

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
)
Plaintiff,) CIVIL ACTION FILE
)
v.)
) NO. _____
_____,)
)
Defendant.)

COMPLAINT FOR DIVORCE WITH CHILDREN

Now comes the Plaintiff, _____, comes before this Court and shows this Court as follows:

SUBJECT MATTER JURISDICTION (Check a or b)

___ a. The Plaintiff is a citizen and resident of _____ County, Georgia, and has been a resident for six (6) months prior to the date of filing of this Complaint for Divorce.

___ b. The Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a citizen and resident of _____ County, Georgia, for six (6) months prior to the date of filing of this Complaint for Divorce.

VENUE (Check a, b, c, d, e, or f)

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

___ a. The Defendant is a resident of _____ County and is subject to the jurisdiction of this Court.

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

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

____ d. I am filing my Affidavit of Due Diligence with Complaint, incorporate it here by reference.

____ e. The Defendant is not a resident of the State of Georgia, but I am a resident of _____ County, Georgia, and

____ 1. Defendant is formerly a resident of the State of Georgia and currently resides in the State of _____.

____ 2. The Defendant never resided in the State of Georgia and currently resides in the State of _____,

____ 3. The Defendant has acknowledge service of process and consented to the jurisdiction and venue of this Court.

Service of Process

The Defendant shall be served in the following manner: (Check either a, b or c)

____ a. The Defendant has acknowledge service of process.

____ b. The Defendant may be served by the Sheriff's Department at the Defendant's residence/work address:

____ c. The Defendant's whereabouts are unknown to me.

Date of Marriage (Check a or b)

____ a. Plaintiff and Defendant were lawfully married on _____.

____ b. Plaintiff and Defendant are common law married, having entered into a common law marriage. *Note: Common law marriage was abolished in Georgia on January 1, 1997.*

Date of Separation

The Defendant and I separated on _____ and have remained in a bona fide state of separation since that date.

Minor Children of the Marriage

There are _____ minor child(ren) born as issue of the marriage between the parties and none are expected.

Name: _____ DOB: ____ Sex: ____

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Child Custody (Check only one: a, b, or c)

____ a. It is in the best interest of the minor children for _____ to have sole legal and physical custody.

____ b. Plaintiff and Defendant are both fit to share both temporary and permanent joint legal custody of the minor child(ren). It is in the best interest of the minor child(ren) for _____ to have primary physical custody.

c. Plaintiff and Defendant have agreed that it is in the best interest of the minor children for the parties to have joint legal and physical custody. The physical custody arrangement will be as follows:

For the past five years, the children lived at the following addresses with the following persons:

Address	Dates	Lived With

Other Court actions concerning the children. (Choose only one: a or b)

___ a. Plaintiff asserts the he/she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children names above, and knows of no other proceeding concerning the minor children in this or any other state. No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

____ b. The minor children have been involved in the following actions:

(Please tell the Court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption)

<u>County/State/Court</u>	<u>Type of Custody Action</u>	<u>Date Filed</u>	<u>Status</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Others with a custody claim (Choose only one: a or b)

____ a. I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.

____ b. The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

Name	Claim
_____	_____
_____	_____
_____	_____

Grounds for Divorce

The Plaintiff is entitled to a divorce from the Defendant upon the statutory grounds that the marriage between the parties is irretrievably broken and there is no hope of reconciliation, O.C.G.A section 19-5-3 (13).

Settlement Agreement

The parties have entered into a settlement agreement that resolves all issues as to an equitable division of property and debts, as well as alimony and child support and custody.

WHEREFORE, the Plaintiff respectfully requests:

1. That the Plaintiff be awarded a total divorce from the Defendant upon the grounds alleged.

2. That the Court adopt the Settlement Agreement filed with this action.

3. That the Plaintiff/Defendant name be restored to former name, which was:

_____.

4. For such other specific and equitable relief as the Court may determine and consider equitable and appropriate.

Respectfully submitted,

Plaintiff
(Signature)

Plaintiff's Address

Plaintiff's Telephone Number (s)