

Chapter 1

Initial Pleadings

FORM 1-001

COMPLAINT FOR ANNULMENT OF MARRIAGE

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR ANNULMENT OF MARRIAGE

COMES NOW [PLAINTIFF NAME], Plaintiff in the above-styled action, and files this, [HIS/HER] *Complaint for Annulment of Marriage*, as follows:

1. Jurisdiction and venue are proper in this Court.
2. Defendant is a resident of [COUNTY NAME] County, State of Georgia, and is subject to the jurisdiction of this Court. Defendant may be served with a copy of this complaint at [ADDRESS] or any location [HE/SHE] may be found.
3. On or about [DATE], Plaintiff, [PLAINTIFF NAME] entered into a purported marriage with Defendant, [DEFENDANT NAME].
4. At the time of such purported marriage, Plaintiff believed Defendant to be unmarried. [OR RECITE OTHER FACTS THAT SUPPORT ANNULMENT, e.g. "believed that he and defendant were of sound mind."]

5. *[RECITE ADDITIONAL FACTS SUPPORTING ANNULMENT, e.g. “believed that plaintiff was not of sound mind as she was under the influence of a certain drug...or was younger than sixteen years of age.”]*

6. CITATION OF AUTHORITY

O.C.G.A. § 19-3-2, entitled persons able to contract, provides, in relevant part,

(a) To be able to contract marriage, a person must:

- (1) Be of sound mind;
- (2) Except as provided in subsection (b) of this Code section, be at least 18 years of age;
- (3) Have no living spouse of a previous undissolved marriage. The dissolution of a previous marriage in divorce proceedings must be affirmatively established and will not be presumed. Nothing in this paragraph shall be construed to affect the legitimacy of children; and
- (4) Not be related to the prospective spouse by blood or marriage within the prohibited degrees.

(b) If either applicant for marriage is 16 or 17 years of age, parental consent as provided in Code Section 19-3-37 shall be required.

7. ARGUMENT

[INSERT ADDITIONAL FACTS OR COMMENTS SUPPORTING CLAIM FOR ANNULMENT.]

8. WHEREFORE, Plaintiff requests that the marriage be annulled and that *[HE/SHE]* be awarded any and all additional relief this Court deems proper.

This _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-002

COMPLAINT FOR DIVORCE (UNCONTESTED, NO CHILDREN)

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, [PLAINTIFF NAME], by and through the undersigned counsel, and files this, [HIS OR HER] *Complaint for Divorce*, respectfully showing the Court as follows:

1. Plaintiff has been a resident of the State of Georgia for at least six months prior to the date of the filing of this petition.
2. Defendant, [DEFENDANT NAME], is a resident of [COUNTY NAME] County, State of Georgia, and is expected to acknowledge service of this *Complaint for Divorce*.
3. Jurisdiction and venue are proper in this Court.
4. Plaintiff and Defendant were lawfully married on or about [DATE OF MARRIAGE].
5. The parties separated on or about the date of the filing of this petition [OR OTHER APPLICABLE DATE] and have lived in a *bona fide* state of separation since that date.
6. There are no minor children born as issue to the marriage [OR ALL CHILDREN BORN OF THE MARRIAGE ARE SUI JURIS].

7. Plaintiff asks that all marital assets and debts be equitably divided by the Court as set forth in the parties' *Settlement Agreement*.

8. Plaintiff asks that alimony be awarded as set forth in the parties' *Settlement Agreement*.

9. Plaintiff is entitled to a divorce from Defendant on the grounds that the marriage is irretrievably broken as defined in O.C.G.A. § 19-5-3(13) and there are no prospects for reconciliation. Further, Plaintiff is entitled to a total divorce, that is a divorce *a vinculo matrimonii* in terms of law, from Defendant.

10. Plaintiff requests that the *Settlement Agreement* of the parties be incorporated into the *Final Judgment and Decree of Divorce*.

WHEREFORE, Plaintiff prays:

- (A) That *[HE OR SHE]* be awarded a total divorce from Defendant on the grounds set forth herein;
- (B) That a *Standing Order* issue;
- (C) That the *Settlement Agreement* entered into by the parties on *[DATE]* be incorporated into the *Final Judgment and Decree of Divorce*; and
- (D) That *[HE OR SHE]* be granted the relief requested herein and such additional relief as the Court may consider equitable and just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-003

COMPLAINT FOR DIVORCE (CONTESTED, NO CHILDREN)

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, [PLAINTIFF NAME], by and through the undersigned counsel, and files this, [HIS/HER] *Complaint for Divorce*, respectfully showing the Court as follows:

1. Plaintiff has been a resident of the State of Georgia for at least six months prior to the date of filing of this complaint.
2. Defendant, [DEFENDANT NAME], is a resident of [COUNTY NAME] County, State of Georgia. Defendant may be served with a copy of this *Complaint for Divorce* [OR A SECOND ORIGINAL IF DEFENDANT RESIDES OUTSIDE OF THE COUNTY] at [DEFENDANT'S CURRENT ADDRESS] or any location where [HE/SHE] may be found.
3. Jurisdiction and venue are proper in this Court.
4. Plaintiff and Defendant were lawfully married on or about [DATE OF MARRIAGE].
5. The parties separated on or before the date of filing of this complaint [OR OTHER APPLICABLE DATE], and have lived in a *bona fide* state of separation since that date.

