



Floyd County Superior Court

PRO SE DIVORCE WITH MINOR CHILDREN **PACKET**

The forms and instructions in this packet are to be used if you are seeking a divorce from your spouse AND you have minor children together.

Depending on your personal situation, there may be additional forms that you will need that are not included in this packet. The information in this packet and on the <http://www.romefloyd.com/departments/superior-court-pro-se-divorce> website may be inappropriate for your case and/or they become outdated. **USE THESE FORMS AT YOUR OWN RISK.**

Dissolution of a marriage can be a very complicated process and you are strongly urged to consult with an attorney before beginning any legal action in this Court.

STATE LAW, O.C.G.A. § 15-19-51, PROHIBITS COURT PERSONNEL (INCLUDING STAFF ATTORNEYS, JUDGE'S STAFF, CLERK'S OFFICE STAFF, AND SHERIFF'S DEPARTMENT STAFF) FROM GIVING LEGAL ADVICE OR ANSWERING LEGAL QUESTIONS.

Domestic Relations Case Filing Information Form

Superior Court County _____ Date Filed _____
MM-DD-YYYY

Docket # _____

Plaintiff(s)

Defendant(s)

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney ☐ Pro Se

Last First Middle I. Suffix

Bar # _____

Check Case Type (one or more)

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

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

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|---|---|--------------------------|
| |) | |
| Plaintiff (person starting this case), |) | |
| |) | CIVIL ACTION FILE |
| v. |) | |
| |) | No. _____ |
| |) | |
| Defendant (other spouse). |) | |

PETITION FOR DIVORCE WITH MINOR CHILDREN

My name is _____ and I am representing myself in this divorce action. In support of my case, I state the following:

1. Subject Matter Jurisdiction: I am the Plaintiff in this action and:

[Check only one of the following, either (a) or (b).]

- ☐ (a) I am a resident of _____ County, Georgia, and I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.

- ☐ (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. Venue: My spouse's name is _____ and he/she is the Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d), or (e) If none of these applies to your case, you should consult a lawyer to find out whether or not you can file for divorce in Floyd County.]

- ☐ (a) The Defendant is a resident of Floyd County, Georgia and is subject to the jurisdiction of this Court.

- ☐ (b) The Defendant is a resident of Georgia in _____ County, but the Defendant and I lived together in Floyd County at the time we separated, I still reside in Floyd County, and the Defendant has only moved away from Floyd County within the past six (6) months before the date of my filing of this action.

☐ (c) The Defendant is a resident of Georgia in _____ County, and I live in Floyd County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

☐ (d) The Defendant is not a resident of the State of Georgia, but I am a resident of Floyd County, Georgia and: [**Check only one** of the following, either (1), (2), or (3).]

☐ (1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of this Court under Georgia's Long Arm Statute O.C.G.A. § 19-5-91(5).

☐ (2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.

☐ (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

☐ (e) I am a resident of Floyd County, Georgia and the Defendant's location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her.

3. **Service of Process:** The Defendant shall be served, as provided under O.C.G.A. § 9-11-4, in the following manner:

[**Check only one** of the following, either (a), (b), or (c).]

☐ (a) The Defendant has acknowledged service of process. I am filing the *Acknowledgement of Service* (which has been signed by the Defendant) with this *Divorce Petition*.

☐ (b) The Defendant may be served by the Sheriff's Department at the Defendant's residence/work address, which is: _____.

☐ (c) The Defendant's location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her. The Defendant shall be served by publication as provided under O.C.G.A. § 9-11-4. To the best of my knowledge, the Defendant's last known address is: _____.

4. **Date of Marriage:** [*Check and complete only one of the following.*]

- ☐ (a) The Defendant and I were lawfully married on _____.
- ☐ (b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife since _____, which date was prior to January 1, 1997.

5. **Date of Separation:** The Defendant and I last separated on _____, and we have remained in a true state of separation since that date.

6. **Settlement Agreement:** [*Check only if there is a signed agreement*]

- ☐ The Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* and the *Parenting Plan* has been signed by each of us in front of a notary public and I am filing that document with the Court.

