

**SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION**

_____,
Petitioner,

Civil Action

v. _____
Case Number _____

_____,
Respondent.

PETITION FOR DIVORCE WITH MINOR CHILD(REN)

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 Fulton 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 Fulton County at the time we separated. I still reside in Fulton County, and the Respondent has only moved away from Fulton 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 Fulton 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 Fulton 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 Fulton 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 Fulton 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 married as of _____, which date was prior to January 1, 1997.

5. **Date of Separation:** The Respondent 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 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 Child(ren):** *[If there are no minor child(ren), you may use a different form, which is much shorter. Note: list the year of birth only, do NOT put the full date of birth]*

The Respondent and I are the parents of _____ minor child(ren), listed below:

<i>Name of Child</i>	<i>Male / Female</i>	<i>Year of Birth</i>

<i>Name of Child</i>	<i>Male / Female</i>	<i>Year of Birth</i>

8. Child(ren)'s Current Residence:

The minor child(ren) currently live at _____ (address) in _____ (County), _____ (State) with the ___ Petitioner ___ Respondent _____. The child(ren) have lived at this address since approximately _____.

9. Child(ren)'s Past Residences:

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

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

10. People With Whom Child(ren) Have Lived:

During the past five years, the child(ren) have lived with the following people:

<u>Name of Person</u>	<u>Person's Current 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: _____

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:

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:

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:

Other: _____

- (b) I believe that the custody and visitation arrangement set forth in the attached Permanent 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 (mine, worth \$ _____; Respondent's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Petition*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Petition*

Other property:

Listed here: _____

Listed on separate paper attached to this *Petition*

(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>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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 all that apply.]

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: _____

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 any and all other relief that the Court finds appropriate.

Dated: _____

 Petitioner, Pro se (Signature)

Name: _____

Address: _____

Email: _____

IF YOU DO NOT HAVE AN EMAIL ADDRESS, FILL OUT A CERTIFICATE OF NO EMAIL ADDRESS

Telephone No.: _____

SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION

_____,
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v. _____,
Respondent.

Civil Action
Case Number

VERIFICATION

I, _____, personally appeared before the undersigned notary public and, being duly sworn, state that the facts stated in the foregoing Petition are true and correct.

This ___ day of _____, _____(year)

Signature
Name: _____
Email: _____

**IF YOU DO NOT HAVE AN EMAIL ADDRESS, FILL
OUT A CERTIFICATE OF NO EMAIL ADDRESS**

Telephone No.: _____

Sworn to before me this
___ day of _____, 20__.

Notary Public