

DIVORCE WITH MINOR CHILDREN (UNCONTESTED)

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 submitting it along with your other completed forms to the Clerk of Superior Court.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

PLAINTIFF

CIVIL ACTION
NUMBER: _____

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.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff/Petitioner

Civil Action No. _____

Defendant/Respondent

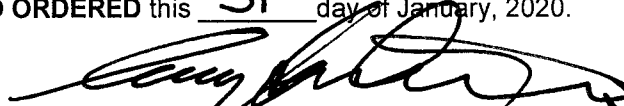
MUTUAL RESTRAINING ORDER

This order binds the parties in the above-styled action, their agents, servants, employees and all other persons acting in concert with such parties.

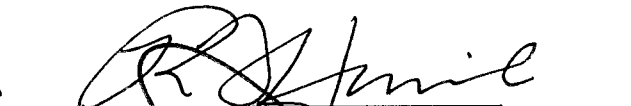
1. Each party is hereby enjoined and restrained from unilaterally causing or permitting the minor child(ren) of the parties to be removed from the jurisdiction of this Court and the State of Georgia.
2. Each party is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act that injures, maltreats, vilifies, intimidates, molests, or harasses the adverse party or the child(ren) of the parties.
3. Each party is hereby enjoined and restrained from selling, encumbering, trading, contracting to sell, or otherwise disposing or removing from the jurisdiction of the Court, any of the property belonging to the parties except in the ordinary course of business.
4. Each party is hereby enjoined and restrained from canceling or changing auto, health, or life insurance for the parties, or the parties' children, currently in place.
5. Each party is hereby enjoined and restrained from disconnecting or having disconnected the home utilities, including but not limited to electricity, gas, water, and telephone. Further, each party shall not interfere with the other party's mail, or the children's mail.

This order shall apply to all divorce cases filed in this Court and shall be the standing order until further order or action by the judges of this Court. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

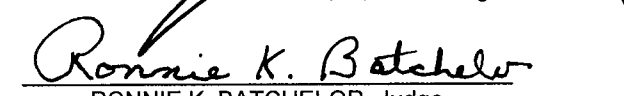
SO ORDERED this 31 day of January, 2020.



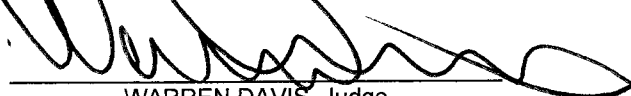
GEORGE F. HUTCHINSON, III, Chief Judge




R. TIMOTHY HAMIL, Judge




RONNIE K. BATCHELOR, Judge



WARREN DAVIS, Judge



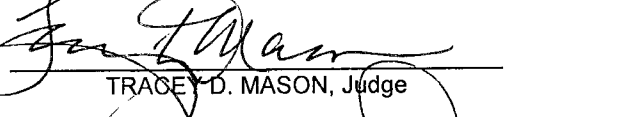
KAREN E. BEYERS, Judge



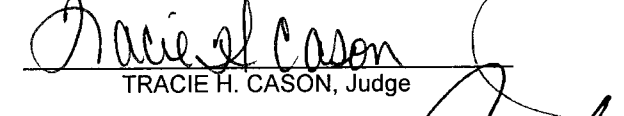
KATHRYN M. SCHRADER, Judge



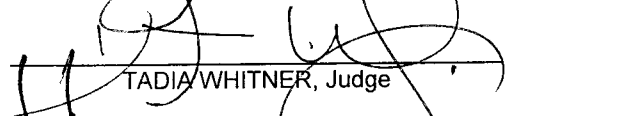
RANDOLPH G. RICH, Judge



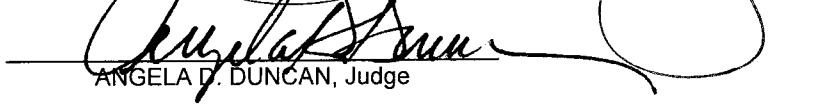
TRACEY D. MASON, Judge



TRACIE H. CASON, Judge



TADIA WHITNER, Judge



ANGELA D. DUNCAN, Judge

**IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA**

Plaintiff/Petitioner

v.