7. **Minor Children:** [*Check any that apply.*]

- ☐ (a) The Defendant and I do not have any minor children together.

[**STOP** – If you and the Defendant DO NOT HAVE any minor children together, you must use the *Petition for Divorce without Minor Children* form.]

- ☐ (b) The ☐ Plaintiff ☐ Defendant is pregnant. The baby is due on _____

- ☐ (c) The Defendant and I are the parents of _____ minor children, listed below:

| <u>Name of Child</u> | <u>Year of Birth</u> | <u>Child Lives With</u> |
|----------------------|----------------------|-------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

- ☐ (d) The ☐ Plaintiff ☐ Defendant **is not** the biological or adoptive parent of the following children that are listed above: _____
_____.

8. **Minor Children's Current Residence:** The minor children currently live at _____ (address) in _____ (county), _____ (state) with _____. The children have lived at this address since approximately _____.

9. **Minor Children's Past Residence:**

During the past three years, the minor children have lived with the following people at these addresses:

| <u>Dates</u> | <u>Name of Person</u> | <u>Address</u> |
|--------------|-----------------------|----------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

10. **Other Court Cases Involving the Minor Children:**

- ☐ (a) I have never participated as a party, witness, or in any other capacity in any other litigation concerning the custody of and/or visitation with the minor children.
- ☐ (b) I have participated in other litigation concerning the custody of and/or visitation with the minor children. The court, case number, and date of any court order are: _____.
- ☐ (c) I have information about a proceeding that could affect this case. The court, case number, and nature of the proceeding are as follows: _____.

11. **Others Claiming Custody or Visitation:** [*Check one of the following*]

- ☐ (a) I do not know of any person who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children.
- ☐ (b) I know of a person(s) who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children. Their names and address are: _____.

12. **Child Custody and Visitation:** I believe that the following custody arrangement is in the best interest of our minor children: [*Check only one*]

- ☐ (a) I should have sole legal and physical custody.
- ☐ (b) The Defendant and I should share joint legal custody but I should have primary physical custody and the Defendant should have visitation.
- ☐ (c) The Defendant and I should share joint legal custody but the Defendant should have primary physical custody and I should have visitation.
- ☐ (d) Other custody arrangement: _____.

13. **Parenting Plan:** I understand that I am required to prepare and file a parenting plan before my divorce can be finalized.

14. **Child Support:** [*Check all that apply*]

- ☐ (a) The Defendant has income or is capable of earning sufficient money to help support our children.
- ☐ (b) I have income or I am capable of earning sufficient money to help support our children.
- ☐ (c) The Court should order the ☐ Plaintiff ☐ Defendant to pay child support.
- ☐ (d) The Required **Child Support Worksheets** has been submitted with this divorce.
 - See Georgia Child Support Commission's website at <http://csc.georgiacourts.gov/>
- ☐ (e) The issue of child support cannot be decided in this action.

15. **Health Insurance for Children:** [*Check only one of the following*]

- ☐ (a) The Defendant should be ordered to maintain a policy for medical, dental, and hospitalization insurance for the minor children.
- ☐ (b) I already provide health insurance for the minor children.
- ☐ (c) I am not asking the Court to address this issue.

16. Other Medical Expenses for Children: [*Check only one of the following.*]

- ☐ (a) The Defendant should be responsible for all the minor children's medical expenses not covered by insurance.
- ☐ (b) Both the Defendant and I should share the minor children's medical expenses not covered by insurance.
- ☐ (c) I am not asking the Court to address this issue.

17. Life Insurance to Support Children: [*Check only one of the following.*]

- ☐ (a) The minor children depend on the Defendant for support and, thus, the Defendant should maintain a policy of insurance on the Defendant's life, with a face amount of \$_____, for the benefit of the minor children. The Defendant should maintain the policy until our youngest child reaches the age of majority or is otherwise no longer entitled to child support.
- ☐ (b) I am not asking the Court to address this issue.

