

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

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

COMPLAINT FOR DIVORCE

Plaintiff, _____ [Name],

comes before this Court and shows this Court as follows:

1.

**Residence requirement (Check only one: a
or b)**

- a) Plaintiff is a resident of Houston County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.
- b) Plaintiff is a resident of _____ County, Georgia, and has resided at the _____ military post for at least one year before filing this petition.
- c) Plaintiff is not a resident of the State of Georgia, but Plaintiff's spouse has been a resident of the State of Georgia and the county of _____ for at least six (6) months prior to my filing this action.

2.

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

- a) Defendant is a resident of Houston County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.

b) Defendant is a resident of _____ County, _____ (State) and has signed an ACKNOWLEDGEMENT OF SERVICE AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION.

c) Defendant is a resident of Houston County, Georgia and may be served at his/her residence/work address of:

_____.

d) The Defendant is a resident of _____ County, Georgia but Defendant and I lived together in Houston County at the time we separated. Defendant has only moved from Houston County within the past six months from that date of this filing, and I am a resident of Houston County. Defendant may be served at his/her residence/work address:

_____.

e) The Defendant is a resident of Georgia, but his/her whereabouts are unknown to me as shown by my Affidavit of Due Diligence attached hereto and incorporated by reference, marked Exhibit A. The Defendant shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-11-4(f)(1). The clerk shall mail a copy of the Notice, Order for Service by Publication, and Petition for Divorce to the last known address of Defendant, which is

_____.

within 15 days of the filing of the Order for Service by Publication.

f) Defendant is not a resident of the State of Georgia, but I am a resident of Houston County Georgia and (Check 1 or 2)

The Defendant was formerly a resident of the State of Georgia and presently is a resident of the State of _____.

Defendant may be served pursuant to the Long Arm Statute, O.C.G.A. § 9-10-91(5). Defendant may be served at the following address:

_____.

The Defendant's whereabouts are unknown to me as shown by my Affidavit of Due Diligence, attached hereto and incorporated by reference, marked Exhibit A. The Respondent shall be served by publication as is provided by law in the case of those who cannot be found within the State pursuant to O.C.G.A. § 9-10-91(5).

3.

Date of Marriage (Check a or b)

a) Plaintiff and Defendant were lawfully married on _____ [Date].

b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1, 1997 as of _____ [Date].

Note: Common law marriage was abolished in Georgia on January 1, 1997.

4.

Date of Separation

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

5.

There are _____ minor children born of the marriage.

Name: _____ DOB: _____ Sex: _____

6.

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

a) It is in the best interest of the minor children for Plaintiff / Defendant 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 Plaintiff / Defendant 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:

7.

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

Address	Dates	Lived With

8.

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

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named 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>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9.

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:

<u>Name</u>	<u>Claim</u>
_____	_____
_____	_____
_____	_____

10.

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

11.

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.

WHEREFORE, Plaintiff respectfully requests:

- a) That the parties herein be totally divorced;
- b) That the Court adopt and incorporate the parties' settlement agreement into a final judgment and decree in this matter;
- c) That the Wife's name be changed back to her maiden name, _____;
- d) That the Court enter an Order for Child Support;
- e) That the Court award such other and further relief as the it deems equitable and just.

Respectfully submitted this the _____ day of _____, 20____.

Plaintiff *pro se* [Sign]

Plaintiff's Address: _____

Plaintiff's Telephone(s): _____

Defendant's Address: _____

Defendant's Telephone(s): _____

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Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
_____)	
Defendant.)	
)	

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires: