DIVORCE WITH MINOR CHILDREN PACKET (by publication)

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.

For your convenience, this form has been designed to be completed online. Please be sure all pertinent information is completed before printing. Once the form is completed, select 'Print' to print the form. Selecting

Print

Reset

Domestic Relations Case Filing Information Form

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

Docket # _____

Plaintiff(s)

_____
Last First Middle I. Suffix Prefix Maiden

_____
Last First Middle I. Suffix Prefix Maiden

Defendant(s)

_____
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)
- Contested? ☐ Yes ☐ No
- Child Custody Issue? ☐ Yes ☐ No
- Child Support Issue? ☐ Yes ☐ No

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

MODIFICATION

☐ Modification - Custody, Visitation, or Parenting Time
- Does the modification include a parent selection by a child who is at least 14 years old? ☐ Yes ☐ No

☐ Modification - Child Support and Alimony
☐ Modification - Child Support
☐ Modification - Alimony

CONTEMPT

☐ Contempt - Custody, Visitation, or Parenting Time
☐ 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

OTHER

Have the parties agreed to binding arbitration? ☐ Yes ☐ No

Have the parties reached a custodial agreement? ☐ Yes ☐ No

If yes, check one:

- ☐ Joint Custody
- ☐ Joint Legal Custody
- ☐ Joint Physical Custody
- ☐ Sole Custody to: _____

Financial Affidavit submitted? ☐ Yes ☐ No

Child Support Forms submitted? ☐ Yes ☐ No

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_____.

Tiana P. Garner,
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.

SC-1 Rev. 2011

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

[I] 1.2

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

[III]3.3

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.

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

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

COMPLAINT FOR DIVORCE WITH MINOR CHILDREN

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

1. 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. 2.**Venue:** Myspouse is the named 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 no longer a Gwinnett County resident, but still lives in Georgia. The Defendant and I lived together in Gwinnett County at the time we separated. I still reside in Gwinnett County, and the Defendant has only moved away from Gwinnett County within the past six months before the date of my filing this action.

☐ (c) The Defendant is a Georgia resident but does not live in Gwinnett

County. I live in Gwinnett County and 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 Gwinnett County, Georgia, and:
*[**Check only one** of the following, either (1), (2), **or** (3).]*

☐ (1) The Defendant lives in the state of _____ and the Defendant was formerly a resident of the State of Georgia and is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, OCGA § 9-10-91(5).

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

☐ (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 Diligent Search* 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 before January 1, 1997, beginning on _____

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 all that apply**. If there are no minor children, you may use a different form, which is much shorter.]*

☐ (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 who was/were born before or during the marriage:

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

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

Name of child	Year of Birth	Name of biological Parent

8. **Children'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): _____

9. **Children's Past Residences:**
During the past five years, the child(ren) has/have lived at the following addresses:

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

10. **People With Whom Children Have Lived:**
During the past five years, the children have lived with the following people:

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

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 current addresses of the person(s) are as follows:

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),* or *(c) or (d).]*

☐ (a) I should have 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:

☐ (e) The ☐Plaintiff ☐Defendant **is not** the biological or adoptive parent of the children listed in Paragraph 7(c) and his legal rights to these children should be terminated.

Permanent Parenting Plan. I understand I am required to prepare a Parenting Plan which:

☐ I am filing a Parenting Plan with this *Complaint*.
☐ I will file a Parenting Plan before the first hearing in this case.

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, 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.

☐ 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**
☐ House (address):	_____
	_____
☐ Other Real Estate (address):	_____
	_____

☐ Mobile Home (year, model): _____

☐ Pension(s): 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.

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:

Creditor	**Balance**	**Who Should Pay**

☐ 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. **Restraining Order Where Violence Has Occurred:**
[Read instructions carefully and check only if applicable.]

There is a history of physical violence by the Defendant toward me, and I am afraid that the Defendant will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

☐ 23. **Restore Former or Maiden Name:** *[Check only if applicable.]*
I am asking the Court to restore my former or maiden name, which is:

_____

24. **Grounds for Divorce:** *[Check the ones that you can prove at trial.]*
My grounds for divorce from the Defendant are:

☐ (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 has intentionally and continually deserted me for at least a year.

☐ (e) **Other grounds** from list in OCGA § 19-5-3, as explained here:

☐ (f) **Other grounds** from list in OCGA § 19-5-3, as explained here:

_____

_____

_____

_____

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 total divorce from the Defendant;

☐ (d) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.