6. Plaintiff is entitled to a divorce from Defendant on the grounds that the marriage is irretrievably broken as defined in O.C.G.A. § 19-5-3(13) and there are no prospects for reconciliation. Further, Plaintiff is entitled to a total divorce, that is a divorce *a vinculo matrimonii* in terms of law, from Defendant. Plaintiff reserves [HIS/HER] right to add additional grounds for divorce as permitted by law [OPTIONAL; OR ADD GROUNDS FOR DIVORCE AS WARRANTED, INCLUDING PROPER STATUTORY BASIS FOR SAME].

7. There are no minor children born as issue to the marriage [OR ALL CHILDREN BORN AS ISSUE TO THE MARRIAGE ARE SUI JURIS].

8. Plaintiff asks that all real property and all personal property be equitably divided by the Court.

9. Plaintiff asks that all marital assets and debts, if any, be equitably distributed by the Court.

10. Plaintiff asks the Court to consider an award of periodic, lump-sum, in-kind alimony or any combination thereof on a temporary and permanent basis.

11. Defendant is hereby on notice that the law of Georgia (O.C.G.A. § 19-6-1(e)) provides as follows: Pending final determination by the Court of the right of either party to alimony, neither party shall make any substantial change in the assets of the party's estate, except in the course of ordinary business affairs and except for *bona fide* transfers for value.

Further, Plaintiff shows that the law of Georgia (O.C.G.A. § 19-5-7) provides as follows with regard to the transferring or disposition of property:

“After a Complaint for divorce has been filed, no transfer of property by either party, except a *bona fide* transfer in payment of preexisting debts, shall pass title so as to avoid the vesting thereof according to the final verdict of the jury in the case...”

Plaintiff insists that Defendant comply with the foregoing statutes in all respects; and Defendant is hereby put on notice of not only the law of the State of Georgia, but also Plaintiff's intent to insist on full and absolute compliance of same by Defendant.

12. Plaintiff has incurred and will continue to incur expenses of litigation, including attorneys' fees, expenses and costs, and asks that Defendant be ordered to pay these expenses on a temporary and permanent basis.

WHEREFORE, Plaintiff prays:

(A) That [HE/SHE] be awarded a total divorce from Defendant on the grounds set forth herein;

- (B) That a *Standing Order* issue;
- (C) That *[HE/SHE]* be granted the additional relief herein requested on a temporary and permanent basis; and
- (D) That *[HE/SHE]* be granted such additional relief as the Court may consider equitable and just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-004

COMPLAINT FOR DIVORCE (UNCONTESTED, WITH CHILDREN)

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, [PLAINTIFF NAME], by and through the undersigned counsel, and files this, [HIS/HER] *Complaint for Divorce*, respectfully showing the Court as follows:

1. Plaintiff has been a resident of the State of Georgia for more than six months prior to the date of filing of this complaint.
2. Defendant, [DEFENDANT NAME], is a resident of [COUNTY NAME] County, State of Georgia, and is expected to acknowledge service of this *Complaint for Divorce*.
3. Jurisdiction and venue are proper in this Court.
4. Plaintiff and Defendant were lawfully married on or about [DATE OF MARRIAGE].
5. The parties separated on or about the date of the filing of this complaint [OR OTHER APPLICABLE DATE], and have lived in a *bona fide* state of separation since that date.

6. There *[IS/ARE]* *[NUMBER OF CHILDREN]* minor child(ren) born as issue of this marriage, to wit: *[CHILD'S NAME]*, a *[MALE/FEMALE]* child born on *[DATE OF BIRTH]*; and *[CHILD'S NAME]*, a *[MALE/FEMALE]* child born on *[DATE OF BIRTH]* (hereinafter referred to as “children”).

7. Plaintiff *[HAS/HAS NOT]* participated as a party or witness or in any other capacity in any other litigation concerning custody of the children pending to date, in this or any other state *[IF SO, INCLUDE INFORMATION RELATING TO CONCURRENT/PREVIOUS ACTIONS INVOLVING THE CHILDREN]*.

8. Plaintiff *[IS/IS NOT]* aware of any other suits concerning custody of the children pending to date, in this or any other state *[IF SO, LIST INFORMATION REGARDING OTHER CASES INVOLVING THE CHILDREN]*.

9. Plaintiff *[IS/IS NOT]* aware of any person not a party to this case who has physical custody of the children or claims to have custody or visitation rights with respect to the children *[IF SO, LIST INFORMATION REGARDING OTHER PARTIES WHO CLAIM TO HAVE CUSTODY/VISITATION RIGHTS WITH RESPECT TO THE CHILDREN]*.

