Dawson County
Divorce with Children

Detailed Instructions

Use these forms at your own risk

In no event will the Court Administrator, Clerk of Court, Family Law Information Center (FLIC) staff or anyone distributing or contributing to the development of these forms or instructions be liable for any damages resulting from the use of this packet. These forms may not be appropriate for your particular case. In addition, due to the changing nature of the law, the information in these instructions and forms may be outdated. You should review any statutes (laws) or rules mentioned in this packet to make sure the forms are current. Ask the advice of a lawyer to protect your legal rights. State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk's office staff and sheriff's department staff) from giving legal advice or answering legal questions.

Mandatory electronic filing effective March 1, 2025
Visit www.nejc.org/familylaw for more information.

What services are available?

The Family Law Information Center (FLIC) offers limited help to residents of Hall or Dawson County or people who are eligible to file in Hall or Dawson County (specific types of cases). Free attorney consultations are also available for people who qualify.

Website/Forms:	www.nejc.org/familylaw
Hours:	8 - 5, Monday through Friday (*closed* Friday 11:30 AM - 12:30 PM)
Location:	Hall County Courthouse, 3rd floor (1st office on the right) Dawson County Courthouse – call for information
Phone:	770 531-2463
Email:	nejcflic@hallcounty.org
Appointments:	Complete the enclosed *Appointment Request Form* and deliver it to FLIC by email or in person

Contents

Will this packet work for you? 3

Filing and service fees 4

Introduction to Divorce Laws and Rules 4

Basic Steps - Checklist 5

Forms List 6

Detailed Instructions for Completing the Packet Forms 7

- Step 1: Complete the *Petition for Divorce* 7
- Step 2: Complete the *Parenting Plan* 20
- Step 3: Prepare a *Child Support Worksheet* 21
- Step 4: Complete the *Verification* Form 22
- Step 5: Complete the *Domestic Relations Financial Affidavit* (DRFA) 23
- Step 6: Read the *Domestic Relations Standing Order* and Complete the *Certificate of Service or Inclusion* 26
- Step 7: Prepare the *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue* 27
- Step 8: Complete the *Settlement Agreement* 28
- Step 9: Complete the other forms in your packet 29

Mediation Information 30

General Information About Hearings and Finishing your Case 31

Will this packet work for you?

This packet is for someone filing an unrepresented divorce in **Dawson County**, who has **minor children** with his/her spouse. If you and your spouse do not have minor children together, use one of the shorter and simpler packets available in the Clerk's office or on the FLIC website.

Filling out divorce paperwork is extremely complicated. If you fill the forms out incorrectly or leave them incomplete, it can put your rights and your case at risk.

This packet does not cover every legal issue that may come up in a divorce. There may be better ways to handle your case than using these forms. There are often more issues than you realize.

Even if you have an agreement with your spouse, to protect your legal rights, speak with an attorney experienced in domestic relations (family) law before signing or filing any documents. **The instructions for this packet are no substitute for the advice and help of a lawyer**.

You may *especially* need to hire an attorney to represent you if:

- The case is contested OR an attorney represents your spouse.
- There are issues of family violence.
- You want an arrangement for custody/parenting time that does not fit these forms.
- You do not understand how to complete the *Child Support Worksheet*.
- You do not understand how to complete the *Parenting Plan.*
- Someone else has temporary custody or guardianship of your children.
- There is a pending juvenile court case involving the children.
- You have had children with someone other than your spouse during the marriage.
- You are unable to locate your spouse.
- You and/or your spouse have military benefits.
- You and/or your spouse have a house, pension, 401(k), business or large amount of property or income to divide.
- You think you will have a hard time getting financial information from your spouse.
- You have pending criminal charges or a protection order against you.

Filing and service fees

Call FLIC or the Clerk of Court at (706) 344-3510 for current filing and service fees. If you are serving the Respondent by publication (because his/her location is unknown), there is also a publication fee charged by the newspaper.

There may be additional fees (mediation and parenting class fees), depending on your case.

> *Poverty Affidavit*: If you have very little income and feel you cannot afford to pay the filing and service fees, you can ask the Court to waive the fees. See FLIC for more information.