18. Alimony: [*Check only one of the following*]

- ☐ (a) I am not asking for alimony.
- ☐ (b) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.
- ☐ (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

19. Marital Property [*Check only one of the following, either (a), (b), (c), or (d).*]

- ☐ (a) The Defendant and I have already divided our marital property and we are both satisfied with the division.
 - ☐ All of our property is listed in our *Settlement Agreement*.
- ☐ (b) The Defendant and I did not acquire property during our marriage.
- ☐ (c) The Defendant and I acquired the following property during our marriage, and I am asking for a fair division of this property.

- ☐ House located at _____

- ☐ Other real estate, located at: _____
- ☐ Motor vehicle (model & year): _____
- ☐ Motor vehicle (model & year): _____
- ☐ Bank accounts and/or other investments: _____

- ☐ Pension (mine is worth \$_____; Defendant's is worth \$_____))
- ☐ Furniture: _____

- ☐ Other property: _____

- ☐ I have listed additional property on a separate paper that I have attached to this *Divorce Petition*.

- ☐ (d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

20. Joint or Marital Debts: [*Check only one of the following*]

- ☐ (a) The Defendant and I do not have any outstanding debt together.
- ☐ (b) The Defendant and I have the following outstanding debts together and the responsibility for paying them should be as listed below:

| <u>Creditor</u> | <u>Balance</u> | <u>Who Should Pay</u> |
|-----------------|----------------|-----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

- ☐ I have listed additional joint or marital debts on a separated paper that I have attached to this *Divorce Petition*.
- ☐ (c) The issue of dividing joint and marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

21. Restore Former Name: [*If applicable.*]

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

22. **Grounds for Divorce:** [*Check the ones that you can prove at trial.*]

- ☐ (a) **Our marriage is irretrievably broken** – The Defendant and I can no longer live together and there is no hope that we will get back together.
- ☐ (b) **Cruel Treatment** – The Defendant committed the following acts of cruel treatment toward me: _____.
- ☐ (c) **Adultery** – The Defendant has had sexual intercourse with someone else during our marriage.
- ☐ (d) **Desertion** – The Defendant had intentionally and continually deserted me for at least a year.
- ☐ (e) **Other grounds** from list in O.C.G.A. § 19-5-3, as explained here: _____.

FOR THESE REASONS, I REQUEST: [*Check all that apply.*]

- ☐ (a) That I be granted a total divorce from the Defendant;
- ☐ (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- ☐ (c) That the custody and visitation for the child(ren) be ordered according to the *Parenting Plan* filed with this Complaint;
- ☐ (d) That child support, insurance, medical expenses for the children be ordered according to Paragraphs 14 through 17 of this Complaint;
- ☐ (e) That the Defendant be ordered to pay me alimony for my support;
- ☐ (f) That our marital property be divided according to Paragraph 9;
- ☐ (g) That our joint or marital debts be divided according to Paragraph 10;
- ☐ (h) That my former name be restored;
- ☐ (i) That the Rule Nisi be issued requiring the Defendant to appear before the Court to show cause why the relief sought should not be granted;
- ☐ (j) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff, Pro se [*Signature*]

Name [*Print*]: _____

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE |
| |) | |
| Defendant |) | No. _____ |
| |) | |

VERIFICATION

I, _____, who personally appeared before the undersigned notary public, hereby swear or affirm that the facts alleged in the foregoing Petition for Divorce are true and correct to the best of my knowledge and belief.

Signature [*Sign in front of a Notary*]

Name [*Print*]: _____

Telephone: _____

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE |
| |) | No. _____ |
| Defendant. |) | |

**ACKNOWLEDGMENT AND WAIVER OF SERVICE; CONSENT TO
JURISDICTION AND VENUE**

I am the Defendant in this action and I am a resident of _____ County,
_____ [list your state]. I hereby acknowledge that I have received a copy
of the Complaint/Petition in this case along with the following other documents:

_____.

I hereby waive formal process along with any and all further notice, service, and
issuance of process. I do not waive any defenses I may have in this case. Should
further notice be required for any reason, notice should be mailed to me at the address
below.

