

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. _____,
Defendant.

Civil Action
Case Number

**COMPLAINT FOR SEPARATE MAINTENANCE WITH
MINOR CHILDREN**

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

1. **Subject Matter Jurisdiction:** I am the Plaintiff in this action and:
[Check only one of the following, either (a) or (b).]
 - (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 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).]
 - (a) The Defendant is a resident of Gwinnett County and is subject to the jurisdiction of this Court.
 - (b) The Defendant is a resident of Georgia in _____ County, and I live in Gwinnett County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
 - (c) The Defendant is not a resident of the State of Georgia, but I am a resident of Gwinnett 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 the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(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 Gwinnett County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it here by reference.

3. **Service of Process:** The Defendant shall be served as provided under OCGA § 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 *Acknowledgment of Service* (which has been signed by the Defendant) with this *Complaint*.
- (b) The Defendant may be served by the Sheriff's Department at the Defendant's residence/work address, which is:

- (b-1) *[Check only if the Defendant lives outside Gwinnett County.]* The Defendant resides outside of Gwinnett County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.
- (c) The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. 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, either (a) or (b).]

(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 as of _____, 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* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Complaint*.

7. **Minor Children:** [Check only one of the following, either (a) or (b). If there are no minor children, you may use a different form, which is much shorter.]

The Defendant and I are the parents of _____ minor children, listed below:

| <i>Name of Child</i> | <i>Male / Female</i> | <i>Year of Birth</i> |
|----------------------|----------------------|----------------------|
| | | |
| | | |
| | | |
| | | |

8. **Children’s Current Residence:**

The minor children currently live at _____ (address) in _____ (County), _____ (State) with the

Plaintiff Defendant _____. The children have lived at this address since approximately _____.

9. **Children’s Past Residences:**

During the past five years, the children have lived at the following addresses:

| <u>Dates at Address</u> | <u>Address</u> |
|-------------------------|----------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

10. **People With Whom Children Have Lived:**

During the past five years, the children have lived with the following people:

| <u>Name of Person</u> | <u>Person’s Current Address</u> |
|-----------------------|---------------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

11. **Other Court Cases About Children:**

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

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor children in this or any other state.

- (b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: _____

12. **Other Proceedings That Could Affect Custody or Visitation in This Case:**

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

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.

- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another state. The court, the case number and the nature of the proceeding are as follows:

13. **Others Claiming Custody or Visitation:** *[Check only one of these, either (a) or (b).]*

- (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 someone 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. The names and present addresses of the person(s) are:

14. **Child Custody and Visitation:** I am a fit and capable parent, and I believe that the following custody arrangement is in the best interests of the children: *[Check only one of the following, either (a), (b), (c) or (d).]*

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

Permanent Parenting Plan. I understand I am required to prepare a Parenting Plan which is being filed with this *Complaint* will be filed before the first hearing.

15. **Child Support:** *[Check only one of these, either (a), (b) or (c).]*
- (a) The Defendant has income or is capable of earning sufficient money to support the minor children.
 - (b) I have income or am capable of earning sufficient money to support the minor children.
 - (c) The issue of child support cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.
16. **Health Insurance for Children:** *[Check only one of these, either (a), (b), (c) or (d).]*
- (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 children, and the Defendant should be required to reimburse me for a fair share of the cost each month.
 - (c) I am not asking the Court to address this issue in this case.
 - (d) The issue of health insurance cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.
17. **Other Medical Expenses for Children:** *[Check only one of these: (a), (b), (c) or (d).]*
- (a) The Defendant should be responsible for all expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.
 - (b) The Defendant and I should share the cost of expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.

- (c) I am not asking the Court to address this issue in this case.
- (d) The issue of health care expenses for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

18. **Life Insurance to Support Children:** *[Check only one of these, either (a), (b) or (c).]*

- (a) The children depend on the Defendant for support, and therefore 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 for so long as at least one of the children is a minor or is otherwise entitled to child support.
- (b) I am not asking the Court to address this issue in this case.
- (c) The issue of life insurance for the children cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

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

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

20. **Marital Property:** *[Check only one of the following, either (a), (b), (c) or (d). Do not include complete account numbers.]*

- (a) The Defendant and I have already divided our marital property, and we are both satisfied with the division.
- (b) The Defendant and I have not obtained any property during our marriage.

(c) The Defendant and I have obtained 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 _____

Mobile home (model: _____, year: _____)

Pension (mine, worth \$ _____; Defendant's, worth \$ _____)

Motor vehicles listed here:

Model/year: _____

Model/year: _____

Model/year: _____

Furniture:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Bank accounts and/or other investments:

Listed here: _____

Listed on separate paper attached to this *Complaint*

Other property:

Listed here: _____

Listed on separate paper attached to this *Complaint*

(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.

21. **Joint or Marital Debts:** [Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.]

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

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

- Listed on separate paper attached to this *Complaint*
- Listed in the signed *Settlement Agreement*

- (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.

22. **Reasons for Separation:** [Check one.]

- (a) The separation between the Defendant and I was by mutual agreement
- (b) The separation between the Defendant and I was due to misconduct on the part of the Defendant which is described as follows: _____

23. There is no pending action for divorce between the Defendant and me.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF: (Check all that apply.)

- (a) That process and summons issue as provided by law;
- (b) That Defendant/Respondent be served with a copy of this Complaint;
- (c) That the Settlement Agreement signed by the parties be incorporated into the Final Order.
- (d) That the custody and visitation for the children be ordered according to Paragraph 14;
- (e) That child support, health insurance, medical expenses and life insurance For the support of the children be ordered according to Paragraphs 15, 16 and 17;
- (f) That the Defendant be ordered to pay me alimony for my support;
- (g) That our marital property be divided according to Paragraph 20;
- (h) That our joint or marital debts be divided according to Paragraph 21;
- (i) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (j) That the Court order the parties to participate in mediation to try to resolve this matter;
- (k) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff, Pro se (Signature)

Name: _____

Address: _____

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

| | | |
|------------|--|-----------------------------------|
| Plaintiff, | | |
| vs. | | Civil Action Case Number _____ |
| Defendant. | | |

VERIFICATION

PERSONALLY APPEARED BEFORE ME, the undersigned officer authorized to administer oaths, the above-named Plaintiff who after having been duly sworn, on oath depose and states that the facts contained in the foregoing *Complaint for Separate Maintenance* are true and correct.

Dated: _____
Plaintiff *pro se* [signature] _____

Subscribed and sworn before me on
_____, 20__.

Notary Public