Introduction to Divorce Laws and Rules

In Georgia, if you want to end your marriage, you must file a petition for divorce in the Superior Court. There are two options available for filing a divorce case: (1) you can hire a lawyer who will prepare your paperwork and represent you in court; or (2) you can use the forms included in this packet and represent yourself in court. After a court grants your divorce and issues a final judgment and decree of divorce, you will be legally able to remarry.

Finding laws and rules

"O.C.G.A.," followed by a symbol ("§") and number, refers to a specific section ("§") in the Official Code of Georgia Annotated (O.C.G.A.). The unannotated Georgia Code is available on the Georgia General Assembly's website at: www.legis.state.ga.us.

Georgia's "Domestic Relations" statutes are in Title 19 (starting with 19-1-1). A divorce is a domestic relations case. Georgia's "Civil Practice" statutes are in Title 9. The Georgia Constitution has terms for where to file a divorce in Article 6, Section 2 (Venue), Paragraph I (Divorce). GA CONST Art. 6, § 2, ¶ I. Much of Georgia's law that applies to divorce cases also comes from Court decisions (case law).

"USCR," followed by a number, refers to a specific rule in the Uniform Superior Court Rules (USCR). USCR 24.1 through 24.12 include several rules that apply in domestic relations cases. The Uniform Superior Court Rules are available at https://www.gasupreme.us/rules/ (under "Superior Court").

Dawson County has a *Domestic Relations Standing Order* that applies to all domestic relations cases and includes specific local rules and procedures. It must be filed in this case and you must serve a copy on the other party.

Basic Steps - Checklist

Your case may require different or additional steps.

- ❑ Make an appointment with FLIC. Dawson County Superior Courts require that you have your forms reviewed by FLIC before they will assign you a court date, with limited exceptions. It is therefore best to schedule an appointment with FLIC *before* filing to make sure you have your documents in order and to avoid delay. FLIC help is free.

- ❑ Carefully read these instructions and complete the forms in the packet, but don't *sign* your forms before your FLIC appointment. You can have them notarized at FLIC free of charge. If you show up for your appointment without filling out your forms, you will be asked to reschedule.

- ❑ Complete a *Child Support Worksheet* at https://csconlinecalc.georgiacourts.gov/. Contact FLIC if you need an appointment to help with this form. Limited legal consultations are available for people who qualify. The worksheet is not included with this packet, and it is required in all child custody cases (very limited exceptions), even when you have an agreement.

- ❑ Register for PeachCourt at www.peachcourt.com. E-filing is mandatory as of March 1, 2025.

- ❑ Come to your FLIC appointment with: 1) your paperwork, 2) your court fees (if you plan to file that day), 3) valid photo ID for notarizing and 4) a USB drive, if possible. FLIC can scan your documents for e-filing if you bring a USB drive. At FLIC you will receive a detailed checklist and instructions for requesting a court date. Some cases do not require formal hearings. See FLIC for details.

- ❑ Electronically file your paperwork using PeachCourt and arrange for sheriff's service (if service is required in your case). FLIC has detailed e-filing instructions to guide you, whether you e-file from your home PC or at the courthouse. The Clerk's office has a free PeachCourt public access terminal (PAT). Filing and service fees still apply.

- ❑ IMPORTANT: Regularly check your PeachCourt notifications and email that you provided in your forms (look in "junk") for any documents that may be e-filed by the Respondent or Court.

- ❑ If mediation is required in your case (usually because you do not have a signed *Settlement Agreement*), use the *Mediation Referral Form* to schedule your mediation and attend mediation. If you do not complete this step, your hearing will be postponed.

- ❑ Complete a parenting seminar (required). Approved courses: www.nejc.org/familylaw/page/forms-and-links. If you do not complete this step, your case will be postponed.

- ❑ Make sure the sheriff's office serves your spouse with the divorce papers. Have your case number ready and check with the Dawson County Clerk of Courts (706) 344-3510 or the sheriff's office to confirm.

- ❑ Prepare for and attend your hearing. Or, if your case does not require a hearing (*Divorce by Verified Petition*), follow any additional instructions given to you by FLIC.