10. The children have lived with Plaintiff and/or Defendant at *[ADDRESS]* for the last five years. *[IF NOT, INCLUDE ALL ADDRESSES FOR EACH CHILD FOR THE LAST FIVE YEARS]*.

11. Plaintiff shows that the parties should each contribute to the care and maintenance, including but not limited to the medical, dental and hospitalization expenses, of the children, depending on the custodial arrangement.

12. Plaintiff asks that all marital assets and debts be equitably divided by the Court as set forth in the parties' *Settlement Agreement*.

13. Plaintiff asks that alimony be awarded as set forth in the parties' *Settlement Agreement*.

14. Plaintiff is entitled to a divorce from Defendant on the grounds that the marriage is irretrievably broken as defined in O.C.G.A. § 19-5-3(13) and there are no prospects for reconciliation. Further, Plaintiff is entitled to a total divorce, that is a divorce *a vinculo matrimonii* in terms of law, from Defendant.

15. Plaintiff requests that the *Settlement Agreement* of the parties be incorporated into the *Final Judgment and Decree of Divorce*.

WHEREFORE, Plaintiff prays:

(A) That *[HE/SHE]* be awarded a total divorce from Defendant on the grounds set forth herein;

(B) That a *Standing Order* issue;

- (C) That the *Settlement Agreement* entered into by the parties on *[DATE]* be incorporated into the *Final Judgment and Decree of Divorce*; and
- (D) That *[HE/SHE]* be granted the relief requested herein and such additional relief as the Court may consider equitable and just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-005

COMPLAINT FOR DIVORCE (CONTESTED, WITH CHILDREN)

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, [PLAINTIFF NAME], by and through the undersigned counsel, and files this, [HIS/HER] *Complaint for Divorce*, respectfully showing the Court as follows:

1. Plaintiff has been a resident of the State of Georgia for more than six months prior to the date of filing of this complaint.
2. Defendant, [DEFENDANT NAME], is a resident of [COUNTY NAME] County, State of Georgia. Defendant may be served with a copy of this *Complaint for Divorce* [OR A SECOND ORIGINAL IF DEFENDANT RESIDES OUTSIDE THE COUNTY] at [DEFENDANT'S CURRENT ADDRESS] or any location where [HE/SHE] may be found.
3. Jurisdiction and venue are proper in this Court.
4. Plaintiff and Defendant were lawfully married on or about [DATE OF MARRIAGE].
5. The parties separated on or before the date of filing of this complaint [OR OTHER APPLICABLE DATE], and have lived in a *bona fide* state of separation since that date.

6. Plaintiff is entitled to a Divorce from Defendant on the grounds that the marriage is irretrievably broken as defined in O.C.G.A. § 19-5-3(13) and there are no prospects for reconciliation. Further, Plaintiff is entitled to a total divorce, that is a divorce *a vinculo matrimonii* in terms of law, from Defendant. Plaintiff reserves *[HIS/HER]* right to add additional grounds for divorce as permitted by law *[OPTIONAL; OR ADD GROUNDS FOR DIVORCE AS WARRANTED, INCLUDING PROPER STATUTORY BASIS FOR SAME]*.

7. There *[IS/ARE]* *[NUMBER OF CHILDREN]* minor child(ren) born as issue of this marriage, to wit: *[CHILD'S NAME]*, a *[MALE/FEMALE]* child born on *[DATE OF BIRTH]*; and *[CHILD'S NAME]*, a *[MALE/FEMALE]* child born on *[DATE OF BIRTH]* (hereinafter referred to as “children”).

8. Plaintiff *[HAS/HAS NOT]* participated as a party or witness or in any other capacity in any other litigation concerning custody of the children pending to date, in this or any other state *[IF SO, INCLUDE INFORMATION RELATING TO CONCURRENT/PREVIOUS ACTIONS INVOLVING THE CHILDREN]*.

9. Plaintiff *[IS/IS NOT]* aware of any other suits concerning custody of the children pending to date, in this or any other state *[IF SO, LIST INFORMATION REGARDING OTHER CASES INVOLVING THE CHILDREN]*.

10. Plaintiff *[IS/IS NOT]* aware of any person not a party to this case who has physical custody of the children or claims to have custody or visitation rights with respect to the children *[IF SO, LIST INFORMATION REGARDING OTHER PARTIES WHO CLAIM TO HAVE CUSTODY/VISITATION RIGHTS WITH RESPECT TO THE CHILDREN]*.

11. The children have lived with Plaintiff and/or Defendant at *[ADDRESS]* for the last five years. *[IF NOT, INCLUDE ALL ADDRESSES FOR EACH CHILD FOR THE LAST FIVE YEARS]*.

12. It is in the best interests of the children that Plaintiff be granted custody of the children on a temporary and permanent basis *[IF SEEKING CUSTODY]*.

13. Plaintiff requests an award of child support for the children on a temporary and permanent basis *[IF SEEKING CUSTODY/CHILD SUPPORT]*.

