

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

_____,)
Plaintiff,)
v.) Civil Action No. _____)
_____,)
Defendant.)

COMPLAINT FOR DIVORCE

Plaintiff, _____ [Name], comes

before this Court and shows this Court as follows:

1.

Subject Matter Jurisdiction (Check only one: a or b)

- a) Plaintiff is a resident of Houston County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.
- b) Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the State of Georgia and the county of _____ for at least six (6) months prior to my filing this action.

2.

Venue

(Check and complete the appropriate box)

- a) Defendant is a resident of Houston County, Georgia, and has signed an acknowledgement of service affidavit, and a consent to trial form.

b) Defendant is a resident of Houston County, Georgia and may be served at his/her residence/work address of: _____

_____.

c) The Defendant is a resident of _____ County, Georgia but Defendant and I lived together in Houston County at the time we separated. Defendant has only moved from Houston County within the past six months from that date of this filing, and I am a resident of Houston County. Defendant may be served at his/her residence/work address which is: _____

_____.

d) The Defendant is a resident of Georgia, but his/her whereabouts are unknown to me. I have shown this within my Affidavit of Due Diligence attached hereto and incorporated by reference. The Defendant 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 Defendant, which is _____

_____.

within 15 days of the filing of the Order for Service by Publication.

Defendant is not a resident of the State of Georgia, but I am a resident of Houston County, Georgia and (Check box 1 **or** 2):

1) The Defendant was formerly a resident of the State of Georgia and presently is a resident of the State of_____. Defendant may be served pursuant to the Long Arm Statute, O.C.G.A. §9-10-91(5) at the following address:

_____.

2) The Defendant's whereabouts are unknown to me as shown by my Affidavit of Due Diligence, attached hereto and incorporated by reference. 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.

3.

Date of Marriage (Check a or b)

a) Plaintiff and Defendant were lawfully married on_____ [Date].

b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1, 1997 as of_____ [Date].

Note: Common law marriage was abolished in Georgia on January 1, 1997.

4.

Date of Separation

The Defendant and I separated on_____ and have remained in a bona fide state of separation since that date.

5.

Children born of the marriage

There are ____ minor children born of the marriage. They are listed as follows:

Child Name: _____ Birth Year: _____ SEX: _____

Child Name: _____ Birth Year: _____ SEX: _____

Child Name: _____ Birth Year: _____ SEX: _____

Child Name: _____ Birth Year: _____ SEX: _____

6.

Grounds for Divorce (Check one or more grounds that you can prove)

Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that:

The marriage is **irretrievably broken** and there is no hope of reconciliation, under O.C.G.A. § 19-5-3(13). [*This is the no-fault divorce provision.*]

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

Adultery. My spouse has had sexual intercourse outside the marriage.

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

Intermarriage. My spouse and I are related as follows: _____

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

Impotency. I was unaware that my spouse was impotent at the time of our marriage.

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

Pregnancy of the wife at the time of the marriage unknown to the husband. I was unaware that my spouse was pregnant by another man at the time of our marriage.

Conviction of party for an offense involving moral turpitude. On or about _____[date], my spouse was sentenced to serve at least two (2) years in the penitentiary for the following: _____

Habitual intoxication. My spouse is repeatedly intoxicated.

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 (2) 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 confirming the opinion that my spouse is hopelessly and incurably mentally ill.

- Habitual Drug Addiction.** My spouse is addicted to drugs as follows: _____
-

7.

Alimony (Check only one)

- a) I am seeking temporary alimony. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- b) I am seeking temporary and permanent alimony which will last until I remarry or until my former spouse or I should become deceased. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- c) I hereby expressly waive alimony for the past, present, and future.

8.

Marital Property (Check only one)

- Defendant and I have no marital property to divide.
- Defendant and I have divided our marital property to our mutual satisfaction.
- Defendant and I have the following marital property that I have checked, and I am seeking an equitable division of this property:

A house located at _____.

Pension(s): Mine _____ My spouse _____

Motor vehicles (List the make, model & year):

- Furniture (List or attach a list):

- Bank accounts and investments (List or attach a list)

- Other: _____

9.

Joint Debts (Check only one)

- a) Defendant and I have no unpaid or outstanding joint debts.
- b) Defendant and I have the following unpaid or outstanding debts. I have indicated which party should be responsible for each debt. The responsible party will indemnify and hold harmless the non-responsible party for any collection on these obligations:

Creditor	Amount	Responsible Party

10.
Name Restoration

My/my wife's former name is (*FULL first, middle, and last*) _____, and I request that it be restored to me/her.