Civil Action No. _____

Defendant/Respondent

STANDING ORDER: CHILD SUPPORT AND PERMANENT PARENTING PLANS

This Order applies to all domestic actions involving child support and/or custody of a minor child or minor children. These domestic actions include, but are not limited to: divorce, modification of child support, modification of custody, separate maintenance cases that involve children, legitimations and paternity cases.

CHILD SUPPORT COMPUTATION REQUIREMENTS AND PROCEDURES:

1. As of January 1, 2007, Child Support Computation REQUIRES the use of the internet *and/or* the use of an electronic worksheet downloaded to a computer.
2. Parties and/or their lawyers should go to <http://www.georgiacourts.org/csc/> to find the proper electronic worksheet. Parents should use *The Guided Electronic Worksheet*. Lawyers, Mediators, and other Professionals should use *The Practitioner's Electronic Worksheet*. Anyone can use *The Downloadable Electronic Worksheet*. Alternatively, go to <https://www.services.georgia.gov/dhr/cspp/do/public/SupportCalc> to find your proper electronic worksheet.
3. Uniform Superior Court Rule 24 has been amended and compliance therewith is required. See http://www.georgiacourts.org/courts/superior/rules/rule_24.html
4. Completion of the form *CHILD SUPPORT ADDENDUM*, available from the Clerk of Court, is REQUIRED anytime a child support Order is requested.
<http://www.gwinnettcourts.com/documents/Filing/child%20support%20addendum.pdf>
5. All final judgments involving child support and agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. §19-5-12 & 19-6-15. A completed child support worksheet shall also be filed with the Clerk of Court, or submitted to the Court in accordance with the provisions of O.C.G.A. § 19-6-15(m)(1) to be attached and/or incorporated into any final judgment or order. The following form is available from the Clerk of Court for use: FINAL JUDGMENT AND DECREE OF DIVORCE
<https://www.gwinnettcourts.com/documents/Filing/fjd%20with%20children.pdf>
6. Pursuant to O.C.G.A. § 19-6-31, 32, & 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter, to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

[1]2.2

PERMANENT PARENTING PLANS

7. Pursuant to O.C.G.A. § 19-9-1, and U.S.C.R 24.10, in all cases in which the custody of any child is at issue between the parents, each parent shall prepare a parenting plan or the parties may jointly submit a parenting plan. The final decree in any legal action involving the custody of a child, including modification actions, shall incorporate a permanent parenting plan or written settlement agreement containing such permanent parenting plan. This requirement may also be satisfied by completion of the form *PERMANENT PARENTING PLAN*, available from the Clerk of Court. See, <http://www.gwinnettcourts.com/documents/filing/PermanentParentingPlanOrder.pdf>

The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting by designation in this Court in any individual case.

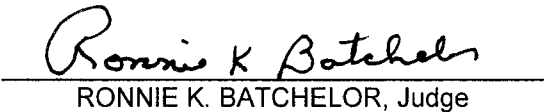
SO ORDERED this 31 day of January, 2020.



GEORGE F. HUTCHINSON, III, Chief Judge



R. TIMOTHY HAMIL, Judge



RONNIE K. BATCHELOR, Judge



WARREN DAVIS, Judge



KAREN E. BEYERS, Judge

KATHRYN M. SCHRADER, Judge




RANDOLPH G. RICH, Judge



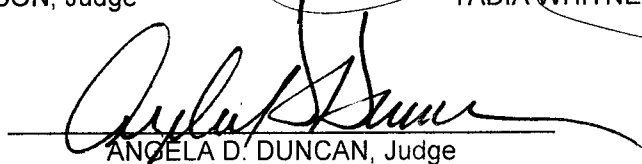
TRACEY D. MASON, Judge



TRACIE H. CASON, Judge



TADIA WHITNER, Judge



ANGELA D. DUNCAN, Judge

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff/Petitioner

Civil Action No. _____

v.


Defendant/Respondent

NAVIGATING FAMILY CHANGE PARENTING SEMINAR

This Order applies to all domestic actions involving a child or children under 18 years of age where the parties are involved in a separate maintenance, paternity action, change of custody, visitation, legitimation, divorce and any other domestic action, *excluding* domestic violence and contempt actions.

