check (a) if you and your spouse do not have any joint debts.

Check (b) if you and your spouse have already divided your debts.

Check (c) if you and your spouse have joint debts that you want the Court to decide.

Check (d) if you are serving your spouse by publication and the Court does not have jurisdiction over your spouse to divide the debts.

Paragraph 9: Temporary Alimony

You can request an award of temporary alimony.

Check box (a) if you do not want an award of temporary alimony.

Check box (b) if you want an award of temporary alimony.

Check box (c) if you are serving your spouse by publication and the Court does not have jurisdiction over your spouse to award alimony.

Paragraph 10: Restore Former Name

If you want to be restored to your prior name, check the first space and then, in the next space, write the name you want restored to you.

Paragraph 11: Grounds for Annulment

Write the reason(s) you are requesting this annulment. For example, a reason for an annulment might be that your spouse was married to someone else at the same time your spouse married you. You can list more than one reasons. You must be able to prove your grounds for annulment. Speak with an attorney for advice on the grounds for an annulment.

Summary of Requests in Annulment Action:

If you want relief in addition to the annulment (such as division of property, payment of debts, etc.), check (a) and then write everything that you want the court to grant you.

Then print your name and email address in the space provided. If you do not have an email address, you must complete a *Certificate of No Email Address*. Then sign and date in the space provided.

STEP 2- VERIFICATION

Complete the Verification form. The Verification is your sworn statement, under oath, that everything you stated in your petition is true and correct. Write your name as Petitioner, and your spouse's name as Respondent.

Do not fill in where it says "Civil Action File No." The clerk will assign a number to your case when you file your complaint.

Then write your name in the space provided.

WAIT TO SIGN THE VERIFICATION FORM IN FRONT OF THE NOTARY PUBLIC.

STEP 3- OTHER COURT DOCUMENTS

In addition to the Petition for Annulment and Verification form, you will need to attach additional forms to your petition which are either provided in The Family Law Information Center or otherwise as stated such as:

1. Two (2) original summons (*available from Fulton County Clerk's Office or downloadable at <http://www.fultonclerk.org/285/Civil-Forms>*)
2. Domestic Relations Case Initiation Form
3. Automatic Domestic Standing Order (*included in packet*)
4. Sheriff's Entry of Service Form (*available from the Sheriff's Department*)

You may also have these forms attached to your petition for annulment (*all forms available from FLIC Office*):

1. Affidavit of Indigence (*if you are low income and eligible to have your filing fee waived because you cannot afford it*)
2. Notice of Publication (*if your annulment must be served by publication*)
3. Acknowledgment of Service and Waiver of Venue and Jurisdiction

5. Financial Affidavit

STEP 4- FILING FEE

You must pay the fees to the clerk when you file your petition. You may contact the Clerk of Superior Court for fee information. If you cannot pay these fees, you may file an Affidavit of Indigence asking the Court to let you file without paying filing fees. Please note that the request is not automatically granted by the judge. You will be asked questions to help with the evaluation of your request.

Follow the Clerk's instructions for e-filing once your papers are completed. The Clerk may have additional documents which are required for filing.