

# **INSTRUCTIONS FOR UNCONTESTED DIVORCE** **WITHOUT MINOR CHILDREN**

## **General Comments**

In the State of Georgia, if you wish to end your marriage, you must file a *Petition for Divorce* in Superior Court. This form packet is intended for people who wish to file their own divorce. Use this packet if:

- ✓ You and your spouse DO NOT have minor children together AND
- ✓ Your divorce is uncontested (you and your spouse will be able to sign a Settlement Agreement that negotiates issues such as alimony and division of property and debts).

STOP. If you and your spouse DO have minor children together OR you will not be able to reach an agreement about any issues, you must use a different form packet.

**Please read the instructions and each from very carefully;** errors in your paperwork can have serious consequences for your case. Incomplete, or improperly filled out forms may delay or prevent the grant of your divorce. If you want the Court to grant your divorce, **you must follow the law and complete every paragraph that applies to your case.** Do not fill out paragraphs that do not apply to your case. Your papers should remain in the same order as they appear in this packet.

Divorce can be very complicated. The only person allowed to help you in the preparation of these forms is a licensed attorney. **State Law O.C.G.A. § 15-19-51 forbids court personnel to give legal advice.**

### **YOU MAY NEED AN ATTORNEY IF:**

- The case is contested OR an attorney represents your spouse
- You cannot locate your spouse to serve them with papers
- You or your spouse has a house, pension, or large amount of property or income
- You think you may have difficulty getting financial information from your spouse
- You might lose custody of your children
- You or your children are victims of family violence

## Helpful Hints

This forms packet includes **Checklists** to help ensure that your forms are complete, accurate, and in the correct order. Consult the **Checklists** as needed while filling out your paperwork. All forms required to file for divorce are included in this packet or are available from the Athens Clarke County Court Help Center or the Clerk's Office.

The parties in divorce are known as **Petitioner**: the spouse filing for divorce (may also be referred to as "Plaintiff") and **Respondent**: the other spouse (may also be referred to as "Defendant").

### MARITAL PROPERTY:

- As a general rule, ALL property that was acquired by either party during the marriage is considered marital property (no matter whose name is on the title), except for gifts and inherited property.
- If the marital home belonged to one of the parties before the marriage, it may still be claimed as marital property if its value has increased (or mortgage has decreased) during the marriage. See a lawyer if this applies to your case.
- If the marital home or other real estate is title in the Respondent's name alone (or you are not sure whose name is on the property deed), you must file a separate document called a *Notice of Lis Pendens*. If you do not file a *Lis Pendens*, and the property is sold before the divorce becomes final, you will not be able to get the home (or a share of it) as part of the divorce because it will be gone.
- If you or the Respondent has rights to a pension that have built up during the marriage, the pension may be considered marital property. Figuring out the value of a pension (and writing the proper *Qualified Domestic Relations Order* if it is distributed in the divorce) is very complicated. See a lawyer if this may apply to your case.
- If you think the Respondent may have acquired assets during the marriage that are unknown to you, the law has procedures to use (called "discovery") to try to find out about them. If it is important that you try to learn more about the Respondent's assets, you should see a lawyer.

## Instructions

The following are detailed instructions on how to complete this *Petition for Divorce Without Minor Children, Verification, Settlement Agreement Without Minor Children, and Domestic Relations Financial Affidavit*. Read these instructions carefully and consult the **Checklists** as needed. Not all forms will apply to your particular situation. You may remove forms which you do not use from your final packet.

## Petition for Divorce Without Minor Children

### Caption (Heading):

Fill in your full name as Petitioner and your spouse's full name as Respondent. Leave the Civil Action Number blank. The Clerk will assign a number to your case when you file your *Petition*. After the heading, write your full name again in the space just before Paragraph 1.

### Paragraph 1: Residence Requirement CHECK ONE (1) BOX

- (a) Check box (a) if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition for Divorce* (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago).
- (b) Check box (b) if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. It is not good enough if your spouse used to live in Georgia, moved away, and has returned more recently than six months ago.

NOTE: If you live in Georgia, but have not lived here for the a full six months, but your spouse has been living here for the past six months, you may still use this *Petition* and file in Georgia. If this situation applies to you, check box (b) and cross out the words "I am not a resident of the State of Georgia, but" so that the sentence is accurate.

### Paragraph 2: Venue CHECK ONE (1) BOX

Write your spouse's full name in the space provided to show that they are the Respondent.

- (a) Check box (a) if the Respondent currently resides in the same county where you are filing and they will acknowledge service of process. If you check this box, you must also file the original signed and notarized *Acknowledgment of Service and Summons* with this *Petition*.
- (b) Check box (b) if the Respondent is not a resident of the county where you are filing, but they will acknowledge service of process and have agreed to have the case heard in that county. If you check this box, you must also file the original signed and notarized *Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction* with this *Petition*.

**Paragraph 3: Date of Marriage** CHECK ONE (1) BOX

- (a) Check box (a) if you and the Respondent were married with a license and a ceremony, such as one by a pastor or by a judge at the courthouse. Write the date of marriage in the space provided.
- (b) Check box (b) if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means you lived together and held yourselves out as Spouse 1 and Spouse 2 before January 1, 1997. Write the date you began your common law marriage in the space provided.

**Paragraph 4: Date of Separation**

In the space provided, write the last date that you and the Respondent separated and remained separated up to the present time. Use only one date. If you and the Respondent have separated, gotten back together, then separated again, use the date of the most recent separation.

**Paragraph 5: Minor Children of the Marriage**

This Paragraph tells the Court that you and the Respondent DO NOT have any children together under the age of 18. DO NOT use this form packet if you have minor children from this marriage.

**Paragraph 6: Grounds for Divorce**

This Paragraph lets the Court know that you and the Respondent no longer wish to be married, and there is no hope you and the Respondent can save the marriage. This is the language for grounds in most cases, and it is the basis for granting a divorce that does not require you to prove fault.

**Paragraph 7: Restore Former Name** CHECK ONLY IF APPLICABLE

Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the name you want to have restored.

NOTE: This is not a name change action and cannot be used for anyone except Spouse 1 or Spouse 2 in this divorce.

### Paragraph 8: Settlement Agreement

This Paragraph tells the Court that you and the Respondent have signed a *Settlement Agreement* listing arrangements about how you will divide marital property and debts. The parties must agree to this voluntarily, and this document must be signed by both parties in front of a notary public. If you DO NOT have a signed *Settlement Agreement*, you must use a different form packet.

### Final Paragraph: Request for Relief CHECK ONLY THE BOXES THAT APPLY

- (a) Check box (a) if you want the Court to grant you total divorce from the Respondent. Make sure you have also completed Paragraph 6.
- (b) Check box (b) if you want the *Settlement Agreement* signed by you and the Respondent to be incorporated in the *Final Judgment and Decree of Divorce*. Make sure you have completed the *Settlement Agreement* and that both parties have signed in front of a notary public.
- (c) Check box (c) if you wish the Court to restore your former or maiden name according to Paragraph 7. Make sure you have completed Paragraph 7.
- (d) Check box (d) as a “back up” for any other relief the Court may find appropriate in your case.