14. Plaintiff shows that Defendant should contribute to the care and maintenance, including but not limited to the medical, dental and hospitalization expenses, of the children.

15. Plaintiff asks that all real property and all personal property be equitably divided by the Court.

16. Plaintiff asks that all assets be equitably divided by the Court.

17. Plaintiff asks that all marital debt, if any, be equitably distributed by the Court.

18. Plaintiff asks the Court to consider an award of periodic, lump-sum, in-kind alimony or any combination thereof on a temporary and permanent basis.

19. Defendant is hereby on notice that the law of Georgia (O.C.G.A. § 19-6-1(e)) provides as follows: Pending final determination by the Court of the right of either party to alimony, neither party shall make any substantial change in the assets of the party's estate, except in the course of ordinary business affairs and except for *bona fide* transfers for value.

Further, Plaintiff shows that the law of Georgia (O.C.G.A. § 19-5-7) provides as follows with regard to the transferring or disposition of property:

After a Complaint for divorce has been filed, no transfer of property by either party, except a *bona fide* transfer in payment of preexisting debts, shall pass title so as to avoid the vesting thereof according to the final verdict of the jury in the case...

Plaintiff insists that Defendant comply with the foregoing statutes in all respects; and Defendant is hereby put on notice of not only the law of the State of Georgia, but also Plaintiff's intent to insist on full and absolute compliance of same by Defendant.

20. Plaintiff has incurred and will continue to incur expenses of litigation, including attorneys' fees, expenses and costs, and asks that Defendant be ordered to pay these expenses on a temporary and permanent basis.

WHEREFORE, Plaintiff prays:

- (A) That *[HE/SHE]* be awarded a total divorce from Defendant on the grounds set forth herein;
- (B) That a *Standing Order* issue;
- (C) That *[HE/SHE]* be granted the additional relief herein requested on a temporary and permanent basis; and
- (D) That *[HE/SHE]* be granted such additional relief as the Court may consider equitable and just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-006
AMENDED COMPLAINT

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

AMENDMENT TO COMPLAINT FOR DIVORCE

COMES NOW Plaintiff, [PLAINTIFF NAME], by and through the undersigned counsel, and files this, [HIS/HER] *Complaint for Divorce*, respectfully showing the Court as follows:

1. Plaintiff amends Paragraph [NUMBER] of [HIS/HER] complaint to [REASON FOR AMENDMENT, e.g., "to withdraw the allegation of adultery."] Consequently, Plaintiff's complaint shall be amended to read as follows:

[INSERT AMENDED LANGUAGE, e.g., "Plaintiff is entitled to a divorce from defendant on the grounds that the marriage is irretrievably broken as defined in O.C.G.A. § 19-5-3(13) and there are no prospects for a reconciliation. Further, plaintiff is entitled to a total divorce, that is a divorce a vinculo matrimonii in terms of law, from defendant. Plaintiff reserves the right to add additional grounds for divorce as permitted by law."]

WHEREFORE, Plaintiff respectfully requests:

- (A) That *[HE/SHE]* be awarded a total divorce from Defendant on the grounds set forth herein;
- (B) That a *Standing Order* issue;
- (C) That *[HE/SHE]* be granted the additional relief herein requested on a temporary and permanent basis; and
- (D) That *[HE/SHE]* be granted such additional relief as the Court may consider equitable and just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-007

ANSWER AND COUNTERCLAIM

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

ANSWER AND COUNTERCLAIM TO PLAINTIFF'S COMPLAINT FOR DIVORCE

COMES NOW Defendant, [DEFENDANT NAME], by and through the undersigned counsel, and files this, [HIS/HER] *Answer and Counterclaim to Plaintiff's Complaint for Divorce*, respectfully showing the Court as follows:

1. Defendant [ADMITS/DENIES] the allegations contained in Paragraph Number One (1) of Plaintiff's complaint.
2. Defendant [ADMITS/DENIES] the allegations contained in Paragraph Number Two (2) of Plaintiff's complaint.
3. Defendant [ADMITS/DENIES] the allegations contained in Paragraph Number Three (3) of Plaintiff's complaint.
4. [SUGGESTED RESPONSE TO PLAINTIFF'S REQUEST TO BE AWARDED CUSTODY OF THE CHILDREN] Defendant denies the allegations contained in Paragraph Number Four (4) of Plaintiff's

complaint and shows the Court that the parties should be awarded joint legal and physical custody of the minor children on a temporary and permanent basis.

5. *[SUGGESTED RESPONSE TO PLAINTIFF'S REQUEST FOR CHILD SUPPORT]* Defendant denies the allegations contained in Paragraph Number Five (5) of Plaintiff's complaint and shows the Court that Plaintiff is capable of generating an income. Therefore, both parties are able to and should be required to contribute to the support and maintenance of the minor children.

6. *[SUGGESTED RESPONSE TO PLAINTIFF'S REQUEST TO BE AWARDED THE MARITAL RESIDENCE]* Defendant admits that the parties own certain real property as mentioned in Paragraph Number Six (6) of Plaintiff's complaint; however, Defendant states that the Court should decide how to divide each property.

