

SEPARATE MAINTENANCE WITHOUT MINOR CHILDREN PACKET

IMPORTANT NOTE ABOUT THIS PACKET

HELPFUL HINTS:

“Plaintiff”: The first and last name of the person who is filing this action

“Defendant”: The other party’s first and last name

“Case Number”: Leave this field blank if you are preparing to file a new case

OPTIONAL FORM:

If you are unable to afford the filing fees, you may ask the Court to waive the fees by completing the [Affidavit of Indigence and Eligibility to Proceed in Forma Pauperis \(Pauper’s Packet\)](#) and submit along with your other completed forms to the Clerk of Superior Court.

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of County

For Clerk Use Only
Date Filed MM-DD-YYYY
Case Number

Plaintiff(s)

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. 4 rows for entry.

Defendant(s)

Table with 5 columns: Last, First, Middle I., Suffix, Prefix. 4 rows for entry.

Plaintiff's Attorney Bar Number Self-Represented

Check One Case Type in One Box

General Civil Cases
Automobile Tort
Civil Appeal
Contract
Garnishment
General Tort
Habeas Corpus
Injunction/Mandamus/Other Writ
Landlord/Tenant
Medical Malpractice Tort
Product Liability Tort
Real Property
Restraining Petition
Other General Civil

Domestic Relations Cases
Adoption
Dissolution/Divorce/Separate Maintenance
Family Violence Petition
Paternity/Legitimation
Support - IV-D
Support - Private (non-IV-D)
Other Domestic Relations

Post-Judgment - Check One Case Type
Contempt
Non-payment of child support, medical support, or alimony
Modification
Other/Administrative

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is an interpreter needed in this case? If so, provide the language(s) required. Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

CIVIL ACTION
NUMBER: _____

PLAINTIFF

VS.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This _____ day of _____, 20_____.

**Richard T. Alexander, Jr.,
Clerk of Superior Court**

**By _____
Deputy Clerk**

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,		Civil Action
v.		File No.: _____
Defendant.		

**COMPLAINT FOR SEPARATE MAINTENANCE WITHOUT
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 _____ (date), 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:**
[If you and the Defendant have any minor children together, you must use a different Separate Maintenance form. See instructions.]

The Defendant and I do not have any minor children together.

8. **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.

9. **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.
 - All of our property is listed on our *Settlement Agreement*.
- (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:
 - All of our property is listed on a separate sheet attached to this *Complaint*.
 - All of our property is listed below:

Type	Description				
<input type="checkbox"/> House (address):	_____				
<input type="checkbox"/> Other Real Estate (address):	_____				
<input type="checkbox"/> Mobile Home (year, model):	_____				
<input type="checkbox"/> Pension(s):	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="background-color: #cccccc; width: 50%;">Mine worth:</td> <td style="width: 50%;"></td> </tr> <tr> <td style="background-color: #cccccc; width: 50%;">Defendant's worth:</td> <td style="width: 50%;"></td> </tr> </table>	Mine worth:		Defendant's worth:	
Mine worth:					
Defendant's worth:					

Motor Vehicles *Year* *Make* *Model*

Bank Accounts *Name of Institution, type of account*

Other property

(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.

10. **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.

11. 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:

12. 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 be served with a copy of this Complaint;
- (c) That I be granted a legal separation from the Defendant;
- (d) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment*.
- (e) That the Defendant be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 20;
- (g) That our joint or marital debts be divided according to Paragraph 21;
- (h) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (i) That my former or maiden name be restored according to Paragraph 23;
- (j) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;

- (k) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (l) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff *Pro se*

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,		Civil Action
vs.		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

FINANCIAL AFFIDAVIT
IMPORTANT INFORMATION ABOUT THIS FORM

You need to complete the *Financial Affidavit* if you and your spouse have not reached an agreement, and you are asking the Court for the following:

- 1) Spousal support/alimony;
- 2) Division of property; or
- 3) If the judge in your case requires it

IMPORTANT . . .

- **The *Financial Affidavit* is due at least 5 days before your temporary or final hearing.**

You do NOT need to complete a *Financial Affidavit* if:

- You and your spouse have BOTH signed and notarized a complete *Settlement Agreement*, and there are no outstanding disagreements over property or spousal support/alimony

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,		Civil Action
v.		File No.:
Defendant.		