### Signature and Date

To finish the *Petition* form, add the date on which you are signing it, sign your name in the space provided, and write your address and daytime phone number where the Court staff could reach you if necessary.

## Verification Form

The *Verification* form must be filled out with the *Petition for Divorce*. In the Caption (heading) write your name as the Petitioner and your spouse’s name as the Respondent. DO NOT fill out the Civil Action Number. **Before you sign this *Verification***, remember that you will be swearing **under oath** that the information you have provided in the *Petition* is true and correct to the best of your knowledge. You should re-read the *Petition* one more time to make sure it is all true, then sign your name in front of a notary public. The notary will complete the rest of the form after you sign it under oath.

## Settlement Agreement

### Caption (Heading):

Fill in your full name as Petitioner and your spouse's full name as Respondent. Leave the Civil Action Number blank. The Clerk will assign a number to your case when you file your *Petition*. After the heading, write your full name in the space provided to indicate that you are the Petitioner. Write your spouse's name in the next space provided to indicate that s/he is the Respondent.

### Paragraph 1: Separation

This Paragraph tells the Court that you and your spouse are living apart and that you both agree not to interfere in the lives of the other. You are not required to make a selection for the Paragraph.

### Paragraph 2: Alimony CHECK ONE (1) BOX

- (a) Check box (a) if you are not asking the Court to order alimony payments for you or your spouse's support.
- (b) Check box (b) if one party is financially dependent on the other and wants the Court to order alimony payments for support.

To complete selection (b), check the box next to the party receiving alimony to indicate whether s/he is the Petitioner or Respondent. Next, check the box next to the party paying alimony to indicate whether s/he is the Petitioner or Respondent.

Then, in the space provided, write the amount of the alimony payments (ex: "two hundred" or "twenty-five"), then rewrite the amount numerically (ex: "200" or "25"). Make sure these amounts match.

Fill in the date on which payments in that amount will begin, and check the appropriate box to show how often payments will occur. Finally, check box (1) if alimony payments will stop when the receiving party dies or remarries OR check box (2) to enter a different agreed upon end time.

**Paragraph 3: Property Division** CHECK ONE (1) BOX

- (a) Check box (a) if you and the Respondent did not acquire any property during your marriage, or if the property is already all gone. See the **Helpful Hints** section above for more information about marital property.
- (b) Check box (b) if you and the Respondent have already divided your property and you are both satisfied with your division.
- (c) Check box (c) if you and the Respondent did acquire property during your marriage.

To complete selection (c), list the property that you will keep in the space provided by (1). Next, in the space provided by (2), list the property that the Respondent will keep. Then, in the next space provided, enter the agreed upon deadline for completing all transfers of property.

**Paragraph 4: Debts** CHECK ONE (1) BOX

NOTE: Creditors are not parties in your divorce case, so the Court cannot take away creditors' rights in the divorce. This means that the Court cannot prevent creditors from trying to collect from any person who is liable to a particular debt. However, the Court can enter an order in the divorce case that says one party or the other must pay a particular marital debt. If the responsible party does not pay as ordered, s/he may be held in contempt.

- (a) Check box (a) if you and the Respondent do not have any joint or marital debts.
- (b) Check box (b) if you and the Respondent have joint or marital debts. In the spaces provided, list each creditor (ex: Visa, MasterCard, etc.), the balance owed, and who you believe should pay each debt. If you need additional space, attach a separate paper to the *Settlement Agreement*.

**Paragraph 5: Tax and Bankruptcy Construction of this Agreement**

This Paragraph states that the property the parties receive as a part of this *Agreement* is neither taxable nor tax deductible on your income taxes. It also states that if either party files for bankruptcy, the debts listed above cannot be discharged because they are considered spousal support. You are not required to make any selections for this Paragraph.

**Paragraph 6: Mutual Restraining Order** CHECK ONLY IF APPLICABLE

Check this box if you want the Court to order the parties from harming or stalking each other. Checking this box DOES NOT mean you or the Respondent are admitting to any of these acts. The parties promise never to engage in these acts in the future.

**Paragraph 7: Name Restoration** CHECK ONLY IF APPLICABLE

Check this box only if you or the Respondent want the Court to restore a party's former or maiden name. On the space provided, write the name the party wants to have restored and check a box to indicate whether s/he is the Petitioner or Respondent.

NOTE: This is not a name change action and cannot be used for anyone except Spouse 1 or Spouse 2 in this divorce.

**Paragraph 8: Voluntariness of Agreement**

This Paragraph states that neither you nor the Respondent were forced into signing this *Agreement*, and that you entered into the *Agreement* of your own free will. You are not required to make any selections for this Paragraph.

**Paragraph 9: Completeness of Agreement**

This Paragraph tells the Court that this is the only *Separation Agreement* between the two parties, and that this *Agreement* contains every promise or responsibility you have negotiated. It also states that all financial information provided by the parties is true and correct to the best of your knowledge.

**Paragraph 10: Effect of Divorce**

This Paragraph states that by signing the *Settlement Agreement*, the parties are not obligated to pursue a divorce. You may reconcile at any time. If neither party files for divorce, the *Agreement* will be enforced on its own. However, if one party files for divorce, this *Settlement Agreement* will become part of the *Final Judgment and Decree of Divorce*.

**Signature and Date**

Before you sign the *Settlement Agreement*, re-read the entire form for accuracy, and initial at the bottom of every page in the space provided. This document must be signed in front of a notary public. DO NOT sign until you are in front of a notary. The notary will complete the rest of the form once you have signed under oath.



## Domestic Relations Financial Affidavit

*The Domestic Relations Financial Affidavit (DRFA)* is like a snapshot of your financial life in the form of a breakdown of all income, assets, expenses, and debts for one month. This form can be time consuming, but it is an important tool for the Court to decide issues like child support payments, division of property, alimony, and attorney's fees. You must be as accurate as possible and try not to guess. **Read these instructions carefully, and gather helpful documents before you begin.** Good sources of information are: bank and credit card statements, receipts, bills, tax returns, and wage statements.

The DRFA must be signed in front of a notary public. By signing in front of a notary, you are swearing under oath that the information contained in the *Affidavit* is true, correct, and complete to the best of your knowledge. Failure to provide accurate information, or providing false or misleading information, could subject you to penalties from the Court and delay the final hearing in your case. You are not asked to produce bills or receipts for every item you enter, but you should be able to back up every amount to the Court. You can and must submit an updated DRFA if you have changes to your financial situation, such as getting or losing a job.

Do not leave any blank spaces in the form. If an item does not apply to you, use "\$0.00" or "n/a." Do not round amounts. For example, if a payment or expense is \$201.50, write that amount, not \$202.00 or \$200.00.

NOTE: Some items on the list may not occur every month (such as payments for your child's summer camp) or may occur more frequently (such as bi-weekly paychecks), but you must still include them. To account for these amounts, you will need to make some calculations called **annualization**.