☐ (e) That the custody and visitation for the children be ordered according to Paragraph 14;

☐ (f) 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;

☐ (g) That the Defendant be ordered to pay me alimony for my support;

☐ (h) That our marital property be divided according to Paragraph 20;

☐ (i) That our joint or marital debts be divided according to Paragraph 21;

☐ (j) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;

☐ (k) That my former or maiden name be restored according to Paragraph 23;

☐ (l) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;

☐ (m) That the Court order the parties to participate in mediation, to try to resolve this matter; and

☐ (n) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____ _____

Plaintiff *Pro se* [signature]

Name: _____

Address: _____

_____

City, State ZIP

Phone: _____

Email: _____

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

VERIFICATION

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Divorce with Minor Children* 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

IMPORTANT NOTE ABOUT THIS FORM

This form is intended for use for divorce by publication where the Defendant's whereabouts are unknown.

This form may also be used when the Defendant is incarcerated.

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.: _____

PERMANENT PARENTING PLAN

This plan is a new plan, and the information has been furnished by the Plaintiff in order to meet the requirements of OCGA Section 19-9-1.

1. Custody and Decision Making: The Plaintiff shall have sole legal and physical custody and decision making concerning the minor child(ren) listed below:

Name of Child	**Year of Birth**

All day-to-day and emergency decisions regarding the minor child(ren) are to be made by the parent who has physical custody of the child(ren).

2. Parenting Time/Visitation. No parenting time is provided for the Defendant, whose whereabouts are unknown, and who has not contacted or seen the children since the time this action was filed.

☐ The Defendant's whereabouts are unknown
☐ The Defendant is incarcerated.

The Defendant may bring a separate action for visitation at a later date.

3. Access to Records and Information

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child(ren)'s records and information, including, but not limited to, education, health, extracurricular

activities, and religious communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

☐ Limitations on access rights: (if any)

_____

_____

☐ Other Information Sharing Provisions: (if any) _____

4. Modification of Plan or Disagreements

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order.

Custody and child support may ONLY be lawfully modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a reasonable good faith effort to resolve the issue between them.

5. Special Considerations

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

The Plaintiff may obtain passports for the minor child(ren) without the Defendant's consent.

Other: _____

_____

6. Parent's Consent

Please review the following and initial:

1. I recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest.

   Plaintiff's Initials _____

2. I recognize that our child's needs will change and grow as the child matures; I have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan are minimized.

   Plaintiff's Initials _____

I affirm that the information I have provided in this Plan is true and correct.

_____
Plaintiff's Signature

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court. Each party is ORDERED and directed to comply with the terms and provisions set forth herein. **HEREIN FAIL NOT. SO ORDERED,** this

_____ day of _____, 20 _____ .

_____
JUDGE, GWINNETT SUPERIOR COURT

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,

v

_____,
Defendant.

Civil Action File No.:

_____

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

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

Print Form

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 (1st, 2nd, 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 (1st, 2nd, 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.

Form 3907 (Rev. 10-2002)

For your convenience, this form has been designed to be completed online. Please be sure all pertinent information is completed before printing. Once the form is completed, select 'Print' to print the form. Selecting 'Reset' will clear the entire form.

Domestic Relations Case Final Disposition Information Form

Print

Reset

Superior Court **County** _____ **Date Disposed** _____
MM-DD-YYYY

Docket # _____

Reporting Party _____ _____
Last First Middle I. Suffix Prefix Maiden Title

Name of Plaintiff/Petitioner(s)

_____
Last First Middle I. Suffix Prefix Maiden

Name of Defendant/Respondent(s)

_____
Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney ☐ **Pro Se**

_____
Last First Middle I. Suffix

Bar # _____

Defendant/Respondent's Attorney ☐ **Pro Se**

_____
Last First Middle I. Suffix

Bar # _____

Type of Disposition (Check all that apply)

1. ☐ Dismissed Without Final Order
   - A. ☐ Voluntary (by parties)
   - B. ☐ Involuntary (by court)
2. ☐ Pre-Trial Settlement
3. ☐ Judgment on the Pleadings
4. ☐ Summary Judgment
5. ☐ Trial
   - A. ☐ Bench Trial
   - B. ☐ Jury Trial
     1. ☐ Dismissal after jury selected
     2. ☐ Settlement during trial
     3. ☐ Judgment on Verdict
     4. ☐ Directed Verdict or JNOV