7. *[SUGGESTED RESPONSE TO PLAINTIFF'S REQUEST FOR EQUITABLE DIVISION OF MARITAL DEBT]* In response to the allegations in Paragraph Number Seven (7) of Plaintiff's complaint, Defendant admits that the parties have acquired certain debts, but Defendant asks that same be equitably divided by the Court.

8. *[SUGGESTED RESPONSE TO PLAINTIFF'S REQUEST THAT INJUNCTIONS AGAINST TRANSFER OF PROPERTY BE APPLIED TO DEFENDANT]* Paragraph Number Eight (8) of Plaintiff's complaint requires no admission or denial from Defendant; however, Defendant asks that any injunction be applied to both parties.

9. Paragraph Number Nine (9) of Plaintiff's complaint requires no response from Defendant.

10. All allegations not heretofore specifically admitted are hereby denied.

WHEREFORE, Defendant prays that Plaintiff's prayers for relief be denied with all costs cast upon Plaintiff.

COUNTERCLAIM

COMES NOW Defendant, *[DEFENDANT NAME]*, and files this, *[HIS/HER]* Counterclaim for Divorce and Other Relief against Plaintiff, as follows:

[PARAGRAPHS FROM COMPLAINT FOR DIVORCE]

[PARAGRAPH NUMBER]

Defendant shows that it has been necessary for *[HIM/HER]* to retain counsel to defend *[HIMSELF/HERSELF]* in these proceedings and that *[HE/SHE]* has incurred legal expenses, even though *[HE/SHE]* has acted in good faith to resolve the applicable issues, and requests that Plaintiff be required to contribute toward said expenses if no agreement can be reached.

WHEREFORE, Defendant prays:

- (A) That *[HE/SHE]* be awarded a total divorce from Plaintiff on the grounds set forth herein;
- (B) That there be an equitable division of the personal property of the parties;
- (C) That there be an equitable distribution of all debts of the parties;
- (D) That *[HE/SHE]* be granted the additional relief herein requested; and
- (E) That *[HE/SHE]* be granted such additional relief as the Court may consider equitable and

just.

This the _____ day of *[MONTH]*, *[YEAR]*.

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Defendant

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-008

DOMESTIC RELATIONS INTAKE WORKSHEET/CASE FILING FORM

Domestic Relations Case Filing Information Sheet**

** Consult local rules before use.

Superior Court _____ County

Date Filed: _____
MM-DD-YYYY

Docket No.: _____

Plaintiff/Petitioner

Defendant/Respondent

Last First Middle I. Suffix Maiden

Last First Middle I. Suffix Maiden

Plaintiff/Petitioner's Attorney

Pro Se

Bar No.: _____

Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Protection Act

MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations: Specify:

FAMILY VIOLENCE

Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence Yes No

2. Was ex parte relief requested Yes No

3. Was ex parte relief granted? Yes No

FORM 1-009
VERIFICATION

[NOTE TO USER: The verification form should be attached to a Complaint for Divorce and other pleadings requiring affirmation so that the party avows to the accuracy of the statements contained therein.]

VERIFICATION

PERSONALLY appeared, *[AFFIANT NAME]*, affiant, before the undersigning attesting officer authorized by law to administer oaths, and who, after first being duly sworn, deposes and states that the facts contained in the within and foregoing pleadings are true and correct to the best of affiant's personal knowledge and belief.

Affiant

Sworn and subscribed
before me this _____ day of
[MONTH], [YEAR].

Notary Public

My commission expires:

FORM 1-010
PAUPER'S AFFIDAVIT

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

PAUPER'S AFFIDAVIT

PERSONALLY appeared before the undersigned officer authorized to administer oaths, [PLAINTIFF NAME] on oath states that [HE/SHE] is, because of [HIS/HER] poverty, unable to pay the filing costs of this action. This *Pauper's Affidavit* is in lieu of payment of costs as provided under O.C.G.A. § 19-5-2.

This _____ day of [MONTH], [YEAR].

[SIGNATURE ON FOLLOWING PAGE]

[**ATTACH VERIFICATION]

**FORM 1-011
ORDER ON POVERTY**

**IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA**

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

ORDER ON POVERTY

This Court, having considered Plaintiff's request in [HIS/HER] *Pauper's Affidavit* to file a *Complaint for Divorce in forma pauperis*, hereby grants the request.

SO ORDERED this _____ day of [MONTH], [YEAR].

Judge

Superior Court of [COUNTY NAME] County

Presented by:

[ATTORNEY NAME]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

FORM 1-012

AFFIDAVIT OF NON-REPRESENTATION

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[PLAINTIFF NAME],

Plaintiff,

v.

[DEFENDANT NAME],

Defendant.

CIVIL ACTION

FILE NO.: _____

AFFIDAVIT OF UNDERSTANDING OF NON-REPRESENTATION

PERSONALLY appeared before an officer duly authorized by law to administer oaths, [NAME], who after first being duly sworn, states as follows:

My name is [NAME].