- ✓ If you earn or pay a different amount every period, but you know the annual total, divide that number by 12.
  - For example: One month you make \$1,500.00 and the next month you make \$2,200.00, etc. You know that your annual income is \$25,000.00.  
$$\$25,000.00 \div 12 = \$2,083.33$$
  
Use \$2,083.33 as your monthly income.
- ✓ If the earning or payment occurs weekly, multiply the weekly amount by 52, then divide that total by 12.
  - For example: You spend an average of \$20.00 per week on fuel for your car.  
$$\$20.00 \times 52 = \$1,040.00$$
  
$$\$1,040.00 \div 12 = \$86.67$$
  
Use \$86.67 as your monthly fuel expense.
- ✓ If the earning or payment occurs bi-weekly, divide that amount by 2 to find the weekly amount, then follow the instructions above.

## SECTION 1: Identifying Information

This section asks for basic information about you and the other party, your children, and your marriage (if applicable).

NOTE: The parties in a civil case are known as **Petitioner**: the party filing the action (may also be referred to as “Plaintiff”) and **Respondent**: the other party (may also be referred to as “Defendant”).

- The first section regarding children addresses children for whom support is being determined in this action (the court case that is the reason you are submitting this *Affidavit*).
  - In the spaces provided, write the children’s names and the years of their birth. For privacy reasons, **omit the rest of the children’s birthdate**.
  - Then write whether the children live with the Petitioner or the Respondent. If any of the children live with someone other than the parties, write the person’s name and their relationship to the child.
- The next section regarding children addresses your other children (such as children from another marriage or partner).
  - Write their names and the years of their birth. **Omit the rest of the birthdate**.
  - List the adults with whom the children live.

## SECTION 2: Summary of Your Income and Needs

This section is a summary of the information contained in the rest of the document. **Skip this section and return to it after you have filled out the rest of the *Affidavit*.**

## SECTION 3: Income

This section deals with your income. It is divided into two sections: Gross Monthly Income and Net Monthly Income.

**SECTION 3(A): Gross Monthly Income:** This is a list of all your sources of income without any deductions. Annualize these amounts if necessary (see above).

- Begin by entering your wages. If you are self-employed or an independent contractor, use a different section below.
- Continue to enter amounts until the entire section is filled out.
- If you are unemployed, you should attach a separate sheet detailing your efforts to find a job, when you expect to be employed, and how much you expect to earn.
- Attach copies of your two most recent wage statements.

NOTE: **Fringe benefits** are extra payments or “perks” made to supplement your salary. This may include a company car, cell phone, or meal vouchers.

When you have finished filling out this section, add up the amounts for each item to calculate your total Gross Monthly Income.

**SECTION 3(B): Net Monthly Income:** This is your income minus taxes.

- Use your wage statements and/or most recent tax return (if there have not been significant changes since you last filed to determine how much you pay in federal, state, and Federal Insurance Contribution Act (FICA) taxes.
  - Do not include other deductions such as insurance or retirement contribution.
- Subtract the monthly tax amount from your total Gross Monthly Income and enter the resulting amount on the form.
  - NOTE: This number may be different from the Net Income amount on your pay stub.
- Next, write how often you get paid (ex: monthly, weekly, bi-weekly) and enter the number of exemptions you claim on your taxes.

## SECTION 4: Assets

This section is a list of all your assets. **Assets** are anything you own that have cash value.

- **Value** is the fair market (resale) value of the item. This can be hard to determine for some items (such as jewelry, collectibles, or furniture) and may require some research. For these items, use your best estimations.
  - NOTE: Resale value is NOT the purchase price.
- For items whose values may fluctuate, such as stocks, indicate that the value is listed as of a certain date. List these assets even if they are currently valued at zero dollars (\$0.00), because their value may increase in the future.
- If you have a bank account, safety deposit box, or any other asset that the other party does not know about, you must disclose it on this *Affidavit*.
- In the section regarding bank accounts, do not include full account numbers. Instead write the name of the account and the last four digits of the account number (ex: Bank of America Checking XXXXX1234).
- After stating the value of each item in the “Value” column, the form asks you to address whether the asset is marital or non-marital property.
  - As a general rule, **Marital property** is ALL property acquired by either party during the marriage, no matter whose name is on the title.
  - **Non-marital property** is property acquired by either party before the marriage OR property that was inherited during the marriage or received as a gift from someone other than the spouse.
  - If you believe that an asset is partially marital property and partially non-marital property, you should see an attorney.

[For more information on marital property, see Helpful Hints above]

- ✓ If the item is **marital property**, only write its value on the “Value” column next to the description.
- ✓ If you claim or agree that an item is **non-marital property**, rewrite the value in the “Separate Asset of Petitioner” or “Separate Asset of Respondent” column.
  - In the “Basis of the Claim” column, write why you believe the asset is separate property. For example, if you are the Petitioner and you inherited a ring worth \$5,000.00 from your grandmother while you were married (non-marital property), your “Jewelry” row would look like this:

Description	Value	Separate Asset of Petitioner	Separate Asset of Respondent	Basis of the Claim
Jewelry	\$5,000.00	\$5,000.00	n/a	Inheritance

- If you own real estate, write the full value of the property in the “Value” column. Underneath, list how much you still owe on the property.
  - If you need additional space, attach a separate sheet.
- If you own a car or other vehicle, write the make and model in the “Description” column. Next, write the value of the car in the “Value” column. Underneath, list how much you still owe on each vehicle.
  - If you need additional space, attach a separate sheet.

When you have finished filling out this section, add up the amounts for each item to calculate your total Assets.

## SECTION 5: Expenses

This section deals with expenses. It is divided into three sections: Household Expenses, Payments and Debts to Creditors, and Total Monthly Expenses.

**5(A): Average Monthly Expenses for You and Your Household:** This section addresses expenses related to you, your household, and your family. The form assumes that you and your spouse are living apart. Do not include any of your spouse's expenses in this section.

- If you work from home, do not include business expenses in these calculations (you may already have addressed them in Section 3(A): Income from self-employment...).
- Annualize these amounts as necessary (see above).
- Utility payments can fluctuate with seasons. Many utility companies will provide a twelve-month average upon request.
- If in the past you did not have enough money to spend on an item, but you would normally spend a higher amount if you had enough money, use the normal higher amount.
- The "Children's Expenses" section should address ALL minor children (under age 18) whom you support.
- The "Other Insurance" section requires that you state which portion of the insurance fee covers your children. Contact your insurance provider or Human Resources Department for this information.

When you have finished filling out this section, add up the amounts for each item to calculate your total Average Monthly Expenses for You and Your Household.

**5(B): Payments and Debts to Creditors:** This section deals with other payments you make each month such as credit card payments and student loans. A **creditor** is someone to whom you owe money.

- Enter the full balance due to each creditor. Then write the amount of your monthly payment.
  - Write the whole amount you owe each month, even if you are not currently making full monthly payments.
- Check the box to indicate which party is responsible for the debt.  
NOTE: This is not the place to indicate who should be responsible for the debt. In a divorce, this issue is addressed in the *Petition* or *Settlement Agreement*.