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

1. I swear and affirm under oath that the following financial information is true and complete:

My Name:	_____	My Age:	_____
Other Party's Name:	_____	Other Party's Age	_____
Date of Marriage:	_____	Date of Separation:	_____

Names and birth dates of children for whom support is to be determined in this action:

Name	Year of Birth	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and ages of my other children (under the age of 18):

Name	Age	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. SUMMARY OF MY INCOME AND NEEDS *(complete this section last)*

- (a) Gross monthly income (from item 3A) _____
- (b) Net monthly income (from item 3B) _____
- (c) Average monthly expenses (item 5A) _____
- (d) Monthly payments to creditors _____
- Total monthly expenses and payments to creditors (item 5C) _____

3. A. MY GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages

ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS _____

Commissions, Fees, 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 _____

Workers' Compensation Benefits _____

Unemployment Benefits _____

Judgments from Personal Injury or Other Civil Cases _____

Gifts (cash or other gifts that can be converted to cash) _____

Prizes/Lottery Winnings _____

Child support from persons not in this case _____

Assets which are used for support of family _____

Fringe Benefits (if significantly reduce living expenses) _____

Any other income (do NOT include means-tested public assistance, such as TANF or food stamps) _____

GROSS MONTHLY INCOME _____

B. Affiant's Net Monthly Income from employment
(deducting only state and federal taxes and FICA) _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of Exemptions Claimed _____

4. ASSETS

(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.).

Description	Value	Plaintiff's Separate Asset	Defendant's Separate Asset	Basis of the Claim
Cash	_____	_____	_____	_____
Investment accounts	_____	_____	_____	_____
Certificates (stocks/bonds)	_____	_____	_____	_____

Bank Accounts
(list each account):

Description	Value	Plaintiff's Separate Asset	Defendant's Separate Asset	Basis of the Claim
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Retirement
Pensions,
401K, IRA, or
Profit Sharing

_____	_____	_____	_____	_____
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Money owed you:

Tax Refund
owed you:

Real Estate:

Home:

Other: : Debt owed

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Automobiles/Vehicles:
Vehicle 1:

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Vehicle 2:

_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Life Insurance
(net cash value):

_____	_____	_____	_____	_____
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Furniture/furnishings:

Jewelry:

Collectibles:

Other Assets:

_____	_____	_____	_____	_____
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Total Assets: _____

5. AVERAGE MONTHLY EXPENSES FOR MY HOUSEHOLD

HOUSEHOLD EXPENSES

Mortgage or Rent payments	_____	Gas	_____
Property taxes	_____	Repairs & Maintenance	_____
Homeowner's/Renter's Insurance	_____	Lawn care	_____
Electricity	_____	Pest control	_____
Water	_____	Cable TV/Internet	_____
Garbage & sewer	_____	Misc. household & Grocery items	_____
Telephone	_____	Meals Outside Home	_____
Residential Lines	_____	Other (<i>Specify</i>)	_____
Cellular Telephones	_____		
Total Household Expenses	\$ _____		

VEHICLE/AUTOMOTIVE

Gasoline & Oil	_____	Auto tags/Registration & License	_____
Repairs & Maintenance	_____	Insurance	_____
Public Transportation	_____		
Total Transportation Expenses		\$ _____	

OTHER VEHICLES (boats, trailers, RVs, etc.)

Gasoline & Oil	_____	Tags/Registration/License	_____
Repairs & Maintenance	_____	Insurance	_____
Total Other Vehicles Expenses	\$ _____		

CHILDREN'S EXPENSES

Child Care (total monthly cost)	_____	Allowances	_____
School tuition	_____	Clothing	_____
Tutoring	_____	Diapers	_____

Private lessons (e.g., music, dance)	_____	Medical/Dental/Prescriptions	_____
School Supplies/Expenses	_____	Grooming, Hygiene	_____
Lunch money	_____	Gifts from children to others	_____
Other Educational Expenses (list type & amount):	_____	Entertainment	_____
Activities (including extra-curricular, school, religious, cultural, etc.)	_____	Summer Camps	_____
Total Children's Expenses	\$ _____		

