

**IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA**

Petitioner: _____

Vs

Civil Action # _____

Respondent: _____

PETITION FOR DIVORCE

I, _____, representing myself, state that:

1. Subject Matter Jurisdiction: I am the Petitioner in this action, and (Check (a) or (b))

a) I have been a resident of the State of Georgia for more than six (6) months 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 and a resident of Carroll County for at least six (6) months prior to my filing of this action.

2. Venue: My spouse's name is _____ . He/She is the Respondent in this action. (Check (a), (b), (c), (d) or (e))

a) The Respondent is a resident of Fulton County and is subject to the jurisdiction of this Court. (Check (1), (2), (3) or (4))

1) The Respondent has consented to the Jurisdiction of this Court and has acknowledged service of process and jurisdiction of this Court. (Check the box below if you and your spouse have a separation agreement that you want to have made a part of your divorce decree.)

Attached to this Complaint for Divorce is a Separation Agreement which my spouse and I desire to be incorporated into our final judgment and decree for divorce.

2) The Respondent may be served at Respondent's residence address of _____

3) The Respondent may be served at Respondent's work address of _____

The Respondent works in _____ County and shall be served by second original.

4) The Respondent's whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, Petition for Divorce to the last known address of Respondent which is _____ within 15 days of filing of the Order of Service by Publication.

b) The Respondent is a resident of _____ County, but Respondent and I lived together in Carroll County at the time we separated, Respondent has only moved from Carroll County within the past six months from the date of this filing, and I am a resident of Carroll County. The Respondent shall be served by second original at his/her home/work address of _____.

c) The Respondent is a resident of _____ County, and I live in Carroll County. The Respondent has consented to the jurisdiction of this Court and has acknowledged service of process and venue of this Court. (Check the box below if you and your spouse have a separation agreement that you want to have made a part of your divorce decree.)

Attached to this Complaint for Divorce is a Separation Agreement which my spouse and I desire to be incorporated into our final judgment and decree for divorce.

d) The Respondent is not a resident of the State of Georgia, but I am resident of Fulton County and (Check (1), (2) or (3)).

1) The Respondent was formerly a resident of the State of Georgia and presently is a resident of the State of _____. Respondent may be served by second original pursuant to the Long Arm Statute, O.C.G.A. § 9-10-91 (5). Respondent may be served at Respondent's residence address of _____

2) The Respondent's whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Respondent which is _____ within 15 days of the filing of the Order for Service by Publication.

3) The Respondent has consented to the Jurisdiction of this Court and has acknowledged service of process and jurisdiction of this Court. (Check the box below if you and your spouse have a separation agreement that you want to have made a part of your divorce decree.)

Attached to this Complaint for Divorce is a Separation Agreement which my spouse and I desire to be incorporated into our final judgment and decree for divorce.

e) I am a resident of Fulton County and the Respondent's whereabouts are unknown to me shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Respondent which is _____ within 15 days of the filing of the Order of Service by Publication.

3. Date of Marriage: (Check (a) or (b))

a) The Respondent and I were lawfully married on _____

b) The Respondent and I are common law married having entered into a common law marriage before January 1, 1997 as of _____

4. Date of Separation: Respondent and I separated on _____ and have remained in a bona fide state of separation since that date.

5. Children: (Check (a) or (b))

a) There are no minor children of this marriage.

b) Respondent and I are the parents of _____ minor children:

Name of Child	Sex (M/F)	Date of Birth	Resides w/mother/father/other

6. Custody/Visitation: (If there are minor children check (a), (b) or (c))

a) I am entitled to the temporary and permanent sole legal and physical custody of these children.

b) I am entitled to joint legal and physical custody of these children.

c) I am entitled to reasonable visitation with these children.

7. Children's Place of Residence (If there are minor children, please complete)

The minor children of the parties currently reside at _____ with _____ During the past five years, the minor children have lived at the addresses below with the following persons:

Address Resided with

8. Other Custody Actions: (If there are minor children, check (a) or (b))

a) I have not participated as a party, or witness, or in any capacity in any other litigation concerning the custody of the minor children in this or any other state. I do not know of any custody proceeding concerning the minor children which may be pending in a Court in this or any other state.

b) The minor children have been involved in the following custody actions.
County/State Court Type of custody action Date Filed Status

9. Other Persons with Claims to Children: (If there are minor children, check (a) or (b))

a) I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.

b) The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

Name Claim

10. Child Support: (Complete if there are minor children. Check (a) or (b).)

a) I am employed by _____ earning _____ per month. The Respondent is an able bodied person capable of earning sufficient money to support the minor children. Respondent is employed by _____ earning _____ per month and I am in need of financial assistance from Respondent for the support of the minor children.