When you have finished filling out this section, add up the amounts for each item to calculate your total Payments and Debts to Creditors.

**5(C): Total Monthly Expenses:** Add the totals from Sections 5(A) and 5(B).

WHEN YOU HAVE FINISHED SECTIONS 3-5, ENTER EACH TOTAL IN SECTION 2.

## Notes

The Domestic Relations Financial Affidavit must be filed with the Court and served to the other party at least fifteen (15) days before any preliminary hearing, and at least ten (10) days before any mediation session. You should file the original with the Court, serve the other party with one copy, and keep one copy for your records. If you are the Petitioner, you should also serve the Respondent with a blank copy of the form for them to fill out.

## Other Forms

For information on other forms required to complete your **Uncontested Divorce Without Minor Children**, please refer to the **Checklists** included in this form packet. You should submit your forms in the order in which they appear on the **Checklists**.

## WHICH METHOD OF SERVICE IS RIGHT FORYOU?

When you begin a legal action, such as a divorce or lawsuit, you must “serve” the other person (known as the other party) in order for the Court to have authority over them. Service of process notifies the other party, gives them a copy of all the forms you have submitted, and gives them time to respond. The most common methods are discussed below:

## HELPFUL HINTS

- Participants in a legal action are known as the **parties**. Parties in a civil case like divorce are known as **Petitioner**: the party filing or beginning the action (may also be referred to as “Plaintiff”) and **Respondent**: the other party (may also be referred to as “Defendant”).
- An action is **uncontested** when the Respondent is cooperating with the Petitioner. An action is **contested** when the Respondent is not likely to cooperate with the Petitioner.
- There is a fee for filing an action with the Court. If you feel you cannot afford the filing fee, you should submit a *Poverty Affidavit* to ask the Court to waive the fees.
- Some forms must be NOTARIZED. DO NOT sign these forms until you are in front of a NOTARY PUBLIC.

## NOTES

[illegible]

## ACKNOWLEDGING SERVICE

### ACKNOWLEDGMENT OF SERVICE AND SUMMONS

#### **When to Use:**

- In an uncontested action
- If the other party lives in the SAME COUNTY as you

Cost: FREE

Must be NOTARIZED

#### **How To:**

- ✓ Your form packet should include an *Acknowledgment of Service and Summons* and a *Summons*
  1. Respondent signs *Acknowledgment of Service and Summons* in front of a notary. Return the *Acknowledgment* to your packet of forms.
  2. Make two (2) copies of all of your paperwork. You will have three (3) total.
  3. Take all three (3) copies of your paperwork to the Court Clerk's office in the county where you are filing. The Clerk will stamp and date all the copies.
  4. Pay the filing fee or submit the *Poverty Affidavit*. The Clerk will file the original copy. Keep one copy for your records and give the final copy to the Respondent.

### ACKNOWLEDGMENT OF SERVICE AND WAIVER OF VENUE AND PERSONAL JURISDICTION

#### **When to Use:**

- In an uncontested action
- When the other party lives in a DIFFERENT COUNTY than you AND AGREES to have the action brought in your county

Cost: FREE

Must be NOTARIZED

#### **How To:**

- ✓ Your form packet should include an *Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction* and a *Summons*
  1. Respondent signs *Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction* in front of a notary. Return the *Acknowledgment* to your packet of forms.
  2. Make two (2) copies of all of your paperwork. You will have three (3) total.
  3. Take all three (3) copies of your paperwork to the Court Clerk's office in the county where you are filing. The Clerk will stamp and date all the copies.
  4. Pay the filing fee or submit the *Poverty Affidavit*. The Clerk will file the original copy. Keep one copy for your records and give the final copy to the Respondent.



## PERSONAL SERVICE: SHERIFF OR PROCESS SERVER

### SERVICE BY SHERIFF

#### **When to Use:**

- In a contested action
- When you know the location of the Respondent (work or home address)
- If the Respondent will not cooperate or will not acknowledge service

Cost: \$50 (Athens-Clarke County) or \$25 for a dispossessory action

NOTE: This fee cannot be waived by a *Poverty Affidavit*

#### **How To:**

✓ Your form packet should include a *Certificate of Service* and a *Summons*

If the Respondent lives the SAME COUNTY as you:

1. Make two (2) copies of all of your paperwork. You will have three (3) total.
2. Take all three (3) copies of your paperwork to the Court Clerk's office in the county where you are filing. The Clerk will stamp and date all the copies.
3. Pay the filing fee or submit the *Poverty Affidavit*.  
NOTE: The filing fee and the Sheriff's Service fee should be SEPARATE.
4. Inform the Clerk that you need the Sheriff to serve the other party. Fill out the *Sheriff's Entry of Service*. It may be a good idea to bring along a photo of the Respondent to help the Sheriff identify them, as well as information about the best time of day to execute service.
5. The Clerk will file the original forms. Keep one copy for your records, and the final copy will be served on the Respondent. The Sheriff will inform you when service is complete.

If the Respondent lives in a DIFFERENT COUNTY than the county where you are filing:

1. Make two (2) copies of all your paperwork. You will have three (3) total.
2. Contact the Sheriff in the county where the Respondent lives to make sure they execute service.
3. Take all three (3) copies of your paperwork to the Court Clerk's office in the county where you are filing. The Clerk will stamp and date all copies. Ask the clerk to stamp one copy of your forms "Second Original."
4. Pay the filing fee or submit the *Poverty Affidavit*.
5. Mail the second original AND an additional copy to the Sheriff in the county where the Respondent lives.
6. The Sheriff will notify you when service is complete and will return the second original to be filed. Keep a copy for your records.

## SERVICE BY PROCESS SERVER

### **When to Use:**

- In a contested action
- If you think the Respondent may try to avoid service
- If you are facing extreme time constraints

Cost: Varies depending on the server and how difficult service may be.

NOTE: This is the most expensive option.

NOT ALL COUNTIES allow this method of service. Contact the Court Administrator in the county where you are filing to make sure they allow process servers.

### **How To:**

✓ Your form packet should include a *Certificate of Service* and a *Summons*

1. Make two (2) copies of all your paperwork. You will have three (3) total.
2. You must petition the Court to have someone who is not a party to your action appointed to serve your petition.
3. Take all three (3) copies of your paperwork to the Court Clerk's office in the county where you are filing. The Clerk will stamp and date all the copies.
4. Pay the filing fee or submit the *Poverty Affidavit*.
5. The Clerk will file the original. Keep one copy for yourself and give the final copy to the process server. When service is complete, the process server must file an affidavit stating the case number, date, and place and manner of service with the court.