I am married to [SPOUSE NAME], who is the opposing party in the above-styled divorce action and is represented by [FIRM NAME].

I understand that [FIRM NAME] has not offered me any advice concerning the above-styled divorce action.

I understand that [FIRM NAME] has suggested that I obtain legal counsel of my own choosing if I wish to discuss or contest any of the issues in the above-styled case or any of the legal documents they have prepared on behalf of my [SPOUSE].

I am acting *pro se*, meaning I do not have an attorney, and have freely elected to go without legal representation in this matter. I acknowledge that all of the documents in the case have been prepared by

[FIRM NAME] and that said attorneys represented the interests of my *[SPOUSE]* only, and did not, in any manner, advise me or represent my interests.

FURTHER AFFIANT SAYETH NOT.

This _____ day of *[MONTH]*, *[YEAR]*.

[AFFIANT NAME]
Affiant

Sworn and subscribed
before me this _____ day of
[MONTH], *[YEAR]*.

Notary Public

My commission expires:

FORM 1-013

NOTE PRECEDING AUTOMATIC DOMESTIC STANDING ORDER

The following is a sample *Automatic Domestic Standing Order*, which may be filed with a *Complaint for Divorce* to maintain *status quo* during the pendency of the case. Please refer to the local rules or clerk of Superior Court to obtain a copy of the standing order that applies in a respective county.

AUTOMATIC DOMESTIC STANDING ORDER

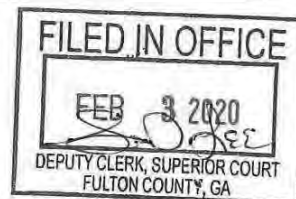
**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA
FAMILY DIVISION**

Petitioner

and

Respondent

Civil Action
No. _____



2020 - EX - 00090

AUTOMATIC DOMESTIC STANDING ORDER

1.

This order applies to all cases which are filed in the Family Division of the Superior Court of Fulton County and shall remain in effect up through the entry of the Final Order in this case. This Order contains provisions that regulate the parties' conduct during the pendency of this case. The parties shall not act in a manner that would violate any provisions set out in this Order. The parties shall further be prohibited from instructing, encouraging, or causing others to act in a manner that would violate the terms and spirit of this Standing Order.

2.

Each party is hereby required to complete the Domestic Intake Worksheet and to bring it to the 30-day status conference.

3.

All parties to a case involving a question of custody of minor child(ren) (excluding contempt or modification actions) are hereby enjoined and restrained from causing or permitting the minor child(ren) of the parties to be removed from the State of Georgia. The only exception to this prohibition shall be for vacations or excursions outside of the State of Georgia for a period not to exceed fourteen (14) days. During the above referenced fourteen (14) day period the child(ren) shall not be removed from the United States. Customary activities/events, such as camp attendance or boarding school shall also serve as exceptions to the restraints concerning the removal of the children from the State of Georgia. In the event the child(ren) are removed from the State of Georgia in accordance with the terms of this paragraph advanced written notice must be provided to the opposing party outlining the dates of travel, the travel destination(s), and contact number(s) where the child(ren) will be staying.

4.

Each party is hereby enjoined and restrained from doing any act injuring, maltreating, vilifying, threatening, molesting, or harassing the adverse party, the child(ren) of the parties, or a family member of the adverse party.

5.

Each party to a divorce or separate maintenance action is hereby enjoined and restrained from selling, encumbering, trading, contracting to sell, or otherwise disposing or removing from Fulton County, and of the property belonging to the parties except in the ordinary course of business.

6.

The parties to a divorce or separate maintenance action are prohibited from disconnecting, or causing the disconnection of water, gas, electricity or any other utility services from the marital residence.

7.

Each party to a divorce, initial custody determination or separate maintenance action is hereby enjoined and restrained from altering, suspending or terminating any insurance coverage in effect as of the date of the filing of this action, including, but not limited to, health insurance, supplemental health insurance, dental insurance, vision insurance, automobile insurance, long term disability insurance, short term disability insurance, life insurance (whole life and/or term), and/or changing any beneficiary designations on any life insurance policy(ies).

8.

Each party to a case involving a question of custody or visitation of minor child(ren) (not contempt or uncontested modification actions) is required to attend the "Families in Transition" Seminar. Failure to complete the seminar in a timely manner may subject the party to contempt or other sanctions.

9.

When a civil action is assigned to the Family Division of the Superior Court of Fulton County with an Acknowledgment of Service, the Docket Clerk will attach a copy of this Order to the original Petition, give or mail a copy of this Order to the attorney or person filing the Petition and provide a second copy to the attorney or person filing the Petition with instructions to serve the Respondent with the copy. Note: The Standing Order should be attached to all initial filings (except contempt and post judgment matters).

10.

All attorneys entering an appearance in the Family Division of the Superior Court of Fulton County shall attend at least one seminar which has been authorized by this Court as a sufficient informational seminar or shall observe at least one authorized reproduction of the same or shall read the entire materials from such a seminar.