After being duly informed that I have a constitutional right to a trial by judge or
jury on the above matter in the county of my residence, and with that knowledge, I
hereby consent to both jurisdiction and venue in the Superior Court of Floyd County
for any and all proceedings in this case.

Defendant's Signature [*Sign in front of a Notary*]

Name [*Print*]: _____

Address: _____

Telephone: _____

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

NOTARY PUBLIC

My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE |
| |) | No. _____ |
| |) | |
| Defendant |) | |

CONSENT TO TRIAL 31 DAYS AFTER SERVICE

We hereby give our consent for the Superior Court of Floyd County to hear this matter as soon as possible after thirty-one (31) days from either (a) the date the *Acknowledgment of Service* form was filed with the Court or (b) the date the Defendant was served by the Sheriff.

If either of us is on active duty in the armed forces, then we also waive our rights under the Servicemembers Civil Relief Act, 50 U.S.C.A. § 3931 and § 3932.

Plaintiff's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

Defendant's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

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

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

NOTARY PUBLIC
My commission expires:

NOTARY PUBLIC
My commission expires:

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION FILE |
| v. |) | |
| |) | No. _____ |
| |) | |
| |) | |
| Defendant |) | |

RULE NISI

The above Plaintiff having filed a *Petition for Divorce* and the same having been read and considered, the parties are ordered to appear before this Court on _____, 20____ at _____ in Superior Courtroom ____ on the third floor of the Floyd County Courthouse, 3 Government Plaza, Rome, Georgia to show cause why the relief sought should not be granted.

Judge/Clerk
Superior Court of Floyd County
Rome Judicial Circuit

Presented by:

☐ Plaintiff ☐ Defendant *Pro se*

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| _____ |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION FILE |
| v. |) | |
| |) | No. _____ |
| _____ |) | |
| Defendant. |) | |

SETTLEMENT AGREEMENT WITH MINOR CHILDREN

We, _____ (referred to here as “Plaintiff”) and
_____ (referred to here as “Defendant”) certify the
following statements are true:

A. We are married but are now living in a state of separation because of
irreconcilable differences with no chance of staying together;

B. We have _____ minor children together, who are listed below:

Child’s Name

Child’s Year of Birth

C. We have freely and voluntarily defined our respective rights and obligations
with respect to alimony, property, assets, debts, and so forth in good faith and
full disclosure.

THEREFORE, in in consideration of the mutual promises and declarations in this
agreement, the parties AGREE AS FOLLOWS:

1. Separation

The parties shall continue to live apart and each one shall be from all
interference and control by the other, as if unmarried, and each may reside at such
places as her or she may choose.

2. Child Custody and Visitation

[Note: The *Permanent Parenting Plan* must be filed in all cases involving child custody.]

This issue has been addressed in the attached *Permanent Parenting Plan* which is hereby made a part of this *Settlement Agreement* as if fully set forth here.

3. Child Support - Amount

[Note: *Child Support Worksheets* must be filed in all cases involving child custody.]

- See the Georgia Child Support Commission's website at <http://csc.georgiacourts.gov/>

[Note: If Both parties are in agreement as to the child support amount, financial affidavits are not required.]

This issue has been addressed in the attached *Child Support Worksheets* which are hereby made a part of this *Settlement Agreement* as if fully set forth here.

4. Child Support - Duration

[*Check only one* of the following, either a), b), or c).]

- ☐ a) **Beyond Age 18 for High School** - Child support shall continue to be paid until all children reach the age of eighteen, die, marry, or otherwise become emancipated; provided that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the child support shall continue for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.
- ☐ b) **Stops at Age 18** – Child support shall continue to be paid until all children reach the age of eighteen, die, marry, or otherwise become emancipated.
- ☐ c) **Until Specific Date** – Child support shall continue to be paid until the following date: _____.

5. Health Insurance and Other Health Care Expenses for the Children

[*Check & fully complete only one* of the following, either a) or b)]

- ☐ a) **Insurance Available** – The following types of insurance for the children involved in this action is available at reasonable cost to the _____:

☐ Health (medical, mental health, and hospitalization) ☐ Dental ☐ Vision

So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor children, until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; except that if a child becomes eighteen years

old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.