ADR

1. Was mediation utilized? ☐ Yes ☐ No
2. If Yes, was it (check if applicable)
   - ☐ court annexed?
   - ☐ court mandated?
3. Binding Arbitration Agreement ☐ Yes ☐ No
   If Yes, what matters were subject:
   - ☐ Child Custody
   - ☐ Visitation/Parenting Time
   - ☐ Parenting Plan

Relief Granted (Check all that apply)

1. ☐ Ex Parte Relief
2. ☐ Temporary Relief
3. ☐ Final Relief
   - a. ☐ Divorce/Annulment/Separate Maintenance
   - b. ☐ Child Custody
     Parenting Plan? ☐ Yes ☐ No
     Custodial Arrangement? ☐ Yes ☐ No
     If Yes, check one:
     - ☐ Joint Custody
     - ☐ Joint Legal Custody
     - ☐ Joint Physical Custody
     - ☐ Sole Custody to:_____

     14 year old parental selection? ☐ Yes ☐ No
   - c. ☐ Visitation or Parenting Time
     Approx. Parenting Time (days per year)
     Mother_____Father_____
     Parenting Time Contested? ☐ Yes ☐ No
   - d. ☐ Child Support
     Forms attached? ☐ Yes ☐ No
   - e. ☐ Legitimation/Paternity
   - f. ☐ Alimony
   - g. ☐ Contempt
   - h. ☐ Equitable Division
   - i. ☐ Protective Order
     ☐ Person ☐ Property
     ☐ Finding of Family Violence?
   - j. ☐ Adoption
   - k. ☐ Attorneys Fees?
     If Yes, enter amount:_____
     to whom:_____
   - l. ☐ Other (Specify) _____
4. ☐ Dismissed prior to granting of relief.

PUBLICATION PACKET

Complete these forms if you cannot locate the other party, and you are asking the court for permission to legally notify the other party by publication of your Complaint or Petition in the local newspaper.

HELPFUL HINTS:

"Plaintiff" or "Petitioner": The first and last name of the person who is filing this action

"Defendant/Respondent": The other party's first and last name

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

Your search for the other party should include, but is not limited to:

- checking the telephone book and directory assistance in the area where you live;
- checking the telephone book and directory assistance in the area where the Defendant is last known to have lived;
- asking friends and relatives who might know the location of the missing Defendant;
- checking the post office for any forwarding address of the missing Defendant;
- checking records of the tax collector and property assessor to see if the missing Defendant owns property;
- contacting past employers;
- contacting the department of motor vehicles for registrations in the name of the missing Defendant;
- It is not necessary for you to pay a private detective to try to find a missing Defendant, but you should check any possible sources, including internet websites, that might lead to a current address.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

AFFIDAVIT OF DILIGENT SEARCH

I am the Plaintiff in this case. I am filing this *Affidavit of Diligent Search* under OCGA § 9-11-4 (f)(1)(A). I hereby swear or affirm, before a notary public, that the following information is true:

1.

A diligent search has been made, and the Defendant/Respondent cannot be found within the State of Georgia. I do not know where the Defendant/Respondent lives or where the Defendant can be found.

2.

The last known address and telephone number I have for the Defendant is:

_____

_____

_____

Telephone Number: _____

The Defendant/Respondent no longer lives at this address. To the best of my knowledge, he/she last lived at this address on (date) _____

3.

I have made the following efforts to find the Defendant/Respondent:

☐ (a) Checking with the Defendant/Respondent's friends, relatives, employers, landlords or others I have listed below:

(1) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

_____

(2) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

_____

(3) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

_____

(4) Name of Person Contacted: _____

Contact's Relationship with Defendant/Respondent: _____

Contact's Address: _____

Contact's Phone Number: _____

Date I contacted this person: _____

Results of Contact / What They Told Me:

_____

☐ (b) Checking telephone information and directories, with the following results:

_____

☐ (c) Attempted sheriff, marshal or private process service at the Defendant's ☐ last known residence OR the Defendant's ☐ last known place of employment, which was at the following address:

_____

☐ (d) The following Internet web searches with the following results:

	Website	**Results**
☐	www.gwinnettcourts.com	
☐	www.gwinnettcountysheriff.com/Docket Book.htm	