I have have not completed the Child Support Worksheet and Schedules pursuant to the Georgia Child Support Guidelines which became effective January 1, 2007.

b) The issues of child support cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse.

11. Health Insurance for Minor Children: (Complete if there are minor children. Check (a), (b) or (c))

a) Respondent should be ordered to maintain a policy for dental, medical, and hospitalization insurance for the minor children. (Check (1), (2) or (3))

- 1) Respondent should be responsible for uncovered costs
- 2) The Parties should share the uncovered costs
- 3) Petitioner should be responsible for uncovered costs

b) Respondent and I should share the costs of dental, medical, and hospitalization insurance for the minor children. (Check (1), (2) or (3))

- 1) Respondent should be responsible for uncovered costs
- 2) The Parties should share the uncovered costs

3) Petitioner should be responsible for uncovered costs

c) The issue of health insurance for the children cannot be decided in this action because

Georgia does not have jurisdiction over my spouse.

12. Life Insurance for the Minor Children: (Check if there are minor children, and you want your spouse to have life insurance for the minor children. Check (a) or (b))

a) Respondent should be ordered to maintain life insurance for the benefit of the minor children.

b) The issue of obtaining life insurance cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse.

13. Alimony: I am/am not seeking alimony because

The issue of alimony cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse

14. Marital Property: (Check (a), (b), (c) or (d))

a) Respondent and I have no marital property.

b) Respondent and I have already divided our marital property to our mutual satisfaction.

c) Respondent and I have the following marital property that I have checked,

- house located at _____
- pension/retirement account (mine _____, spouse's _____)
- motor vehicles (model/year _____)
- furniture (list or attach list) _____
- bank accounts and investments (list or attach list) _____
- other (list or attach list) _____

d) The issue of the division of marital property cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse.

15. Joint Debts: Check (a), (b) or (c):

a) Respondent and I have no outstanding joint debts

b) Respondent and I have the following outstanding joint debts and he/she should be

(solely liable for payment of these debts/ jointly liable for payment of these debts/responsible for payment of the debts that I checked.)

Creditor Balance

c) The issue of the division of joint debts cannot be decided in this action because Georgia does not have personal jurisdiction over my spouse.

16. Restore Former Name: My former name is _____ and I request that it be restored to me.

17. Grounds for Divorce. My grounds for an absolute divorce are: (Check the grounds that you can prove at trial:)

a) The marriage is **irretrievably broken**. My Spouse and I can no longer live together.

There is no hope of that the two of us will get back together.

b) **Cruel treatment.** My spouse committed the following acts of cruel treatment to me such that I am afraid that he/she will hurt me in the future:

c) **Adultery.** My spouse has had sexual intercourse outside of the marriage.

PETITION OF DIVORCE, PAGE 5 OF 6

d) **Desertion.** On or about _____, my spouse, without just cause or reason, intentionally abandoned and deserted me for a period of at least one year as follows:

e) **Intermarriage.** My spouse and I are related as follows:

f) **Mental incapacity.** I did not have the mental capacity to enter into a marriage when we married because _____

g) **Impotency.** My spouse was impotent at the time of our marriage, and I was not aware of this.

h) **Force, menace, duress, fraud in obtaining the marriage.** I entered into this marriage against my will as a result of _____

i) **Pregnancy** of the wife at the time of the marriage unknown to the husband. I did not know that my spouse was pregnant by another man when we got married

j) **Conviction** of party for an offense involving **moral turpitude.** On or about _____ my spouse was sentenced to serve at least two years in the penitentiary for the following:

k) **Habitual Intoxication.** My spouse is repeatedly intoxicated.

l) **Incurable mental illness.** My spouse has been adjudged mentally ill by a court of competent jurisdiction. My spouse has been confined in an institution for the mentally ill for a period of at least two years immediately preceding this action. My spouse's mental illness has been determined to be incurable by competent examiners, and I have attached a certified statement that it is this person's opinion that my spouse is hopelessly and incurably mentally ill.