(1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.

(2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).

- ☐ b) **Insurance Not Available** - Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:

☐ Health (medical, mental health, and hospitalization) ☐ Dental ☐ Vision

When insurance has been obtained by either party, Paragraph 5(a)(2) shall apply.

6. Uninsured Health Care Expenses for the Children

The Plaintiff shall pay _____ % and the Defendant shall pay _____ % of all expenses incurred for the children's health care (including medical, dental, mental health, hospital and vision care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within fifteen (15) days after receiving the verification of a particular health care expenses.

7. Life Insurance for the Benefit of the Children

☐ The minor children depend on the ☐ Plaintiff ☐ Defendant for support and, thus, the ☐ Plaintiff ☐ Defendant should maintain a policy of insurance on their life, with a face amount of \$_____, for the benefit of the minor children. They should maintain the policy until our youngest child reaches the age of majority or is otherwise no longer entitled to child support.

8. Alimony

[**Check only one** of the following, either a), b), or c).]

- ☐ a) Each party expressly waives the right to receive alimony from the other party.
- ☐ b) The _____ shall pay to the _____ in alimony the sum of \$ _____ per [**select one**] ☐ month; ☐ semi-monthly; ☐ biweekly; or ☐ weekly **BEGINNING** on _____ and **CONTINUING UNTIL**:
- ☐ The recipient remarries or dies;
- ☐ For a period of _____ or until (date) _____, 20____.
- ☐ c) The parties wish for the Court to determine alimony.

9. Income Deduction Order

[**Check & complete only one** of the following, either a) or b)]

- ☐ a) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of child support and alimony (if any). That order shall take effect:
- [**To finish a), you must check either (1) or (2). Do not check both.**]
- ☐ (1) Immediately upon entry by the Court.
- ☐ (2) Upon accrual of a delinquency equal to one month's support. The Income Deduction Order may be enforced by serving a "Notice of Delinquency" as provided in O.C.G.A. § 19-6-32(f).
- ☐ b) The parties agree that an *Income Deduction Order* is not immediately necessary.

10. Property Division

[**Check only one** of the following, either a), b), or c).]

- ☐ a) We have already divided our marital property and we are both satisfied with the division. Neither party shall claim any of the property currently in possession of the other party as of the date of signing this agreement.
- ☐ b) The Defendant and I did not acquire property together during our marriage.
- ☐ c) The Defendant and I acquired the following property during our marriage, and we agree to transfer possession and title as follows:

- ☐ (1) **Marital Home** located at _____
shall be conveyed to the _____ in fee simple. The _____
shall be responsible for all taxes, assessments, and mortgage loan payments
on the home after the date of _____.

[*Check the following if applicable*]

- ☐ (A) The _____ shall have a lien against the home in the
amount of \$_____. Upon the sale or transfer of the
home, the lien shall be paid.
- ☐ (B) The _____ shall immediately begin making reasonable
efforts to refinance the outstanding mortgage(s) on the marital home,
so that the _____ shall no longer be liable on the mortgage
loan(s). If the _____ is not able to refinance by _____,
20____, the home shall then be listed for sale at a reasonable price,
and all reasonable offers to purchase the home shall be accepted.

- ☐ (2) **Other Real Estate**, located at: _____
shall be conveyed to the _____.

- ☐ (3) **Motor Vehicles**: The party listed below for each vehicle shall assume
responsibility for all car loan payments, taxes, insurance, and other fees.

Year/Make/Model of Vehicle

Goes to

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- ☐ (4) **Bank Accounts and/or Other Investments**:

[*List bank name and last 4 digits of the account number*]

Account

Goes to

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

- ☐ (5) **Other Personal Property**: The parties acknowledge that the following
property shall be transferred to the other party on or before
_____, 20 ____.

To the Plaintiff: _____

_____.

To the Defendant: _____

_____.

- ☐ (6) We have listed additional property on a separate paper that we have attached to this *Settlement Agreement*.

Except as otherwise provided in this Agreement, the transfers listed above shall be completed no later than _____, 20____, and each party shall execute all documents necessary to promptly complete the transfer. 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.