ORDERED that:

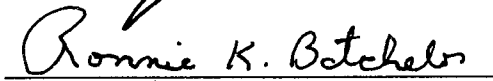
1. All parties successfully complete a parenting workshop sponsored by the circuit's Administrative Office of the Courts.
2. The program shall be successfully completed within 31 days of service of the original complaint upon the original defendant.
3. Appropriate action, including but not limited to contempt, may be taken upon a party's failure to successfully complete the workshop pursuant to this Order.
4. For good cause shown, the requirement of completion of this workshop may be waived in individual cases.



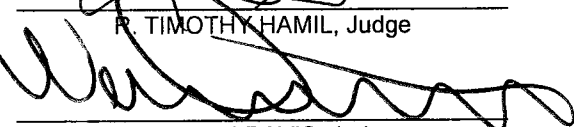
GEORGE F. HUTCHINSON, III, Chief Judge



R. TIMOTHY HAMIL, Judge



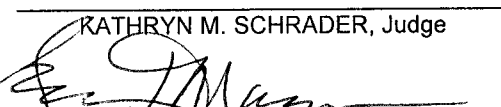
RONNIE K. BATCHELOR, Judge



WARREN DAVIS, Judge



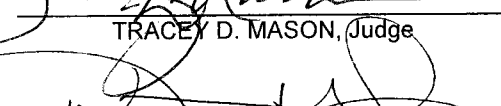
KAREN E. BEYERS, Judge



KATHRYN M. SCHRADER, Judge




RANDOLPH G. RICH, Judge



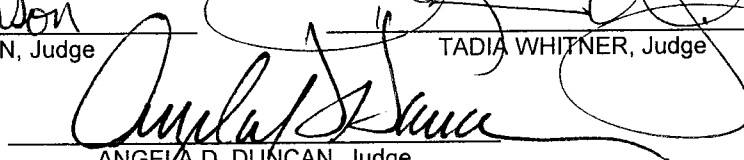
TRACEY D. MASON, Judge



TRACIE H. CASON, Judge



TADIA WHITNER, Judge



ANGELA D. DUNCAN, Judge

[(11)]3.3

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

**COMPLAINT FOR DIVORCE
WITH MINOR CHILDREN (UNCONTESTED)**

My name is _____
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. **Personal Jurisdiction and Venue:** The Defendant has acknowledged service of process, consented to jurisdiction and venue, and consented to a hearing in this matter as soon as possible after thirty-one days. I am filing the *Acknowledgment of Service, Consent to Jurisdiction and Venue and Consent to Present Case* (which has been signed by the Defendant) with this *Complaint*.

3. **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 before January 1, 1997, beginning on _____

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

5. **Minor Children:**

*[If there are no minor children, you should use the Complaint for Divorce without Minor Children. If there are minor children, **check and complete all that apply.**]*

(a) The Plaintiff Defendant is pregnant. The baby is due on _____.

(b) The Plaintiff Defendant **is** the biological parent of, or has legally adopted, the minor child(ren) listed below:

Name of child	Sex	Year of Birth	Lives with (Plaintiff, Defendant, other)

(c) The Plaintiff Defendant **is not** the biological parent of the child(ren) listed below who was/were born during the marriage:

Name of child	Year of Birth	Name of Biological Parent

(d) The Plaintiff's Defendant's legal rights to the child(ren) listed in paragraph 5(c) should be terminated.

6. **Child(ren)'s Current Residence:**

Child(ren)'s current address:

City, State ZIP

County:

The child(ren) has/have lived at this address since approximately (month and year):

7. **Child(ren)'s Past Residences:**

During the past five years, the child(ren) has/have lived at the following addresses:

Dates at Address	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

8. **People With Whom Child(ren) Has/Have Lived:**

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

Name of Person	Current Address
_____	_____
_____	_____
_____	_____
_____	_____

9. **Other Court Cases About Child(ren):**

[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 child(ren) in Georgia or any other state.

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

10. **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 Georgia 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 Georgia or another state. The court, the case number and the nature of the proceeding are as follows:

11. **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 child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
- (b) I know of someone who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren). The names and current addresses of the person(s) are as follows:

12. **Permanent Parenting Plan:** The Defendant and I have completed a *Permanent Parenting Plan* which I am filing with this *Complaint*.

13. **Child Support:** The Defendant and I have completed the *Child Support Worksheet and Schedules, and the Child Support Addendum* which I am filing with this *Complaint*.

14. **Settlement 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 this *Complaint*.

15. **Restore Former or Maiden Name:**
[Check only if applicable.]