☐ http://sos.ga.gov/mvp _____

☐ www.dcor.state.ga.us/GDC/OffenderQuery/jsp/OffQryForm.jsp _____

☐ http://ssdi.rootsweb.ancestry.com _____

☐ www.superpages.com _____

☐ www.whitepages.com _____

☐ www.zabasearch.com _____

☐ http://mycarepack.com/index.aspx _____

☐ http://www.facebook.com _____

☐ http://www.instagram.com _____

☐ http://www.twitter.com _____

☐ Other website(s): _____ _____

_____

Plaintiff/Petitioner, *pro se* *(Sign here before notary.)*

Subscribed and sworn before me on

_____, 20_____.

_____

Notary Public

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

MOTION FOR SERVICE BY PUBLICATION

I am the Plaintiff/Petitioner and I am representing myself in this action. Pursuant to O.C.G.A. §9-11-4(f)(1)(A), I am requesting an order directing service to be made upon the Defendant/Respondent by publication of summons on the grounds set forth in the attached *Affidavit of Diligent Search*.

Dated: _____

_____
☐Plaintiff/Petitioner *Pro se [signature]*

Name: _____

Address: _____

_____
City, State ZIP

Phone: _____

Email: _____

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

ORDER OF PUBLICATION

It appearing by Affidavit, that the above named defendant on whom service is to be made in this case resides out of the State or has departed from the State, or cannot after due diligence, be found within the State, or conceals (him) (her)self to avoid service of the Summons, and it further appearing, either by Affidavit or by verified Complaint on file, that a claim exists against the defendant in respect to whom service is to be made, and that (he) (she) is a necessary or proper party to the action.

IT IS HEREBY CONSIDERED, ORDERED AND DECREED THAT: Service be made by publication as provided by law.

SO ORDERED this ____ day of _____, 20_____.

_____
Judge, Gwinnett Superior Court
Gwinnett County, Georgia

RETURN OF SERVICE

I hereby certify that a Notice in the Manner and form prescribed in the foregoing Order was published, and that I have enclosed, directed, stamped and mailed a copy of said Notice together with a copy of the Order for Service by Publication and Complaint (if any), to the above named defendant.

This the _____ day of _____, 20_____.

Tiana P. Garner,
Clerk of Superior Court

By: _____
Deputy Clerk – Gwinnett Superior Court

ORDER PERFECTING SERVICE

It appearing to the Court that Service upon the above named party has been perfected by publication of notice on the above stated dates in the legal organ of this County, and by enclosing, directing, stamping, and mailing a copy of the notice together with a copy of the order for Publication and the Complaint (if any) to said defendant at (his) (her) last known address.
IT IS HEREBY ORDERED that said service by publication be, and is approved.

_____
Judge, Gwinnett Superior Court

PUBLICATION DATES OK: This _____ day of _____, 20_____.

Tiana P. Garner,
Clerk of Superior Court

_____
Deputy Clerk – Gwinnett Superior Court

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

NOTICE OF PUBLICATION

By order for service by publication dated_____, 20____, you are hereby notified that on the _____ day of _____, 20,____ filed suit against you for _____.

You are required to file with the Clerk of the Superior Court, and serve upon plaintiff's attorney,

---

an answer in writing within sixty (60) days of the date of the order for publication.

This the _____ day of_____ , 20_____.

WITNESS, the Honorable, Judge _____ of this Superior Court.

Deputy Clerk, Superior Court
For: Tiana P. Garner, Clerk
PO Box 880
Lawrenceville GA 30046

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,

Civil Action
File No.: _____

_____ Defendant.

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 PUBLICATION WHEN THE OTHER PARTY CANNOT BE LOCATED

☐1. **Efile from the courthouse or from home.** For more details, visit: http://gwinnettflc.atlantalegalaid.org/how-to-efile/.

☐2. Complete the publication packet and efile each separate document from home or at the courthouse.

☐3. There is a publisher's fee for service by publication. If you have filed an affidavit of indigence (fee waiver) and the court has approved it, there is no charge for having notice of your case published in the Gwinnett Daily Post.

☐4. The notice will be published once a week for four weeks in the Legal Notices section of the Gwinnett Daily Post. After the notice has been published for four weeks, the publisher will send an affidavit of publication to the court.

☐5. After the court receives the affidavit of publication, the other party has 30 days from the date of the last published notice to file a response, but does not have to file a response, sign anything or appear in court in order for the court to grant you the relief you have requested.

☐6. You will receive a notice in the mail from the court informing you of the date, time and appointed courtroom for your hearing. Your case may be dismissed if you do not attend the hearing.

.

Courthouse Information

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

Efile Information

http://www.odysseyefilega.com/

Can't serve the other party by publication? See more service options at http://gwinnettflc.atlantalegalaid.org/category/filing-instructions/