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.

11. Debts [Check only one of the following, either a) or b).]

- ☐ a) The parties acknowledge that they have no outstanding debts together.

- ☐ b) The responsibility for payment of the parties' joint debts shall be as follows:

| <u>Creditor</u> | <u>Balance Owed</u> | <u>Who Should Pay</u> |
|-----------------|---------------------|-----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

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 fees and costs of collection which the other party may incur as a result of the legal action.

12. Completeness of Agreement

This Agreement constitutes the entire understanding of the parties. Except as specifically provided herein, no modification or waiver of the terms of this Agreement shall be made except with the express written consent of the other party, and each party hereby waives any past, present or future claim or right which he may have against the other party.

13. 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 above 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.

Plaintiff [*Sign in front of a Notary*]

Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

Defendant [*Sign in front of a Notary*]

Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|-------------------------|---|-------------------|
| |) | |
| Plaintiff / Petitioner, |) | |
| |) | CIVIL ACTION FILE |
| v. |) | |
| |) | No. _____ |
| |) | |
| Defendant / Respondent. |) | |

PARENTING PLAN

- ☐ The Parties have agreed to the terms of this Plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this agreement.
- ☐ This Plan has been prepared by the Court.
- ☐ This Plan: ☐ is a new plan.
 ☐ modifies an existing parenting plan dated _____.

1. Legal Custody & Decision Making

Each parent shall make decisions regarding the day-to-day care of a child while the child is staying with that parent including any emergency decisions affecting the health or safety of the child.

[Check & complete only one of the following, either a) or b).]

- ☐ a) The _____ shall have sole legal custody of the child(ren) and shall have the authority to make the major decisions concerning the child(ren)'s education, extracurricular activities, health care, and religious upbringing.
- ☐ b) Both parties shall share joint legal custody. The parents shall consult each other and try to reach a joint decision on all major issues concerning the child(ren). However, if the parents are unable to reach a joint decision on one of these issues, then the final decision shall be made as follows:
- ☐ (1) The parent with primary physical custody of the child(ren) shall make the final decision on the issue.
- ☐ (2) The parents shall divide the authority to make the final decisions as follows:
- | | | |
|----------------------------------|------------------------------------|------------------------------------|
| • Education Decisions | <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant |
| • Extracurricular activities | <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant |
| • Non-Emergency Health Decisions | <input type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant |

- Religious Upbringing ☐ Plaintiff ☐ Defendant
- _____ ☐ Plaintiff ☐ Defendant
- _____ ☐ Plaintiff ☐ Defendant
- _____ ☐ Plaintiff ☐ Defendant

2. Physical Custody

[**Check & complete only one** of the following, either a), b), or c). If you choose b) or want a custody arrangement that is not shown here, you should consult an attorney for appropriate language to use in place of this section.]

- ☐ a) • The **Primary Physical Custodian** (*the parent which the children spends the majority of their time with*) of the child(ren) is the _____.
- The **Non-Custodial Parent** (*the parent who has the right to exercise parenting time/visitation*) of the child(ren) is the _____.
- ☐ b) Both parties shall share joint physical custody. A detailed plan of the living arrangements of the child(ren) **has been attached** to this Parenting Plan.
- ☐ c) The parents have agreed to split physical custody of the children, with one (or more) children living with the Plaintiff and the others living with the Defendant as follows:

| <u>Child's Name</u> | <u>Child's Year of Birth</u> | <u>Parent with Primary Physical Custody</u> |
|---------------------|----------------------------------|---|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

3. Visitation & Parenting Time

The Non-Custodial Parent shall have the right to reasonable visitation with the minor child(ren), at any time by mutual consent of the parents, provided that the beginning and ending times of the visitation have been put into writing and signed by both parents before the start of the visitation. In arranging visitation, the parents shall take into consideration the needs of the child(ren)'s school work, extracurricular activities, and child care arrangements.