- ❑ File your *Final Judgment and Decree of Divorce* with the *General Civil and Domestic Relations Case Disposition Information Form.*

Forms List

Forms to Start your Divorce

Your case may require different or additional forms.

- ❑ *Petition for Divorce with Minor Children*
- ❑ *Parenting Plan*
- ❑ *Child Support Worksheet* (prepared online and printed)
- ❑ *Verification*
- ❑ *Domestic Relations Standing Order* and *Certificate of Service or Inclusion*
- ❑ *General Civil and Domestic Relations Case Filing Information Form*
- ❑ *State of Georgia Report of Divorce, Annulment or Dissolution of Marriage*
- ❑ *Proposed Rule Nisi* (to request a court date)

If the sheriff is serving your spouse, you may need additional special forms (see FLIC).

If your spouse has acknowledged service in writing (signed and notarized):

- ❑ *Acknowledgment of Service*

If you are serving your spouse by publication:

- ❑ *Affidavit of Diligent Search*
- ❑ *Order of Publication* (see FLIC)
- ❑ *Notice of Publication* (see FLIC)

AND, if you have an agreement with your spouse:

- ❑ *Settlement Agreement* (with any exhibits)
- ❑ *Parenting Plan*
- ❑ *Child Support Addendum*
- ❑ *Child Support Worksheet* (prepared online and printed)
- ❑ *Agreement to Try* (see FLIC)

Additional Forms for Contested Cases

- ❑ *Domestic Relations Financial Affidavit* and *Certificate of Service*
- ❑ *Mediation Referral Form*

Forms to Finish your Case

- ❑ *General Civil & Domestic Relations Case Disposition Information Form*
- ❑ *Income Withholding Order* (for child support or alimony paycheck deductions – see FLIC)
- ❑ *Final Judgment and Decree of Divorce*

Want to finish your case without a formal hearing?

If you have a signed *Settlement Agreement* (with all the proper legal forms attached), and there are no complicated issues in your case, it may be possible to finish your case without a hearing. There are more steps and paperwork involved. See FLIC for details about the *Divorce by Verified Petition* process and forms.

Detailed Instructions for Completing the Packet Forms

Step 1: Complete the *Petition for Divorce*

- **Caption (Heading)**

  Fill in your full name as the Petitioner, and your spouse's full name as the Respondent. Do not fill in the "Civil Action File No." The clerk will assign a number to your case when you file. After completing the heading, write your full name again in the space provided just before Paragraph 1.

- **Paragraph 1: Subject Matter Jurisdiction**

  CHECK ONLY ONE BOX

  Check box "(a)" if you have been a resident of the State of Georgia for at least six (6) months immediately before filing your *Petition*. (It is not good enough if you used to live in Georgia in the past, moved away, and have returned more recently than six months ago.)

  Check box "(b)" if you are not a resident of the State of Georgia, but your spouse has been living in Georgia for at least the past six (6) months. (It is not good enough if your spouse used to live in Georgia in the past, moved away, and has returned more recently than six months ago.)

  > *Note*: If you live in Georgia but have not lived here for a full six months, but your spouse has been living here for at least the past six months, you may still use the *Petition for Divorce* and file in Georgia. Just check box "(b)" and cross out the first eleven words ("I am not a resident of the State of Georgia, but"), so that the sentence is accurate.

- **Paragraph 2: Venue**

  > *Note*: The issue of "venue" (the county where the divorce should be filed) can be very complicated, with significant consequences if you do not file in the right county. Read these instructions very carefully. If your situation does not seem to fit any of the choices exactly, you should talk to a lawyer. You may not be able to file your case in Dawson County, or you may need to make very specific changes to this form. You should also talk to a lawyer if the Respondent is currently incarcerated (where a person is currently *living* does not always mean he/she *resides* there under the law).

On the first line, write your spouse's name and address in the space provided. *CHECK ONLY ONE BOX*

Check box "(a)" if the Respondent currently resides in Dawson County.