## SERVICE BY PUBLICATION

When to Use:

- When you do not know the location of the Respondent
- If the Respondent has never lived in Georgia

Cost: Publication fee for the newspaper

NOTE: The publication fee cannot be waived by a *Poverty Affidavit*

Must be NOTARIZED

### How To:

✓ Your form packet should include a *Motion for Service by Publication*, *Affidavit of Due Diligence*, and *Order for Service by Publication*

1. Make one (1) copy of all of your paperwork. You will have two (2) copies total.
2. Take both copies of your paperwork to the Court Clerk's office in the county where you are filing. The Court Clerk will stamp and date both copies.
3. Pay the filing fee or submit the *Poverty Affidavit*.  
NOTE: The filing fee and the publication fee should be SEPARATE.
4. The Clerk will file the original. Keep the second copy for your records. The publication must run in the appropriate newspaper (in Athens-Clarke County, this is the *Athens Banner Herald*) four (4) times in sixty (60) days, one week apart. Once the publication requirement is complete, the newspaper will mail an *Affidavit of Publication*. Bring this to your final hearing.

NOTE: If you later become aware of the location of the Respondent, you MUST amend your *Petition* and execute personal service (see above).

NOTE: Serving the Respondent this way means that the Court will not be able to grant certain forms of relief, such as child support and alimony. Later, if you are able to serve the Respondent personally, you can petition the Court to decide these issues.

# **BEGINNING CHECKLIST FOR UNCONTESTED DIVORCE** **WITHOUT MINOR CHILDREN**

## **BEFORE YOU BEGIN:**

- DETERMINE WHERE TO FILE:
  - File in Superior Court of the county where your spouse lives
  - OR the county where you both lived if your spouse has moved in the past six months
- The FILING FEE in Athens-Clarke County is \$215. If you cannot afford filing fees, you may ask the court to waive them by submitting a *Poverty Affidavit*.
- GATHER FINANCIAL INFORMATION
  - Income: Tax returns, wage statements
  - Expenses: Utilities and other bills, pre-existing child support orders, entertainment, child care
  - Property and Debts: Homes, other real estate, vehicles, credit cards, medical bills
- IMPORTANT DATES: Date of marriage, date of separation
- READ THE SETTLEMENT AGREEMENT, and discuss the terms with your spouse.
- Some forms must be NOTARIZED. DO NOT sign these forms until you are in front of a NOTARY PUBLIC.

## **HELPFUL HINTS:**

- Participants in a legal action are known as the **parties**. Parties in a civil case like divorce are known as **Petitioner**: the party filing or beginning the action (may also be referred to as “Plaintiff”) and **Respondent**: the other party (may also be referred to as “Defendant”).
- This information should be filled out by the PETITIONER in the CASE CAPTION (top section) of every form:
  - COUNTY where the action is filed
  - PETITIONER first and last name
  - RESPONDENT first and last name
  - CASE NUMBER: Leave this blank if you are preparing to file a new case. The Court Clerk will assign a case number when you file
- **Use these forms at your own risk.** The forms and information contained in these packets may become outdated, may not be applicable to your situation, or both. You should review and research statutes and rules of procedure referenced in the *Instructions* to ensure that the forms are accurate, current, and applicable to your particular situation. Any desired outcome from the use of these forms cannot be predicted or guaranteed.

## ADMINISTRATIVE FORMS:

These forms help the Court keep statistics on different types of cases.

- ☐ **Case Filing Information Form:** Filled out by the PETITIONER
- ☐ **Domestic Relations Standing Order:** Signed by BOTH PARTIES
- ☐ **Georgia DHS Report of Divorce, Annulment, or Dissolution of Marriage:** Filled out by the PETITIONER
- ☐ **Final Case Disposition Information Form:** Top section filled out by the PETITIONER
- ☐ **Pro Se Parties Form:** Filled out by the PETITIONER

## DIVORCE PACKET:

This is not an exhaustive list of forms your case may need. If you have questions about additional forms, please consult an attorney.

- ☐ **Petition for Divorce:** Filled out by the PETITIONER
- ☐ **Verification:** Filled out by the PETITIONER and signed in front of a NOTARY
- ☐ **Consent to Trial 31 Days After Service and Waiver of Right to Trial by Jury:** Signed by BOTH PARTIES in front of a NOTARY
- ☐ **Summons:** Filled out by the PETITIONER
- ☐ **Service of Process:** CHOOSE ONE Case Caption filled out by the PETITIONER  
[See *Which Method of Service is Right for You?* for help determining which form to use.]
  - ☐ **Acknowledgment of Service and Summons:** Signed by the RESPONDENT in front of a NOTARY
  - ☐ **OR Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction:** Signed by the RESPONDENT in front of a NOTARY
- ☐ **Settlement Agreement:** Filled out by BOTH PARTIES and signed in front of a NOTARY
- ☐ **Domestic Relations Financial Affidavit:** Required from BOTH PARTIES
  - ☐ Filled out by the PETITIONER and signed in front of a NOTARY
    - ☐ Provide a blank copy to the Respondent
  - ☐ Filled out by the RESPONDENT and signed in front of a NOTARY
- ☐ **Final Judgment and Decree Incorporating Settlement Agreement:** Signed by the JUDGE to finalize the divorce and close the case

## OPTIONAL FORMS

- ☐ **Lis Pendens:** If you own a home, and the home is in only one party's name. Filled out by the party whose name IS NOT on the home
- ☐ **Poverty Affidavit:** If you cannot afford court fees. Filled out by the PETITIONER and signed in front of a NOTARY
- ☐ **Rule Nisi:** Asks the Court for a temporary hearing

## RESOURCES

- ## NOTES

## NOTES

[illegible]

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**PETITION FOR DIVORCE WITHOUT MINOR CHILDREN**

My name is \_\_\_\_\_, and I am representing myself in  
this action. In support of my case, I state as follows:

1. **Residence Requirement:** I am the Petitioner in this action, and:  
[Check one (1) box]

☐ (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 prior to filing this action.

2. **Venue:** My Spouse's name is \_\_\_\_\_, and s/he is the Respondent in this action.

[Check one (1) box]

- ☐ (a) The Respondent is a resident of \_\_\_\_\_ County, Georgia.

The Respondent has signed an *Acknowledgment of Service and Summons*, which I am filing with this action.

- ☐ (b) The Respondent is a resident of \_\_\_\_\_ County, \_\_\_\_\_ [State]. The Respondent has signed an *Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction*, which I am filing with this action.

3. **Date of Marriage:**

[Check one (1) box]

- ☐ (a) The Respondent and I were lawfully married on \_\_\_\_\_ [Date].

- ☐ (b) The Respondent and I 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 Respondent and I last separated on \_\_\_\_\_ [Date], and we have remained in a true state of separation since that date.



**5. Minor Children of the Marriage:**

☐ The Respondent and I do not have any minor children together.

**Note:** STOP. If you and the Respondent have minor children together, you must use a different *Petition for Divorce* form (See Instructions).

**6. Grounds for Divorce:**

☐ Our marriage is irretrievably broken. The Respondent and I can no longer live together, and there is no hope we will get back together.

**7. Restore Former Name:**

[This Paragraph is optional. Check the box if the Paragraph applies to your situation]

☐ My former name is \_\_\_\_\_, and I am asking the Court to restore that name to me.