- a) If the parents cannot agree on specific visitation, the parents shall have the right to visitation according to the schedule attached to this Parenting Plan as “**Exhibit A.**”
- b) The visiting parent shall notify the other parent at least 24 hours in advance of any scheduled visitation if he/she does not intend to exercise that visitation opportunity.
- c) The visiting parent shall arrive to pick up the child(ren) for visitation within _____ minutes of the scheduled time, or shall lose that visitation opportunity.

d) **Transportation Arrangements:**

(1) For visitation, the place of meeting for the exchange of the child(ren) shall be: _____.

(2) The _____ (*insert parent name*) will be responsible for transportation of the child(ren) at the beginning of visitation and the _____ (*insert parent name*) will be responsible for transportation of the child(ren) at the conclusion of visitation.

(3) Transportation costs, if any, will be allocated as follows: _____.

(4) Other Provisions: _____.

e) **Supervised Visitation:**

☐ (1) No supervised visitation is required.

☐ (2) The non-custodian parent shall have supervised visitation with the child(ren) as follows:

☐ (A) Visitation shall take place at: _____.

☐ (B) Person/Organization supervising: _____.

☐ (C) Cost of supervision, if any, shall be paid by: _____.

☐ (D) Supervision shall be required until _____.

4. Other Parental Rights and Responsibilities

- a) **Basic Principles** - The parents recognize that a close and continuing parent-child relationship in the child's life is in the best interest of the child(ren). The parents recognize that the child(ren)'s needs will change and grow as the child(ren) mature and the parents agree to make a good faith effort to take these changes into account so that future modifications to the parenting plan are minimized. The parents agree that the welfare of the child(ren) is the most important and each agrees to encourage a feeling of affection and respect between the child(ren) and the other parent.
- b) **Parent to Parent Communication** – Each parent shall promptly provide the other parent with their current address and phone number. A parent changing their address must give at least 30 days' advance notice of the change.
- ☐ **Exemption:** Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.
- c) **Parent to Child Communication** – When the child(ren) are in the physical custody of one parent, the other parent has the right to contact the child(ren) as follows:
- ☐ Reasonable telephone access, defined as no more than one call per day between the hours of ____ a.m. and ____ p.m., not to exceed ____ minutes, at the expense of the calling parent.
- ☐ Reasonable text message or email communication.
- ☐ Other: _____
- _____.
- d) **Access to Information and Records** - The parents agree that both parents will have access to all of the child(ren)'s records and information including, but not limited to, education, health, health insurance, extracurricular activities, and religious communications. The parents shall take the necessary action with school authorities of the school(s) in which the child(ren) are enrolled to:
- (1) List both parents as a parent of the child;
- (2) Authorize the school to release both parents any and all information concerning the child(ren); and
- (3) Ensure both parents receive copies of any notices regarding the child(ren).
- ☐ Limitations on Access Rights: _____
- _____.

5. Special Considerations

Please list any special circumstances of which the Court should be aware of (e.g., health issues, educational issues, etc.). If necessary, please attach an addendum:

6. Parent's Consent

We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

Plaintiff [*Sign in front of a Notary*]
Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

Defendant [*Sign in front of a Notary*]
Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court.

IT IS SO ORDERED this ____ day of _____, 20____.

Judge
Superior Court of Floyd County
Rome Judicial Circuit

“Exhibit A” – Visitation Schedule.

During the term of this parenting plan the **non-custodial parent** shall have, at a minimum, the following rights of parenting time/visitation. To resolve any conflicts in the visitation provided under this schedule, the holiday visitation provided under paragraphs (c) and (d) shall have priority over the weekend, weekday, and summer visitation in paragraphs.

a) Weekend Time

1. A weekend shall be:

- ☐ The weekend of the first and third Friday of each month.
- ☐ The weekend of the first, third, and fifth Friday of each month.
- ☐ The weekend of the second and fourth Friday of each month.
- ☐ Other: _____.

2. For purposes of this Parenting Plan, a weekend will start at _____ [Write down starting time and indicate am or pm] on ☐ Thursday/ ☐ Friday/ ☐ Saturday/ or ☐ Other: _____ and the weekend will end at _____ [Write down ending time] on ☐ Sunday/ ☐ Monday/ or ☐ Other: _____.

b) Weekday Time

- ☐ None.
- ☐ Every _____ evening.
- ☐ Every other _____ evening.
- ☐ Other: _____.