Check box "(b)" only if **all** of the following are true:

- the Respondent is not a resident of Dawson County but resides in Georgia;
- the two of you lived together in Dawson County at the time you separated;
- you still live in Dawson County; and
- the Respondent has moved out of Dawson County only within the past six (6) months prior to you filing this *Petition for Divorce*.

Check box "(c)" if the Respondent is not a resident of Dawson County but resides in Georgia and has

acknowledged service of process and consented to the jurisdiction and venue of this Court, by completing both parts of the form *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*. (You must file the original signed and notarized form with the *Petition for Divorce*.) You must currently live in Dawson County to check this box.

Check box "(d)" if you live in Dawson County and the Respondent is not a resident of the State of Georgia. Then, check option "(i)," "(ii)" or "(iii)" in section (d). Check only one of these options. (If both (i) and (iii) or (ii) and (iii) apply, check only "(iii)".)

Check box "(i)" if the Respondent was a resident of Dawson County but currently resides in another state (enter the name of the state in the space provided), and the Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute. (See O.C.G.A. § 9-10-91(5)). Generally this box is checked if the Respondent maintains a matrimonial domicile in Georgia at the time of the commencement of this divorce action or if he/she resided in Georgia preceding the commencement of this divorce action, whether cohabiting during that time or not.

Check box "(ii)" if the Respondent has never resided in the State of Georgia and currently resides in another state. Add the name of the state in the space provided. NOTE: if this option applies, you may not be able to get certain kinds of relief as part of your divorce, such as child support or alimony.

Check box "(iii)" if the Respondent does not live in Georgia but has acknowledged service of process and has consented to the jurisdiction of the Court, by completing both parts of the form that contains the *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*. (File the original signed and notarized form with the *Petition for Divorce*.)

Check box "(e)" if you reside in Dawson County, but you do not know where the Respondent lives. In this situation, you may serve the Respondent by publication (having a notice published in the *Dawson County News*). Serving by publication means you may not be able to get certain things as part of the divorce, such as child support and alimony, and you must prove to the Court that you have tried to locate the Respondent and cannot find him or her.

- **Paragraph 3: Service of Process**

IMPORTANT: Before completing Paragraph 3, carefully read the notes in the box below.

> ***Choosing a Method of Service***: "Service" is the legal process for notifying the Respondent you have filed a divorce action. There are basically three ways to accomplish service: (1) the Respondent signs the *Acknowledgment of Service* in the presence of a notary, (2) a sheriff's deputy or other approved process server delivers the forms to the Respondent, or (3) you get permission to do service by publication (publishing a notice in the *Dawson County News*).
>
> (1) Acknowledgment of Service
>
> This method is the easiest and least expensive method of service, but the Respondent must be willing to sign an acknowledgement form in front of a notary public. You cannot sign the form for the Respondent, and you cannot sign as the notary witnessing the Respondent's signature. The notary public MUST witness the signing.
>
> There is a two-part form in this packet: *Acknowledgment of Service* and *Consent to Personal*

Jurisdiction and Venue. The top portion of the form (the *Acknowledgment of Service*) allows the Respondent to acknowledge service by selecting one of three options. The bottom portion of the form (the *Consent to Personal Jurisdiction and Venue*) allows the Respondent to consent to personal jurisdiction and venue in Dawson County Superior Court (if he/she resides in another county or state).

To use this method of service, complete the caption (heading) on the form and have the Respondent complete the rest of it and sign it in front of a notary public. Then file it with your *Petition for Divorce*.

(2) Service by the Sheriff ("Personal Service")

For this type of "service", the deputy sheriff or other court-approved process server hands the papers to the Respondent in person. If the Respondent will not sign an acknowledgment form and you know an address where the Respondent can be served in Dawson County (work or home), then you can make arrangements for the Dawson County Sheriff's Office to serve the papers.

See FLIC for instructions on arranging for service.

After the Sheriff's Office completes service, they will send proof of service to the Clerk's office. Follow up with the Clerk's office to make sure the Respondent was actually served. Have your case number ready and check with the Dawson County Clerk of Courts at (706) 344-3510 to see if they have received a return of service.

If the Respondent must be served in another county or state, then the Dawson County Sheriff's Office cannot serve the papers. Contact the sheriff's department in the proper county to find out what forms they require, how many copies of your papers they need, and the cost for serving. See FLIC for further instructions.