I am asking the Court to restore my former or maiden name, which is:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[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) The Plaintiff's Defendant's legal rights to the child(ren) listed in paragraph 5(c) be terminated;
- (d) That my former or maiden name be restored according to Paragraph 16;
- (e) That the Court order any and all other relief that the Court finds appropriate.

Date	Plaintiff <i>Pro se</i> [signature]
Name:	_____
Address:	_____

	City, State ZIP
Phone:	_____
Email:	_____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Divorce with Minor Children (Uncontested)* and that the facts contained within my *Complaint* are true and correct.

Plaintiff *[signature]*

SWORN AND AFFIRMED before me this
____ day of _____ 20____.

NOTARY PUBLIC

SELECT AND COMPLETE A PARENTING PLAN

The parenting plan includes required language and provisions which are required by Georgia law.

Options:

1. **Blank parenting plan**
Select your own provisions based on your family's special circumstances.
2. **Standard parenting plan**
Includes provisions such as joint legal custody, alternating weekends, alternating holidays and two weeks of summer vacation. You may customize provisions as necessary.
3. **Long distance parenting plan**
Includes provisions for situations where the non-custodial parent lives out of state.
4. **Sole custody to petitioner**
This plan is intended for the following situations:
 - The non-custodial parent cannot be located
 - The non-custodial parent is incarcerated
 - One of the parties is not the biological father of a child(ren) born during the marriage.
 - If your spouse is the biological/adoptive parent of any of the other children, you will need to select a 2nd Parenting Plan from the options above.
5. **Joint legal and joint physical (50/50) custody.** Attorney consultation is recommended before selecting this plan.

Visit the Parenting Plan page located at:

<http://gwinnettfcl.atlantalegalaid.org/child-custody/parenting-plans/>

COMPLETE FINANCIAL AFFIDAVIT

Domestic Relations Financial Affidavit

It is possible you do not need to complete the Financial Affidavit, if:

- You and your spouse have a signed Settlement Agreement and have agreed to the amount of child support; or
- Your spouse was never a Georgia resident and you cannot ask for child support or alimony; or
- You are already receiving child support or alimony and you are not asking the court to address these issues.

Complete the Domestic Relations Financial Affidavit if you do NOT have a Settlement Agreement and:

- Your spouse is a Gwinnett County resident and you are asking for child support or alimony; or
- Your spouse is a former Georgia resident who lives out of state and you are asking for child support and/or alimony; or
- You are asking the Court to make a fair division of marital property; or
- You are asking the Court to make a fair division of marital debt; or
- You receive a notice from the Judge directing you to complete the form.

4. Mother shall pay _____% and Father 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 such expense shall provide documentation thereof to the other party within fourteen days of said expenditure with a short note explaining the details, the reasons, et cetera, of said expenditure. The other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within fourteen days after receiving the verification of a particular health care expense. O.C.G.A. § 19-6-15(c)(2)(G).
5. Pursuant to the visitation schedule, the noncustodial parent's parenting time is _____ percent annually. (*Standard Visitation with alternating weekends, holidays plus 2 weeks during the summer represents 20.8% parenting time for the noncustodial parent. With three weeks of summer vacation, the noncustodial parent's parenting time is 22.8% and with four weeks of summer vacation, the noncustodial parent's parenting time is 24.7%.*) O.C.G.A. § 19-6-15(c)(2)(F).
6. The presumptive amount of child support as indicated by the *Child Support Worksheet* (#9 on Page 1 thereon) is \$_____ per month for Mother and \$_____ per month for Father. O.C.G.A. § 19-6-15(c)(2)(A) and (B).
7. Deviation(s)
- a. *No Deviation. (If NO deviation, please skip the remaining items in item 7 and continue to item 8 to complete this form.)*
- b. *Deviation. If DEVIATION, you MUST complete EITHER item 7(b)(i) OR item 7(b)(ii)*
- ii. It has been determined that one or more of the Deviations allowed under O.C.G.A. §19-6-15 applies in this case. *Schedule E of the Child Support Worksheet*, docketed separately but simultaneously herewith, explains the reasons for the deviation, how the application of the guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support, and how the best interest of the children who are subject to this child support determination is served by deviation from the presumptive amount of child support.

OR

iii. The reasons for deviation are:

Would the presumption amount be unjust or inappropriate?