11.

All parties and attorneys entering an appearance in the Family Division of the Superior Court shall abide by the rules of the Family Division as promulgated by this Court. Said rules are available on the Family Division website: www.fultoncourt.org/family. A hard copy of all such rules shall be made available by the Clerk upon request.

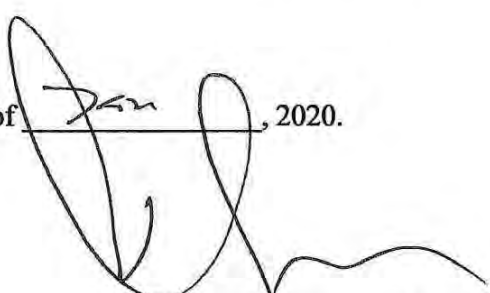
12.

This Order shall apply to all domestic civil actions (as defined by O.C.G.A. § 19-1-1) which are assigned to the Family Division of the Superior Court of Fulton County and shall be the Standing Order until further order of this Court.

13.

Failure to follow a Court order, unless substantially justified, may result in sanctions or penalties as provided by statute, rule or authority of the Court, including a finding of contempt by the Court; taxation of costs or attorneys' fees; and/or the imposition of monetary or other sanctions.

So ordered the 3rd day of Jan, 2020.



Honorable Christopher S. Brasher, Chief Judge
Atlanta Judicial Circuit

FORM 1-015

COVER LETTER TO COURT CLERK RE: FILING DOCUMENTS

[DATE]

[MODE OF DELIVERY, e.g. Via First Class Mail]

[CLERK NAME], Clerk of Court

[COURTHOUSE NAME], [ROOM NUMBER]

[ADDRESS]

Re: [STYLE OF CASE]

Superior Court of [COUNTY NAME] County

Civil Action File No. [NUMBER]

Dear [CLERK NAME]:

Enclosed please find the following: an original [PLEADING NAME] and [NUMBER] copies. Please file the original document(s) referenced above and return the copies stamped "filed" in the envelope provided for that purpose.

Thank you for your assistance in this matter. Please call me if you have any questions or concerns.

Sincerely,

[ATTORNEY NAME]

[E-MAIL ADDRESS]

Direct dial: [NUMBER]

____/____

Enclosures

cc: [CLIENT NAME] (w/ enclosures)

[NAME OF OPPOSING COUNSEL] (w/ enclosures)

[IF VIA E-MAIL, SO STATE]

FORM 1-016

LETTER TO CLIENT RE: DOCUMENTS FOR FILING UNCONTESTED DIVORCE

[DATE]

[MODE OF DELIVERY, e.g. Via First Class Mail]

[CLIENT NAME]

[ADDRESS]

Re: [STYLE OF CASE]
Superior Court of [COUNTY NAME] County
Civil Action File No. [NUMBER]

Dear [CLIENT NAME]:

Enclosed please find the following:

1. A draft copy of your *Complaint for Divorce*;
2. *Acknowledgment of Service* (This document means your [SPOUSE] simply acknowledges that [HE/SHE] has received the *Complaint for Divorce*. [HE/SHE] will need to sign this document before a Notary Public.);
3. *Settlement Agreement* (Both you and your [SPOUSE] need to initial every page as indicated at the bottom of each page, and both of you need to sign the last page before a Notary Public.);
4. *Consent to Hearing 31 Days After Service* (This document simply means that both you and your [SPOUSE] agree to finalize the divorce in the shortest period of time required by Georgia law. You both will need to sign this document before a Notary Public.);
5. *Affidavit of [CLIENT NAME]* (This document will be sent to the assigned judge along with a *Motion for Judgment on the Pleadings* after everything has been filed, if the Court is agreeable to finalizing the case without the need for you to appear in court. We will also send the *Final Judgment and Decree of Divorce*, once prepared, to the judge at that time for signature. Once signed by the judge, your case will be finalized. Please sign this document before a Notary Public.);
6. *Affidavit of Understanding of Non-Representation by [FIRM NAME]* (This document simply means that we represent you, and that our firm has not given any advice to your [SPOUSE]. We

acknowledge that we prepared all documents filed with the Court. Your *[SPOUSE]* will need to sign this document before a Notary Public.).

We have also enclosed a self-addressed, stamped envelope for you to **return all original documents to us**. We will then file them with the Court.

We understand that all these documents may seem a little overwhelming, but all are required to finalize your case as quickly as possible under Georgia law. As soon as we receive the original documents from you, we will file them and begin the process of finalizing your divorce. In the meantime, if you have questions or concerns regarding any of these documents or the divorce process, please do not hesitate to contact us.