1. For purposes of this Parenting Plan, a weekday will begin at _____ a.m./p.m. and will end [_____ p.m. / when the child(ren) return(s) to school or day care the next morning/Other: _____].

c) Holidays: The child(ren) shall spend holidays with each parent on the following schedule.
[NOTE: When filling out the Holiday section, please check only one preference and be careful not to check the same years for both parents. For example, if you check Even-number years for Plaintiff to have Spring vacation, then you should not also check Even-number years for Defendant to have Spring vacation.]

| Holiday | With Defendant | With Plaintiff |
|--|---|---|
| Spring Vacation: From ____ p.m. on the day school lets out for vacation, until ____ p.m. on the day before the child(ren) return to school. | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years |
| Fall Vacation: From ____ p.m. on the day school lets out for vacation, until ____ p.m. on the day before the child(ren) return to school. | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years |
| Father's Day: From _____ to _____ p.m. | | |
| Mother's Day: From _____ to _____ p.m. | | |

“Exhibit A” – Visitation Schedule

| Holiday | With Defendant | With Plaintiff |
|--|---|---|
| Thanksgiving: (define) _____ _____. | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years |
| Christmas: (define) _____ _____. | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years | <input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years |
| Summer Vacation: (define) _____ _____. | | |
| Winter Vacation: (define) _____ _____. | | |

d) Other Holidays (if applicable):

Plaintiff's Birthday: _____.

Defendant's Birthday: _____.

Martin Luther King, Jr. Day: _____.

Memorial Day: _____.

July Forth: _____.

Labor Day: _____.

Halloween: _____.

Child(ren)'s Birthday(s): _____.

Religious Holidays: _____.

_____.

_____.

Other Holidays: _____.

_____.

_____.

Plaintiff [*Sign in front of a Notary*]
Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

Defendant [*Sign in front of a Notary*]
Name [*Print*]: _____

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

| | | |
|------------|---|-------------------|
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION FILE |
| |) | |
| Defendant |) | No. _____ |
| |) | |

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of this case and the evidence submitted, it is the judgment of the 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. Plaintiff and Defendant shall now 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 Court further orders that:

1. Settlement Agreement

- ☐ The *Settlement Agreement* made between the parties is hereby approved and incorporated into this *Final Judgment*. Both parties are ordered to strictly obey all of its terms.

2. Restoration of Name

- ☐ The former name of the ☐ Plaintiff or ☐ Defendant shall be restored to:
_____.

3. Child Support

- ☐ This case does not determine or modify child support.
- ☐ The *Child Support Worksheet*, and appropriate schedules have been attached and are hereby made part of this order.

This decree is entered on the _____ day of _____, 20____.

Judge
Superior Court of Floyd County
Rome Judicial Circuit

STATE OF GEORGIA
Report of Divorce, Annulment or Dissolution of Marriage
Type or print all information

| | | |
|--|---|-----------------------------------|
| 1. Civil Action Number | 2. Date Decree Granted (mo., day, year) | 3. County Decree Granted |
| 4. Party 1 (First, Middle, Last Name) | 5. Last Name at Birth | 6. Date of Birth (mo., day, year) |
| 7. County of Residence | 8. Number of This Marriage (1 st , 2 nd , etc.) | |
| 9. Party 2 (First, Middle, Last Name) | 10. Date of Birth (mo., day, year) | 11. County of Residence |
| 12. Number of This Marriage (1 st , 2 nd , etc.) | 13. Date of This Marriage (mo., day, year) | |
| 14. Specify Grounds For Divorce (19-5-3, OCGA) | 15. Number of Children Less Than 18 Affected by This Decree | |

This above Report may be reproduced by use of a computer. However, the finished Report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use.
(31-10-7, O.C.G.A.)

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner's legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. **In all cases, the completed record shall be a prerequisite to the granting of the final decree.**

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.