Explain _____

Would deviation serve the best interests of the children for whom support is being determined? Explain _____

Would deviation seriously impair the ability of the CUSTODIAL or NON-CUSTODIAL PARENT to maintain adequate housing, food and clothing for the children being supported by the order and to provide other basic necessities. Explain _____

8. Taking into consideration all of the applicable data from the *Child Support Worksheet*, the award of child support which Mother / Father shall pay to Mother / Father for support of the child(ren) is \$_____dollars per month. Said amount shall be payable monthly weekly bi-weekly semi-monthly OR (c) other period: _____ in the amount of \$_____ beginning on _____, and payable thereafter on payable monthly weekly bi-weekly semi-monthly OR (c) other period: _____ until the child becomes 18 years of age, dies, marries, or otherwise becomes emancipated, except that if the child becomes 18 years of age while enrolled in and attending secondary school on a full-time basis, then such support shall continue until the child completes secondary school provided that such support shall not be required after the child attains 20 years of age. O.C.G.A. § 19-6-15(c)(2)(A) and (B).

So found, this _____ day of _____, 20_____.

 Judge, Superior Court Gwinnett Judicial Circuit
 [] by designation.

Consented to by:

 Plaintiff

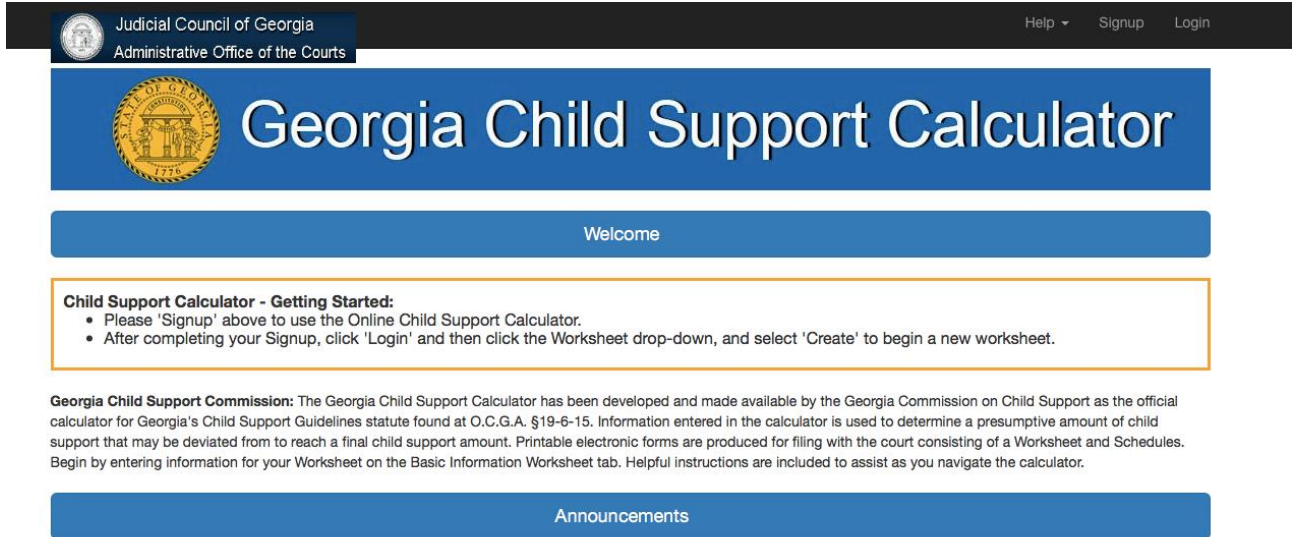
 Defendant

 Date

 Date

Child Support Worksheet

Create an account and create your child support worksheet by visiting:
<https://csconlinecalc.georgiacourts.gov/frontend/web/index.php>



The screenshot shows the top navigation bar of the Georgia Child Support Calculator website. On the left, there is a logo for the Judicial Council of Georgia, Administrative Office of the Courts. On the right, there are links for 'Help', 'Signup', and 'Login'. Below the navigation bar is a large blue banner with the Georgia state seal on the left and the text 'Georgia Child Support Calculator' in white. Underneath the banner is a blue bar with the word 'Welcome'. Below that is a yellow-bordered box containing the heading 'Child Support Calculator - Getting Started:' followed by two bullet points: 'Please 'Signup' above to use the Online Child Support Calculator.' and 'After completing your Signup, click 'Login' and then click the Worksheet drop-down, and select 'Create' to begin a new worksheet.' Below this box is a paragraph of text from the Georgia Child Support Commission explaining the calculator's purpose and how to use it. At the bottom of the screenshot is another blue bar with the word 'Announcements'.