**8. Settlement Agreement:**

☐ The Respondent and I have entered into a *Settlement Agreement* that resolves all issues as to equitable division of property and debts. The parties wish to incorporate the *Settlement Agreement into the Final Judgment and Decree of Divorce*.

**Note:** STOP. If you and the Respondent do not have a signed *Settlement Agreement*, you must use a different *Petition for Divorce* form (See Instructions).

**FOR THESE REASONS, I RESPECTFULLY REQUEST THE FOLLOWING RELIEF:**

[Check all that apply]

- ☐ (a) That I be granted a total divorce from the Respondent;
- ☐ (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- ☐ (c) That my former name be restored according to Paragraph 7;
- ☐ (d) That the Court order any and all relief that the Court finds appropriate.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[Day] [Month] [Year]

\_\_\_\_\_  
Petitioner, *Self-Represented*  
[Signature]

\_\_\_\_\_  
[Name]

\_\_\_\_\_  
[Address]

\_\_\_\_\_  
[Phone]

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, personally appeared before the undersigned notary public, and declare under oath that I am a party in the above-styled action and that the facts stated in the foregoing *Petition for Divorce* are true and correct to the best of my knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[Day] [Month] [Year]

\_\_\_\_\_  
[Sign your name before a notary public] Petitioner, *Self-Represented*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Sworn and affirmed to me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_  
(Notary Seal)

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**CONSENT TO TRIAL 31 DAYS AFTER SERVICE AND  
WAIVER OF TRIAL BY JURY**

Both of the above parties, as indicated by their signatures below, waive their right to trial by jury and consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the *Acknowledgment of Service* or after service has been perfected.

\_\_\_\_\_  
Petitioner, *Self-Represented*  
[Sign your name before a notary public]

Sworn and affirmed to me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires \_\_\_\_\_  
(Notary Seal)

\_\_\_\_\_  
Respondent, *Self-Represented*  
[Sign your name before a notary public]

Sworn and affirmed to me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires \_\_\_\_\_  
(Notary Seal)

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**SUMMONS**

TO THE ABOVE NAMED RESPONDENT:

You are hereby summoned and required to file with the Clerk of said Court and serve upon the Petitioner, whose name and address is

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

an *Answer* to the *Petition* which is served upon you. You must file and serve your *Answer* within thirty (30) days after service, not including the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the *Petition*.

If a hearing has already been scheduled in this case, you must appear at that scheduled hearing, regardless of whether the 30 days for filing an answer have elapsed.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[Day] [Month] [Year]

\_\_\_\_\_  
Clerk of Superior Court

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE AND SUMMONS**

I am the Respondent in this case. I hereby acknowledge service of the above *Summons* and *Petition for Divorce*, and I acknowledge that I have received a copy of the *Summons* and *Petition for Divorce*. I hereby waive any further service of process.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[Day] [Month] [Year]

\_\_\_\_\_  
[Sign your name before a notary public] Respondent, *Self-Represented*

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

Sworn and affirmed to me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires \_\_\_\_\_  
(Notary Seal)

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE AND  
WAIVER OF PERSONAL VENUE AND JURISDICTION**

I am the Respondent in this case. I hereby state that I am a resident of \_\_\_\_\_  
County, Georgia, and that the Petitioner in this case is a resident of \_\_\_\_\_ County,  
Georgia. I hereby acknowledge service of the above *Summons* and *Petition for Divorce*, and I  
acknowledge that I have received a copy of the *Summons* and *Petition for Divorce*. I hereby  
waive any further service of process.

I have been informed that I have a constitutional right to a trial by judge or jury in this  
case held in the county of my residence. I hereby expressly waive my right to venue in the  
county of my residence and consent to both venue and jurisdiction as they are stated in the  
*Petition*.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
[Day] [Month] [Year]

\_\_\_\_\_  
[Sign your name before a notary public] Respondent, *Self-  
Represented*

Sworn and affirmed to me, this  
\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My commission expires

\_\_\_\_\_  
(Notary Seal)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**SETTLEMENT AGREEMENT WITHOUT MINOR CHILDREN**

This is an agreement between \_\_\_\_\_ (referred to hereinafter as “Petitioner”) and \_\_\_\_\_ (referred to hereinafter as “Respondent”). The parties are married but are living in a true state of separation; and they have no minor children together.

The parties wish to settle between themselves all questions of alimony, division of property, debts, and other rights and obligations arising out of their marital relationship.

THEREFORE, in consideration of the mutual promises and declarations in this *Agreement*, the parties agree as follows:

**1. Separation**

The parties shall continue to live separate and apart, and each shall be free from all interference and control by the other, as if fully unmarried. Each may reside at such place as s/he may choose.

\_\_\_\_\_  
Petitioner

Settlement Agreement Without Minor Children Provided by Athens Access to Justice Initiative

\_\_\_\_\_  
Respondent



**2. Alimony**  
[Check one (1) box]

- ☐ (a) The parties expressly waive their right to receive alimony for the past, present, and future.
- ☐ (b) ☐ Petitioner/ ☐ Respondent shall pay to ☐ Petitioner/ ☐ Respondent as alimony the sum of \_\_\_\_\_ dollars (\$\_\_\_\_\_). Payments shall begin on \_\_\_\_\_ [Date] and continue ☐ monthly/ ☐ semi-monthly/ ☐ bi-weekly/ ☐ weekly thereafter,
- [To complete (a), you must choose either (1) or (2)]
- ☐ (1) until the recipient dies or remarries.
- ☐ (2) for a period of \_\_\_\_\_.

**3. Property Division**  
[Check one (1) box]

- ☐ (a) The parties have no marital property subject to equitable division.
- ☐ (b) The parties acknowledge that they have already made a division of their marital property to their mutual satisfaction. As of the date of signing this *Agreement*, neither party shall claim any property in possession of the other party, except as expressly provided in this *Agreement*.
- ☐ (c) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this *Settlement Agreement*. The parties agree to transfer possession and title to their property as follows:

(1) To the Petitioner:

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[Continued on the next page]

(2) To the Respondent:

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Except as otherwise specifically provided in this *Agreement*, the transfers listed above shall be completed no later than \_\_\_\_\_, 20\_\_\_\_, [Date] and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to this *Agreement*, this *Agreement* shall constitute and operate as the properly executed document. The county auditor, county recorder, Department of Motor Vehicles, and all other public and private officials are authorized and directed to accept this *Agreement* or a properly certified copy of it in lieu of the document regularly required for the conveyance or transfer.

Except as provided in this *Agreement*, the parties have divided their marital property, including any real estate, vehicles, household furniture, furnishings, household goods, equipment, bank accounts, pensions, and other personal property. Neither party shall claim any of the property in the possession of the other party as of the date of signing this *Agreement*, except as provided in this *Agreement*.