Sincerely,

[ATTORNEY NAME]

[E-MAIL ADDRESS]

Direct dial: *[NUMBER]*

____/____

Enclosures

FORM 1-017

LETTER TO CLERK RE: FILING UNCONTESTED DIVORCE

[DATE]

[MODE OF DELIVERY, e.g. Via First Class Mail]

[CLERK NAME], Clerk of Court

[COURTHOUSE NAME], [ROOM NUMBER]

[ADDRESS]

Re: [STYLE OF CASE]

Superior Court of [COUNTY NAME] County

Civil Action File No. [NUMBER]

Dear [CLERK NAME]:

Enclosed please find the following:

1. Original *Summons* and verified *Complaint for Divorce* and one copy of each;
2. A *Domestic Relations Case Filing Information Form*;*
3. An *Automatic Domestic Relations Standing Order* and one copy;
4. Original *Acknowledgment of Service* and one copy;
5. Original *Consent to Hearing 31 Days After Service* and one copy;
6. Original *Settlement Agreement* and one copy; and
7. Our firm check in the amount of [AMOUNT] for your filing fee.

Please issue the *Summons*, file the originals with the Court and return the conformed copies to us in the self-addressed, stamped envelope enclosed for that purpose.

Thank you in advance for your assistance in this matter. Please call us if you have any questions or concerns.

Sincerely,

[ATTORNEY NAME]

[E-MAIL ADDRESS]

Direct dial: *[NUMBER]*

____/____

Enclosures

cc: *[CLIENT NAME]* (w/ enclosures)

[NAME OF OPPOSING COUNSEL] (w/ enclosures)

[IF VIA E-MAIL, SO STATE]

[REFER TO LOCAL RULES TO DETERMINE WHICH DOCUMENTS SHOULD BE FILED WITH THE COMPLAINT. REMEMBER TO INCLUDE CHILD SUPPORT DOCUMENTS AND PARENTING PLAN AS REQUIRED BY LOCAL RULES.]*

FORM 1-018

APPLICATION FOR REGISTRATION OF FOREIGN STATE CHILD SUPPORT ORDER

IN THE SUPERIOR COURT OF [COUNTY NAME] COUNTY
STATE OF GEORGIA

[LEGAL NAME OF PLAINTIFF],

Plaintiff,

v.

[LEGAL NAME OF DEFENDANT],

Defendant.

CIVIL ACTION

FILE NO.: _____

**APPLICATION FOR REGISTRATION OF FOREIGN STATE
CHILD SUPPORT ORDER**

COMES NOW [NAME OF PLAINTIFF], Plaintiff in the above-styled case (“Plaintiff”), by and through undersigned counsel, and, pursuant to O.C.G.A. §§ 19-11-172 and 19-11-161, files this, [HIS/HER] Application for Registration of Foreign State Child Support Order, respectfully showing the Court as follows:

1. On or about [DATE], the [NAME OF COURT] for the State of _____, issued a [NAME OF PLEADING ORDERING CHILD SUPPORT] requiring [NAME OF DEFENDANT] (“DEFENDANT”) to pay Plaintiff \$_____ per month as child support for the parties’ minor child, [NAME OF CHILD], d/o/b _____ (the “Minor Child”) (the “Foreign Judgment”).

2. Filed herewith are two (2) copies of the Foreign Judgment, one of which is a certified copy. See Exhibits “A” (certified copy) and “B” (regular copy) attached hereto.

3. To the best of the knowledge and belief of the undersigned, there has been no order staying, vacating or modifying the Foreign Judgment that Plaintiff is seeking to enforce, nor has any proceeding been commenced that would affect this action.

4. Plaintiff and the Minor Child are residents of _____ County and the State of Georgia, their home address being _____.

5. Defendant is a resident of _____ and the State of Georgia, *[HIS/HER]* home address being *[ADDRESS]*. Defendant is subject to the jurisdiction of this Court, and may be notified of Plaintiff's request for registration at *[HIS/HER]* home address, being _____.

6. Defendant is current in the amount of child support that *[HE/SHE]* owes to Plaintiff under the Foreign Judgment each month. Pursuant to O.C.G.A. § 19-11-161(4), Petitioner shows the Court that Defendant's social security number is _____.

7. Pursuant to O.C.G.A. §§ 19-11-172 and 19-11-161, Plaintiff is entitled to registration of the Foreign Judgment, subject to Defendant's right to be notified of Plaintiff's registration request and to be heard as set forth in O.C.G.A. § 19-11-164.

WHEREFORE, Plaintiff respectfully requests:

- (a) That the Court issue notice to Defendant, giving him an opportunity to request a hearing to dispute registration of the Foreign Judgment filed herewith;
- (b) That, in the absence of any dispute or upon the resolution of any such dispute in Plaintiff's favor, the Court register the Foreign Judgment; and
- (c) That the Court order such other and further relief as the Court in its discretion deems just and proper.

This _____ day of *[MONTH]*, *[YEAR]*.

[NAME OF ATTORNEY]

Georgia State Bar No. *[NUMBER]*

[FIRM NAME]

Attorneys for Plaintiff

[FIRM ADDRESS]

[FIRM TELEPHONE NO.]

[ATTORNEY'S E-MAIL ADDRESS]