For additional help, please review the Child Support Worksheet slideshow at:
<http://gwinnettfc.atlantalegalaid.org/wp-content/uploads/2015/12/Child-Support-Slideshow.pdf>

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,

Civil Action File No.:

v.

Defendant.

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of evidence submitted and upon legal principles, the Court grants a total divorce, a divorce *a vinculo matrimonii*, to Plaintiff and Defendant. The Court orders and decrees that the marriage contract heretofore entered into between Plaintiff and Defendant, from and after this date, be set aside and dissolved as if no such contract had ever been made or entered into, and Plaintiff and Defendant, formerly husband and wife, in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever.

The prior name of the wife, _____, is restored to her.

The Agreement between the parties filed dated _____ is incorporated herein by reference and made a part of this *Final Judgment and Decree*. Each party is ORDERED to comply with the terms and provisions therein.

As required by O.C.G.A. § 19-6-15(m)(1), the *CHILD SUPPORT WORKSHEET* of Mother Father Court, filed dated _____ is incorporated herein by reference and made a part of this *Final Judgment & Decree*.

The *CHILD SUPPORT ADDENDUM* filed dated _____ is incorporated herein by reference and made a part of this *Final Judgment & Decree*. Each party is ORDERED to comply with the terms and conditions therein.

The drafting mandates of O.C.G.A. § 19-9-1, regarding a *Permanent Parenting Plan* have been satisfied by:

- The *Agreement*, referenced herein above; OR
- The *PERMANENT PARENTING PLAN* filed dated _____ is incorporated herein by reference & made a part of this *Final Judgment & Decree*. Each party is ORDERED to comply with the terms and provisions therein.

Pursuant to O.C.G.A. § 19-6-32, the Court finds that an immediate *Income Deduction Order for Award of Child Support* is not warranted. However, pursuant to O.C.G.A. §§ 19-6-31, 32 & 33, the recipient of child support has the express right, without notice to the other party, at the time this *Final Judgment and Decree* is entered or at any time thereafter, to submit a separate *Income Deduction Order for Award of Child Support* to the Court for immediate entry. Pursuant to O.C.G.A. §§ 19-6-30, 31, 32 & 33, whenever in violation of the terms of this *Final Judgment and Decree*, there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may be collected by the process of continuing garnishment for support and/or by *Income Deduction Order for Award of Child Support*.

This is to certify that the above is a true and correct copy of the Final Judgment and Decree in the above stated case.

This ____ day of _____, 20__.

Deputy Clerk, Gwinnett Superior Court

SO ORDERED,

this ____ day of _____, 20__.

Judge, Gwinnett Superior Court

By designation (FJDC-072413 – SUP 10-196)

IMPORTANT NOTE ABOUT THIS FORM

ONLY use this form if you are filing a divorce and the husband is not the biological father of a child born during the marriage and you want to terminate the husband's rights.

For a list of other custody and parenting time arrangements, please visit the [Parenting Plan](#) page.

GWINNETT COUNTY SUPERIOR COURT
STATE OF GEORGIA

Plaintiff,
v.

Defendant.

Civil Action
File No.: _____

ORDER TERMINATING PARENTAL RIGHTS

After considering the evidence and applicable law, it is the judgment of this Court that the parental rights of Plaintiff Defendant, _____, shall be terminated as follows:

The following child(ren) was/were born during the parties' marriage but is/are not Husband's biological child(ren):

Name of Child	Year of Birth

This termination is ordered pursuant to O.C.G.A. § 19-7-1(b)(8), as part of the Court's order granting a divorce. This Court finds termination to be in the best interest of the minor child(ren), in that the termination of Husband's legal status will open the door for legitimation by the biological father of the minor child(ren), or for stepparent adoption by any future stepfather. Therefore, the Court finds the Mother is the sole legal and physical custodian of the minor child(ren).

SO ORDERED THIS _____ day of _____, 20__.

JUDGE, GWINNETT SUPERIOR COURT

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff/Petitioner,

v.

Defendant/Respondent.