11.
Child(ren)'s Past Living Arrangements

For the past five (5) years, the children have lived at the following addresses with the following persons:

Address	Dates	Lived With

12.
Other actions involving the children (Choose only one)

(Please tell the court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named above, and knows of no proceeding concerning the minor children in this or any other state. No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

- b) The minor children have been involved in the following actions:
(Please tell the court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

County/State/Court	Type of Custody Action	Date Filed	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13.

Other Parties with a Custody Claim (Choose only one: 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
_____	_____
_____	_____
_____	_____

14.

Child Custody (Choose only one)

- a) Plaintiff and Defendant are both fit to share both temporary and permanent joint *legal* custody of the minor child(ren). It is in the best interest of the minor child(ren) for
- Plaintiff/ Defendant to have *primary physical* custody.

The parties shall share decision making concerning the child(ren); however, in the event the parties cannot decide, the Plaintiff/ Defendant shall have the final decision concerning:

- b) It is in the best interest of the minor child(ren) for Plaintiff/ Defendant to have *legal* custody and Plaintiff/ Defendant to have *physical* custody.
- c) It is in the best interest of the minor child(ren) for Plaintiff/ Defendant to have both *legal* and *physical* custody because:

15.

Visitation (Choose only one: a or b)

- Plaintiff requests that the Defendant be awarded visitation with the minor child(ren) as reflected in the attached Parenting Plan:

16.

Child Support Amount

Please visit csc.georgiacourts.gov and complete an online Child Support Worksheet.

The Plaintiff/ Defendant shall pay to the Plaintiff/ Defendant, as support of the minor child(ren) the sum of \$_____ * per week/ bi-weekly/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

_____.

*This amount was derived from line 13 of the Child Support Worksheet.

17.

Child Support Method of Payment (Choose only one: a or b)

a) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff at the following address:

_____.

b) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff by the Defendant’s employer via an Income Deduction Order that has been attached. The Plaintiff’s address is: _____.

c) Plaintiff asks that all payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

18.

Health Insurance

The Plaintiff asks that Plaintiff/ Defendant shall be required to 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. The Plaintiff asks that costs not covered under the insurance policy shall be divided as follows: _____

_____.

The Plaintiff asks that Plaintiff/ Defendant shall provide an insurance identification card or such other acceptable proof of insurance coverage to the other party, and shall cooperate with the other party in submitting claims under the policy.

WHEREFORE, Plaintiff respectfully requests:

- That the parties herein be totally divorced;
- That the Court grant temporary and permanent custody as requested in this matter;
- That the Court order an equitable division of property;
- That the Court award temporary and permanent alimony;
- That the court award an equitable division of the parties' property;
- That the court award the Plaintiff temporary use and possession of the formal marital residence located at _____.
- That the court award the Plaintiff temporary use and possession of the vehicle described as follows: _____.
- That the Plaintiff have such other and further relief as the Court deems equitable and just.

Respectfully submitted this the _____ day of _____, 20____.

Plaintiff *pro se* [**Signature**]

Plaintiff's Address: _____

Plaintiff's Telephone(s): _____

Email: _____

Defendant's Address: _____

Defendant's Telephone(s): _____

Email: _____

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

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

Notary Public, State of Georgia [Signature]
My Commission Expires: _____

VISITATION SCHEDULE

Note: This is a standard visitation schedule. If the parties choose to use this schedule, it must also be reflected in the Parenting Plan.

The non-custodial parent is _____.

The custodial parent is _____.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 1. Martin Luther King's Birthday
 2. Memorial Day
 3. Labor Day
 4. Thanksgiving
 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year's Eve.
- C. During odd numbered years (2009, 2011, etc.) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 1. New Year's Day
 2. Easter or Spring Break
 3. July 4th
 4. Halloween
 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 1. New Year's Day
 2. Easter or Spring Break
 3. July 4th
 4. Halloween
 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 1. Martin Luther King's Birthday
 2. Memorial Day
 3. Labor Day
 4. Thanksgiving
 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year's Eve.
- F. The Mother shall have the minor child on Mother's Day.
- G. The Father shall have the minor child on Father's Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.