**4. Debts**  
[Check one (1) box]

- ☐ (a) The parties acknowledge that they have no joint or marital debts.
- ☐ (b) The parties agree to a division of their joint and marital debts as indicated below:

Creditor	Amount	Responsible Party
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	
	\$	

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all attorney's fees and costs of collection which the other party may incur as a result of the legal action.

**5. Tax and Bankruptcy Construction of this Agreement**

The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this *Agreement*, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party's financial independence would be impaired. Therefore, it is the parties' intention that if either party ever seeks bankruptcy protection, the amounts payable under this *Agreement* shall not be dischargeable in bankruptcy under 11 U.S.C. § 523(a)(5), as the payments are considered spousal or child support and maintenance. Alternatively, the payments shall be non-dischargeable in bankruptcy under 11 U.S.C. § 523(a)(15).

## 6. Mutual Restraining Order

[This Paragraph is optional. Check the box if this Paragraph applies to your situation.]

- ☐ The parties shall be permanently restrained and enjoined from assaulting, beating, wounding, threatening, harassing, and stalking each other. By consenting to this, the parties in no way admit that such acts were ever done in the past, but agree not to engage in such acts in the future. This provision shall be enforceable by the Court's contempt power.

## 7. Name Restoration

[This Paragraph is optional. Check the box if the Paragraph applies to your situation.]

- ☐ The parties request that the ☐ Petitioner/ ☐ Respondent's name be restored to \_\_\_\_\_ [former or maiden name].

## 8. Voluntariness of Agreement

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. They understand that they do not have to enter into this *Agreement*, and that they have the right to trial before a judge or jury on all issues that could be raised in this action. The parties also understand that they have the right to certain discovery procedures that may reveal other income or assets of the other party. They have agreed to enter into this *Agreement* based on their knowledge of the income and assets of the parties and their written statements in this *Agreement*. After considering all of this, they have decided to enter into this *Agreement* freely and voluntarily.

## 9. Completeness of Agreement

This *Agreement* constitutes the entire understanding of the parties. There are no representations or promises other than those expressly included in this *Agreement*. Each party states under oath that the financial representations in this *Agreement* are accurate and complete, to the best of that party's information, knowledge, and belief.

## 10. Effect of Divorce

Both parties understand that this *Agreement* does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this *Agreement* shall be presented to the Court and incorporated by reference into any judgment concerning the matters covered by the *Agreement*. Even if it becomes part of a divorce judgment, this *Agreement* shall survive and can be enforced independently from the judgment of divorce.

\_\_\_\_\_  
Petitioner [Signature]

\_\_\_\_\_  
Respondent [Signature]

Sworn to and affirmed before me, this

Sworn to and affirmed before me, this

\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**NOTARY PUBLIC**

My commission expires: \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Notary Seal)

(Notary Seal)

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

<b>1. IDENTIFYING INFORMATION</b>		
Your Name:	Your Age:	
Other Party's Name:	Other Party's Age:	
Date of Marriage:	Date of Separation:	
Names and birth years of children for whom support is to be determined in this action:		
Name:	Year of Birth	Resides with
Names and birth years of your other children:		
Name	Year of Birth	Resides with
<b>2. SUMMARY OF YOUR INCOME AND NEEDS</b> <i>(Fill this out AFTER completing Sections 3-5)</i>		
(A) Gross Monthly Income (from Item 3A below)	\$	
(B) Net Monthly Income (from Item 3B below)	\$	
(C) Average Monthly Expenses (from Item 5A below)	\$	
Monthly Payments to Creditors (from Item 5B below)	\$	
Total Monthly Expenses & Payments to Creditors (from Item 5C below)	\$	

<b>3. (A) GROSS MONTHLY INCOME: Complete this Section OR attach Child Support Schedule A.</b> <i>All income must be based on monthly average, regardless of date received. Where applicable, income should be annualized. For more information, see Instructions.</i>	
Salary or Wages – ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS	\$
Commissions, Fees, and Tips	\$
Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Rental income (gross receipts minus ordinary and necessary expenses required to produce income) ATTACH SHEET ITEMIZING YOUR CALCULATIONS	\$
Bonuses	\$
Overtime Payments	\$
Severance Pay	\$
Recurring Income from Pensions or Retirement Plans	\$
Interest and Dividends	\$
Trust Income	\$
Income from Annuities	\$
Capital Gains	\$
Social Security Disability or Retirement Benefits	\$
Worker's Compensation Benefits	\$
Unemployment Benefits	\$
Judgments from Personal Injury or Other Civil Cases	\$
Gifts (Cash or other gifts that can be converted to cash)	\$
Prizes and Lottery Winnings	\$
Alimony and Maintenance from Persons NOT in This Case	\$
Assets Used for Support of Family	\$
Fringe Benefits (If significantly reducing living expenses)	\$
Any Other Income (Do not include means-tested public assistance, such as TANF or food stamps)	\$
TOTAL Gross Monthly Income (also write in Section 2A)	\$
<b>3. (B) NET MONTHLY INCOME from Employment: Deduct only state and federal taxes and FICA (also write in Section 2B)</b>	
Pay Period (monthly, bi-weekly, etc.)	Number of Exemptions Claimed on Your Taxes:

4. **ASSETS:** List all assets here, including both non-marital and marital property. If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital gift, inheritance, source of funds, etc. **For more information on marital property, see Instructions.** The total value of each asset must be listed in the "Value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.

Description	Value	Separate Asset of Petitioner	Separate Asset of Respondent	Basis of the Claim (pre-marital gift, inheritance, etc.)
Cash	\$	\$	\$	
Stocks, Bonds	\$	\$	\$	
CD's/ Money Market Accounts	\$	\$	\$	
Bank Accounts: List each below. For privacy reasons, use only last four digits of account numbers.				
1.	\$	\$	\$	
2.	\$	\$	\$	
3.	\$	\$	\$	
Retirement Pensions, 401(k), IRA, or Profit-Sharing	\$	\$	\$	
Money Owed to You or Spouse	\$	\$	\$	
Tax Refund Owed to You	\$	\$	\$	
Real Estate: List properties and mortgages.				
Home	\$	\$	\$	
Debt Owed on Home	\$			
Other Real Estate	\$	\$	\$	
Debt Owed on Other Real Estate	\$			
Automobiles and Vehicles: List vehicles and amounts owed on each one.				
1.	\$	\$	\$	
Debt Owed on Vehicle 1	\$			
2.	\$	\$	\$	
Debt Owed on Vehicle 2	\$			



<b>ASSETS (continued)</b> <b>Description</b>	<b>Value</b>	<b>Separate Asset of Petitioner</b>	<b>Separate Asset of Respondent</b>	<b>Basis of the Claim (pre- marital gift, inheritance, etc.)</b>
Life Insurance (net cash value)	\$	\$	\$	
Furniture/ Furnishings	\$	\$	\$	
Jewelry	\$	\$	\$	
Collectibles	\$	\$	\$	
Other Assets (specify): 1. 2. 3.	\$	\$	\$	
	\$	\$	\$	
	\$	\$	\$	
<b>TOTAL ASSETS</b>	\$	\$	\$	