Civil Action

File No.:

**ACKNOWLEDGMENT OF SERVICE, CONSENT TO JURISDICTION AND VENUE,
AND CONSENT TO PRESENT CASE**

I am the Defendant/Respondent in this case. I hereby acknowledge that the Plaintiff/Petitioner provided me a copy of the *Summons* and Complaint/Petition for

Name of Complaint or Petition

and the following other documents:

I am the Defendant/Respondent in this case. I hereby consent to both jurisdiction and venue as they are stated in the *Complaint/Petition*. So long as any *Judgment* in this action incorporates the *Settlement Agreement* I have signed, then I waive formal process, further notice, my right to trial and, if I am on active duty in the armed forces, I also waive my rights under the Soldiers and Sailors Civil Relief Act, 50 USC App. §521. I give my consent for the Court to hear this matter as soon as possible after thirty-one days.

Should further notice be required for any reason, the notice should be mailed to me at the following address:

Sworn to and subscribed before me on the _____
_____ day of _____ 20____.

Defendant/Respondent, *Pro se* (Signature)

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,

v.

Civil Action

File No.:

Defendant.

SETTLEMENT AGREEMENT WITH MINOR CHILDREN

This is an agreement between the Plaintiff and Defendant, who are lawfully married:

Wife's name:

Husband's name:

The parties are married but are currently separated; and

They share minor children together, who are listed below:

Child's Name

Year of Birth

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The parties want to settle between themselves all questions of custody, visitation, child support, insurance, alimony, division of property, debts and all other rights and obligations arising out of their marital relationship;

THEREFORE, in consideration of the mutual promises and declarations in this agreement, the

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parties agree as follows:

1. SEPARATION.

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

2. CUSTODY AND VISITATION

(Note: The Permanent Parenting Plan must be filed in all cases involving child custody unless waived by the Court.)

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

(Note: The Child Support Addendum must be filed in all cases involving minor children.)

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

4. HEALTH INSURANCE AND OTHER HEALTH CARE EXPENSES FOR THE CHILDREN

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

5. LIFE INSURANCE FOR THE BENEFIT OF THE CHILDREN

[Check and complete either (a), (b) or (c). Do not check more than one.]

- (a) The children depend on the parent listed below for financial support, and therefore said parent agrees to maintain a policy of insurance on his/her life, with a minimum face amount listed below, for the benefit of the minor children. The policy shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under Paragraph Five of this Agreement.

Parent responsible for maintaining life insurance: _____

Minimum benefit amount: \$ _____

Initials

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- (b) The children depend on both of the parties for financial support, and therefore each party agrees to maintain a policy of insurance on his/her life, with the minimum face amount listed below, for the benefit of the minor children. The policy shall be maintained for so long as at least one of the children is a minor or is otherwise entitled to support under Paragraph Five of this Agreement.

Minimum benefit amount: \$ _____

- (c) The parties are not asking the Court to address the issue of life insurance for the benefit of the children in this action.

6. ALIMONY.

[Check and complete only one of these, either (a) or (b). Do not check both (a) and (b).]

- (a) The parties agree to alimony as follows:

Start date	Person paying Alimony	Person receiving alimony	Monthly amount
_____	_____	_____	\$ _____

Alimony shall continue: *[To finish (a), you must check and complete either (1) or (2). Do not check both (1) and (2)]*

- (1) until the recipient remarries or dies.

- (2) for a period of _____ months years

- (b) Each party expressly waives the right to receive alimony from the other party.

7. PROPERTY DIVISION.

[Check and complete only one of these, either (a) or (b). Do not check both (a) and (b). Do not list complete account numbers.]

- (a) The parties acknowledge that they have already made a division of 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

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of the property in the possession of the other party as of the date of signing this agreement.

- (b) The parties acknowledge that they did not obtain any property during their marriage.
- (c) The parties acknowledge that they possess various items of marital property, which shall be divided as provided in this Agreement. The parties agree to transfer possession and title to their property as follows:

[If you have chosen (c), check and complete only the parts that apply, from (1) through (4) below. Cross out the parts that do not apply.]