m) **Habitual Drug Addiction:** My spouse is addicted to drugs as follows: _____

FOR THESE REASONS, I request (check all that apply)

a) That a Rule Nisi be issued directing the Respondent to show cause why my prayers should not be granted;

b) Temporary and Permanent Custody of the minor children;

c) Joint custody of the minor children;

d) Visitation with the minor children;

e) Child Support ;

f) Medical, Dental and Hospitalization insurance for the children;

g) Life Insurance for the benefit of the minor children;

h) Alimony ;

i) An award of the marital property listed in paragraph (14c);

j) Respondent to pay the joint debts listed in paragraph (15b);

k) That all issues of child support, health insurance for the minor children, life insurance for the minor children, alimony, division of property and debts be held in abeyance until such time as this court has personal jurisdiction over my spouse;

l) A change back to my former name

m) A restraining order to restrain and enjoin the Respondent from harassing, molesting or threatening me in any way whatsoever;

n) A total divorce, a vinculo matrimonii, from Respondent;

o) Respondent be served with a copy of my Complaint for Divorce;

IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA

Petitioner: _____

And Civil Action #: _____

Respondent: _____

VERIFICATION

I, _____, personally appeared before the undersigned Notary Public, and say under oath that I am the Petitioner in the above-styled action and that the facts stated in the Petition for Divorce are true and correct.

This _____ day of _____, 20_____.

(Sign your name here in front of the Notary)

Name (Print or type):

Address:

Telephone #: _____

Sworn to and subscribed before me, this
_____ day of _____, 20_____.

Notary Public
My Commission Expires:
(Notary Seal)

**IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA**

Petitioner: _____

And Civil Action #: _____

Respondent: _____

ACKNOWLEDGMENT OF SERVICE

The undersigned Respondent hereby acknowledges service of the Summons and Petition for _____, in the above-styled case, and states that (s)he has received copies of said Petition, and Respondent hereby waives any and all further notice, service, and issuance of process.

This _____ day of _____, 20_____.

RESPONDENT (Sign your name here in front of Notary Public)

Respondent's Name (Print):

Address:

Telephone #: _____

Sworn to and subscribed before me, this

_____ day of _____, 20_____.

Notary Public
My Commission Expires:
(Notary Seal)

**IN THE SUPERIOR COURT OF Carroll COUNTY
STATE OF GEORGIA**

Petitioner: _____,

Civil Action File No.:

And

Judge _____

Respondent: _____,

SEPARATION AGREEMENT

This is an Agreement by and between _____ (hereinafter referred to as "Wife") and _____ (hereinafter referred to as "Husband").

WITNESSETH:

WHEREAS, the parties are married but are currently living in a bona fide state of separation;

WHEREAS, there has/have been _____ child (ren) born as issue of the marriage, to wit: _____;

WHEREAS, the parties desire to settle between themselves all questions of division of property, child custody, visitation, child support, alimony, and all other rights and obligations arising out of their marital relationship;

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1. The parties shall continue to live separate and apart and each shall be free from interference, molestation, authority and control, direct or indirect, by the other, as fully as if sole and unmarried, and each may reside at such place or places as he or she may select.

2. (Check a, b, or c)

a) The Husband / Wife shall have the temporary and permanent legal and physical custody of the minor child(ren) born as issue of the marriage.

b) The Husband and Wife shall share joint legal custody of the minor child(ren).

The parties shall share decision-making concerning the children; however, the Husband/
 Wife shall have the right to make the final decision in the event the parties cannot agree.

Separation Agreement – Page 2 of 5

Primary physical custody of the minor child (ren) shall be with the Husband/ Wife as follows:

Secondary physical custody shall be with the Husband / Wife as follows:

c) The Husband and Wife shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

The parties shall share decision making concerning the child(ren); however, in the event the parties cannot decide, the Husband/ Wife shall have the final decision concerning the following: _____

3. The Husband/ Wife shall have the right of visitation with the minor child(ren) as follows:

OR

as set out in the Visitation Schedule attached hereto and incorporated herein.

4. The parties agree that the welfare of the child(ren) is of paramount importance and each agrees to foster a feeling of affection between themselves and the child(ren). Neither party shall do anything to hamper the natural development of the child(ren)'s love and respect for the other party.