INSURANCE

Health	_____	Child(ren)'s portion-health	_____
Dental	_____	Child(ren)'s portion – dental	_____
Vision	_____	Child(ren)'s portion – vision	_____
Life Insurance	_____	Beneficiary – Life	_____
Disability	_____	Other Insurance (specify)	_____
Total Insurance Expenses	\$ _____	Total Child(ren)'s Portion	\$ _____

OTHER EXPENSES

Dry cleaning & laundry	_____	Publications	_____
Clothing	_____	Dues, Clubs	_____
Medical/Dental/Prescription (out of pocket uncovered expenses)	_____	Religious & Charities	_____
Your Gifts (special holidays)	_____	Pet expenses	_____
Entertainment	_____	Alimony paid to former spouse	_____
Recreational Expenses (e.g. fitness)	_____	Child support paid for other children	_____
Vacations	_____	Date of initial CS order:	_____
Travel expenses for visitation	_____	Other (attach sheet to list)	_____
Total Other Expenses	\$ _____		

5(A) TOTAL MONTHLY EXPENSES (add household, transportation, children's, _____ **\$** _____)

insurance, and other expenses)

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Plaintiff	Defendant

5(B) TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

5(C) TOTAL MONTHLY EXPENSES AND PAYMENTS TO CREDITORS: \$ _____

This _____ day of _____, 20_____.

(signature)

Printed Name
 Plaintiff Defendant signs and affirms under oath that the information contained in this *Financial Affidavit* is complete true and correct.

NOTARY PUBLIC

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Disposed _____ Case Number _____
MM-DD-YYYY

Case Style _____

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Defendant's Attorney _____

Bar Number _____

Self-Represented

Manner of Disposition
Check Only One

Jury Trial

Bench/Non-Jury Trial

Non-Trial Disposition

Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

HOW TO FILE YOUR DOCUMENTS AT THE COURTHOUSE

- 1. Download all current administrative court forms at:
<http://gwinnettflc.atlantalegalaid.org/administrative-court-forms/>
- 2. Double-check that you have signed all of your documents.
- 3. Go to the Clerk of Superior Court; they have a computer and scanner available for you to use.
- 4. Scan your documents, at the kiosk, one at a time

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,		
Defendant.	Civil Action File No.:	
TITLE OF DOCUMENT		

Example of case heading

- Each page with the case heading is a separate document.
- Label the document in a way you will remember, for example:
 - Initials, Summons
 - Initials, Complaint
 - Initials, Financial Affidavit

- 5. Follow the instructions on the computer for filing with Tyler’s Odyssey eFileGA.
- 6. Ask for help if necessary.
- 7. Set up an account or enter in your email address. There is no fee to set up an account.
- 8. Choose "upload documents" and then upload all of the documents you just scanned.
- 9. After filing, wait 24 to 48 business hours to receive an “acceptance” email. If your filing was not accepted, you will receive an email that explains why (for example, no signature or no date).
- 10. The accepted documents will be stamped with a case number, date and time.
- 11. Print two copies of the stamped, accepted document(s). One copy is for your records. The second copy is for the other party.
- 12. Serve the other party. Review your options at <http://gwinnettflc.atlantalegalaid.org/filing-and-service-instructions/>

Want to file your case from home? Visit
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>

INSTRUCTIONS FOR SERVICE BY GWINNETT COUNTY SHERIFF

- 1. **Efile from the courthouse or from home.** For more details, visit:
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>.
- 2. Once your case has been accepted, print a copy of all the date-stamped forms and deliver them to the Gwinnett County Sheriff/Civil Processing Unit. You must pay separately for their service of Summons, which is \$50 if you have not obtained a fee waiver.
- 3. The Sheriff will file the proof of service in the court record. You should contact the court, or visit the website to confirm that the Sheriff's entry of service has been documented for your case.
- 4. Wait for notice of a court date or a request for additional information from the court or from the other party.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

Can't serve the other party in Gwinnett County? See more options at
<http://gwinnettflc.atlantalegalaid.org/category/filing-instructions/>.