#### **5. (A) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD**

HOUSEHOLD EXPENSES			
Mortgage or Rent Payments	\$	Gas	\$
Property Taxes	\$	Repairs and Maintenance	\$
Homeowner's/ Renter's Insurance	\$	Lawn Care	\$
Electricity	\$	Pest Control	\$
Water	\$	Cable/ Internet	\$
Garbage/ Sewer	\$	Misc. Household/ Grocery	\$
Telephones		Meals Outside Home	\$
Residential Lines	\$	Other (Specify)	\$
Cellular Telephones	\$		\$
AUTOMOTIVE			
Gasoline and Oil	\$	Tags/ Registration/ License	\$
Repairs and Maintenance	\$	Insurance	\$
OTHER VEHICLES (Boats, Trailers, RVs, etc.)			
Gasoline and Oil	\$	Tags/ Registration/ License	\$
Repairs and Maintenance	\$	Insurance	\$

CHILDREN'S EXPENSES			
Child Care	\$	Allowance	\$
School Tuition	\$	Children's Clothing	\$
Tutoring	\$	Diapers	\$
Private Lessons (music, dance, etc.)	\$	Medical, Dental, Prescriptions (out-of-pocket)	\$
School Supplies/ Expenses	\$	Grooming/ Hygiene	\$
Lunch Money	\$	Gifts from Children to Others	\$
Other Educational Expenses (specify)		Entertainment	\$
	\$	Activities (extracurricular, school, religious, etc.)	\$
	\$	Summer Camps	\$
INSURANCE			
Health Insurance	\$	Life Insurance	\$
Children's Portion	\$	Relationship of Beneficiary:	
Dental Insurance	\$	Disability Insurance	\$
Children's Portion	\$	Other Insurance (specify)	
Vision Insurance	\$		\$
Children's Portion	\$		\$
OTHER EXPENSES			
Dry Cleaning and Laundry	\$	Publications	\$
Clothing	\$	Dues, Clubs	\$
Medical/ Dental/ Prescription (out-of-pocket)	\$	Religious and Charities	\$
Gifts for Others	\$	Pet Expenses	\$
Entertainment	\$	Alimony Paid to Former Spouse	\$
Recreational Expenses (gym membership, etc.)	\$	Child Support Paid for Other Children	\$
Vacations	\$	Date of Initial CS Order	
Travel Expenses for Visitation	\$	Other (attach list)	\$
<b>TOTAL ABOVE MONTHLY EXPENSES</b> <i>(also write on first line of Section 2C)</i>			\$

5. (B) PAYMENTS AND DEBTS TO CREDITORS					
To Whom	Balance Due	Monthly Payments	Responsible for Debt (Please Check One)		
			Joint	Petitioner	Respondent
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
	\$	\$			
<b>Total Monthly Payments to Creditors</b> <i>(also write on second line of 2C)</i>				\$	
<b>5. (C) TOTAL MONTHLY EXPENSES</b> <i>(Total Expenses from Section 5A + Total Monthly Payments to Creditors above. Also write this total on the third line of Section 2C)</i>				\$	

[Sign your name before a notary public]      \_\_\_\_\_      \_\_\_\_\_  
 Petitioner      Respondent, *Self-Represented*

\_\_\_\_\_  
 Name

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Telephone Number

Sworn and affirmed to me, this  
 \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC  
 My commission expires \_\_\_\_\_  
 (Notary Seal)

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_  
Petitioner,  
and

\_\_\_\_\_  
Respondent.

Civil Action No.: \_\_\_\_\_

**FINAL JUDGMENT AND DECREE OF DIVORCE  
INCORPORATING SETTLEMENT AGREEMENT**

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of this Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date, and fully dissolved. 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.

The *Settlement Agreement* entered into between the parties and filed with the court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, is hereby incorporated into and made a part of this *Final Judgment and Decree of Divorce*. Both parties are ordered to strictly obey all of its terms.

☐ The Spouse's former name of \_\_\_\_\_ shall be restored.

This decree entered the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge \_\_\_\_\_  
\_\_\_\_\_ County, Georgia

# **FINAL CHECKLIST FOR UNCONTESTED DIVORCE** **WITHOUT MINOR CHILDREN**

## **BEFORE YOU SUBMIT YOUR FORMS**

**DOUBLE CHECK that all forms are SIGNED and all appropriate boxes are CHECKED**

- ☐ PETITIONER name, RESPONDENT name, and COUNTY on every CASE CAPTION
- ☐ Administrative Forms
  - ☐ Case Filing Information Form
  - ☐ Domestic Relations Standing Order
  - ☐ Georgia DHS Report of Divorce, Annulment, or Dissolution of Marriage
  - ☐ Final Case Disposition Information Form
  - ☐ Pro Se Parties Form
- ☐ Divorce Packet
  - ☐ Petition for Divorce
  - ☐ Verification
  - ☐ Consent to Trial 31 Days After Service and Waiver of Right to Trial by Jury
  - ☐ Summons
  - ☐ Service of Process
    - ☐ Acknowledgment of Service and Summons
    - ☐ OR Acknowledgment of Service and Waiver of Venue and Personal Jurisdiction
  - ☐ Settlement Agreement
  - ☐ Domestic Relations Financial Affidavit
    - ☐ Blank copy for the Petitioner
  - ☐ Final Judgment and Decree
- ☐ Optional Forms (if using)
  - ☐ Lis Pendens
  - ☐ Poverty Affidavit
  - ☐ Rule Nisi

**The following forms must be NOTARIZED. DO NOT sign these forms until you are in front of a NOTARY**

- ☐ Verification
- ☐ Consent to Trial 31 Days After Service and Waiver of Right to Trial by Jury
- ☐ Domestic Relations Financial Affidavit
- ☐ Service of Process
- ☐ Settlement Agreement
- ☐ Poverty Affidavit (if using)

## WHEN YOU ARE READY TO FILE

- Gather your Filing Fee (\$215 in Athens-Clarke County) or *Poverty Affidavit*
- Make two (2) COPIES of your forms (you will have three (3) copies total)
  - Original gets filed by the Clerk
  - One copy goes to the Respondent
  - Keep one copy for your records
- THEN: Take all your paperwork to the Superior Court Clerk's Office in the county where you are filing. In Athens, the Clerk's Office is located on the fourth (4<sup>th</sup>) floor of the ACC Courthouse.
  - Inform the Clerk if you and the Respondent have ever been involved in another case together. This will aid in assigning the case number.
  - The Clerk will stamp all copies and file the original. Keep one copy for yourself and give the other copy to the Respondent.

## WHAT HAPPENS NEXT

- The court will set a date for your final hearing. Your hearing may be set as soon as **31 days after your filing**.
  - Court Helpers from the Court Help Center can give you information on how to prepare for your hearing.
- Wait for further instruction from the court. Be sure to abide by all the guidelines in the *Domestic Relations Standing Order*.
- **Keep copies of all paperwork related to your case.**
- Once the Judge signs the *Final Judgment and Decree*, you are free to marry again.