5. NOTICE NOTICE NOTICE

The new Georgia Child Support Guidelines went into effect on 1/1/07. Any child support calculations must now be made using the new guidelines. To obtain the forms and instructions, go to: <https://services.georgia.gov/dhr/cspp/do/public/SupportCalc> or go back to the menu section of this packet for a link to the site.

a) The Husband/ Wife shall pay to the Husband/ Wife, as support of the minor child (ren), the sum of _____ Dollars per week/ bi-weekly/ semi-monthly/ monthly, for a total of _____ Dollars to be paid per week/ bi-weekly/ semi-monthly/ monthly starting on _____, 20____, and continuing per week/ bi-weekly/ semi-monthly/ monthly thereafter until the child reaches the age of eighteen, marries, dies, or otherwise becomes emancipated or so long as the child is enrolled in and attending secondary school not to exceed age 20. The child support obligation shall be reduced as follows: _____ / terminated in the event of said occurrence.

b) All payments of child support shall be paid as follows *(If you have an Income Deduction Order, payments must be paid into the Family Support Registry.):*

(Check 1 or 2)

1) Directly to the Wife Husband at the following address:

No Income Deduction Order will be entered into at this time.

2) To the Family Support Registry pursuant to an Income Deduction Order.

(Make sure to complete the Income Deduction Order packet.)

6. The Wife/ Husband shall maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child (ren) for so long as the child support obligation set forth herein exists. Costs not covered under the insurance policy shall be provided as follows:

The Wife/ Husband shall provide the Wife/ Husband with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with Wife/ Husband in submitting claims under the policy.

7. (Check a or b)

a) The Wife/ Husband shall pay to the Wife/ Husband as alimony, the sum of _____ Dollars per _____ to be paid _____ beginning on the _____ day of _____, and continuing _____ thereafter until the Wife/ Husband remarries or dies.

b) The parties hereby expressly waive alimony for past, present, and future.

8. (Check a or b)

a) The parties acknowledge that they have previously made a division of their household furniture, furnishings, household goods, equipment and other such personalty. Neither party shall claim any of the property in the possession of the other as of the date of the signing of this agreement.

b) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

1) To the Wife

2) To the Husband

9. (Check a or b)

a) The parties acknowledge that they have no outstanding joint debts.

Husband's initials _____ Wife's initials _____

b) The parties acknowledge that they have the following joint debts:

Creditor Amount of debt

1) The Husband shall be responsible for the following debts:

and indemnifies and holds the Wife harmless for any collections on those obligations.

2) The Wife shall be responsible for the following debts:

and indemnifies and holds the Husband harmless for any collection on those obligations.

10. The parties acknowledge that they have entered into this Agreement freely and voluntarily and that it is not the result of any duress or any undue influence.

11. The Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertakings other than those expressly set forth herein.

12. It is expressly understood that this Agreement does not obligate the parties to continue to live in a state of separation or to proceed with an action for divorce. However, in the event that either party shall bring or maintain an action for dissolution of the marital relationship, this Agreement shall be presented to the court and incorporated by reference into any judgment or decree concerning the matters provided herein. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

IN WITNESS WHEREOF, the parties have signed their names, this _____ day of _____, 20____ as to the Wife, and this _____ day of _____, 20____ as to the Husband.

(For the Wife) _____

Sworn and subscribed before me this the ____ day of _____, 20____.

NOTARY PUBLIC

My commission expires:

(For the Husband) _____

Sworn and subscribed before me this the ____ day of _____, 20____.

NOTARY PUBLIC

My commission expires:

IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA

Petitioner: _____

And

Civil Action #: _____

Respondent: _____

MOTION FOR JUDGMENT ON THE PLEADINGS

Comes now _____, Plaintiff/Petitioner in
the above-styled action, and files this Motion for Judgment on Pleadings in the
above-styled case as follows:

1.

The Complaint/Petition in the above-styled case was filed on _____.

2.

The Defendant/Respondent was served on _____.

3.

A Settlement Agreement was entered into between the parties and it was filed on
_____.

WHEREFORE, there being no contested issues of law or fact,
Plaintiff/Petitioner moves this Court for a Judgment on the Pleadings in the above-
styled case.

Respectfully submitted,

Petitioner/Plaintiff

**IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA**

Petitioner: _____

And

Civil Action #: _____

Respondent: _____

FINAL JUDGMENT AND DECREE

Upon consideration of this case upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce is granted, that is to say a *divorce a vinculo matrimonii*, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the Court that the marriage contract theretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

(check the boxes that apply)

The Agreement between the parties executed on _____ and filed on _____ is incorporated therein by reference and made a part of this Final Judgment and Decree. Each party is ORDERED and directed to comply with the terms and conditions therein.

The Court restores to Petitioner/Respondent her prior or maiden name, to wit: _____.

The Respondent/Petitioner/Parties is/are ordered to attend the Families in Transition Seminar with 30 days of this Order or else be held in contempt of Court.

Decree entered this ____ day of _____, 20____.

Judge, Carroll County Superior Court
Coweta Judicial Circuit