- (1) **Marital Home** - The marital home of the parties, located at the following address:

_____ which has the following legal description on the deed to the property:

- The legal description is included on the deed which is attached to this Agreement as “*Exhibit A*”

Person giving up ownership of the property (“Grantor”): _____

Person obtaining all rights to the property (“Grantee”): _____

The Grantor conveys the above-referenced property to the Grantee in fee simple. The Grantee shall be responsible for all taxes, assessments and mortgage loan payments on the home after the date the date this *Agreement* is signed by both parties.

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[If you have chosen and completed the preceding paragraph (1), concerning a marital home, you may also check and complete (A) or (B), or both (A) and (B), but neither one is required.]

- (A) The Grantor shall have a lien against the home. Upon the sale or transfer of the home, the lien shall be paid.

Amount of Grantor's lien: \$ _____

- (B) The Grantee shall immediately begin making reasonable efforts to refinance the outstanding mortgage/mortgages on the marital home, so that the Grantor shall no longer be liable on the mortgage loan(s). If the Grantee is not able to refinance the home by the deadline listed below, then the home shall be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

Refinancing deadline: _____

- (C) Other agreement(s) concerning the marital home: _____

- (2) **Mobile Home** – the parties agree to the transfer of their mobile home as follows:

Grantor	Grantee	VIN#	Description

The Grantee shall be responsible for all loan payments on the mobile home after the date this *Agreement* has been signed by both parties.

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(3) **Vehicles** - The vehicles owned by the parties shall be transferred or retained as follows:

Year, Make, Model	Vehicle Identification Number	Goes to
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The party listed above for each vehicle shall be responsible for all car loan payments, *ad valorem* taxes, registration fees and insurance on that vehicle accruing after the date this *Agreement* has been signed by both parties.

(4) **Other Personal Property** - The parties acknowledge that they own various other items of personal property, which shall be transferred to the party listed below, within 30 days after this *Agreement* has been signed by both parties.

To the _____ :

To the _____ :

Except as otherwise specifically provided in this Agreement, the transfers listed above shall be completed no later than 60 days after the date this *Agreement* has been signed by both parties, and each party shall execute all documents necessary to promptly complete the transfer. Upon the failure of either party to execute and deliver any deed or other document necessary to complete the transfers required by 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.

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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.

8. DEBTS.

[Check and complete only one of these, either (a) or (b). Do not check both (a) and (b). Do not list complete account numbers.]

- (a) The parties acknowledge that they have no outstanding joint or marital debts.
- (b) The responsibility for payment of the parties' joint and marital debts shall be as follows:

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.

9. 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

 Initials _____
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ever seeks bankruptcy protection, the amounts payable under this Agreement shall not be dischargeable in bankruptcy under 11 United States Code Section 523(a)(5), as the payments are in the nature of spousal or child support and maintenance. Alternatively, the payments shall be nondischargeable in bankruptcy under 11 United States Code Section 523(a)(15).

10. **RESTRAINING ORDER**

(Optional – Check this paragraph if applicable.)

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

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

12. **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 hereby 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.

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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 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.

_____ appeared
before me on _____, 20____, and
said under oath that s/he had read this
agreement, understood it, and was signing it
voluntarily in my presence.

_____ appeared
before me on _____, 20____, and
said under oath that s/he had read this
agreement, understood it, and was signing it
voluntarily in my presence.

Notary Public

Notary Public

Initials

Initials

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. Wife's Name (first, middle, last)	5. Maiden (Birth) Last Name	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Husband's Name (first, middle, last, generation)	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.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only	
Date Disposed _____ MM-DD-YYYY	Case Number _____
	Case Style _____

Plaintiff(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Defendant(s)

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
<input type="checkbox"/> Jury Trial
<input type="checkbox"/> Bench/Non-Jury Trial
<input type="checkbox"/> Non-Trial Disposition
<input type="checkbox"/> 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 ACKNOWLEDGMENT OF SERVICE

- 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 two copies of all the clerk-stamped forms. Keep one copy for your records.
- 3. Send the Acknowledgment of Service (completed with your case number) and a copy of all the clerk-stamped papers to the opposing party.
- 4. Have the other party complete the **Acknowledgment of Service** with his/her address and signature in front of a notary. The original **Acknowledgment of Service** form should be returned to you.
- 5. E-file the scanned Acknowledgment of Service or file at the self-help kiosk at the courthouse.
- 6. Wait for notice of a court date or any other request from the court or from the other side.

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 voluntary acknowledgment? [Visit our filing and service instructions page for more options.](#)