(3) Service by Publication

This method is the method of last resort if you cannot find the Respondent. If you *can* find the Respondent, you must use one of the other two methods of service. To use this method, you must prove to the Court you have made diligent efforts to locate the Respondent and have not been successful (cannot find a work or home address or have no other way to serve the Respondent). The Court must grant you permission to use this method before the notice can run in the newspaper.

If you use this method, there are limitations on your divorce case because the Court will not have "personal jurisdiction" over the Respondent. You will not be able to get certain things as part of the divorce, such as child support and alimony or help paying debts (marital property located in Georgia, however, can still be divided by the Judge). If the Respondent later acknowledges service, gets served by the sheriff, or files an *Answer* to the divorce, then your case may not be limited by these restrictions.

To serve by publication, you must complete and file an *Affidavit of Diligent Search* (included with this packet), explaining to the Court the steps you took to try to find the Respondent. You must make reasonable efforts to find the Respondent before you fill out the affidavit. If the Court grants permission, the Judge will sign the *Order of Publication*.

If you know you will need to use service by publication when you prepare your *Petition for Divorce*, then complete the *Affidavit of Diligent Search* at that time. However, if you have already filed your divorce case, and have tried to complete service by a different method, you can still request the Court's permission to serve by publication. See FLIC if those circumstances apply in your case.

If the Court signs the *Order of Publication*, you must pay the cost of publication (contact *Dawson County News* for current fee). Then, the *Notice of Publication* (see FLIC for the form) must be

published in the county's official legal newspaper once a week for four weeks. The Notice gives the Respondent 60 days to file an Answer, if she or he wants to contest the case.

The Court Clerk will also mail a copy of the *Notice of Publication* and "service copy" to the Respondent's last known address (which you wrote down in the *Affidavit of Diligent Search*). To be on the safe side, you should also mail a set of all the papers to the last known address.

For Court, you will need proof that all four notices ran in the newspaper. Save the newspaper sheets for all four newspapers or purchase an Affidavit of Publication from the newspaper office, which states that publication is complete. Bring these items with you to your hearing to prove that service by publication has been completed.

If you later find out where the Respondent lives or works (before the case is over), arrange for the Sheriff's Office to serve the Respondent, or for the Respondent to acknowledge service.

CHECK ONLY ONE BOX

Check box "(a)" if you expect that the Respondent will acknowledge service by signing (in front of a notary public) the *Acknowledgment of Service* portion of the two-part form included with this packet. If you check box "(a)" and your spouse completes the *Acknowledgment of Service*, you must include the signed and notarized original form with the *Petition for Divorce* when you file.

Check box "(b)" if the Dawson County Sheriff's Office can serve the Respondent with the *Petition for Divorce* and the other court papers. Complete "(b)" by filling in the address where the Respondent should be served and write whether it is a residence or work address in the space provided.

Check box "(c)" if the Respondent lives or works outside of Dawson County and another sheriff's department can serve him or her. Write in the name of the county and state, fill in the Respondent's address, and write whether it is a residence or work address in the space provided.

Check box "(d)" if you do not know where the Respondent lives and you are planning to serve him or her by publication. Write the Respondent's last known address on the lines provided. You must also file the original signed and notarized *Affidavit of Diligent Search* with the *Petition*.

- Paragraph 4: Date of Marriage

CHECK ONLY ONE BOX

Check box "(a)" if you and the Respondent were married with a license and a ceremony, such as one by a clergyman or by a judge at the courthouse. Write the date of the marriage in the space provided.

Check box "(b)" if you and the Respondent did not have a marriage license and a ceremony, but you believe you have established a common law marriage. Under Georgia law, this generally means that you and the Respondent lived together and held yourselves out as husband and wife before January 1, 1997. Write the date you began your common law marriage on the space provided.

- Paragraph 5: Date of Separation

In the space provided, write the last date that you and the Respondent separated and remained separated up to the present time. Provide only one date. If you and the Respondent have separated,

gotten back together, and then separated again, use the date of the most recent separation.

- Paragraph 6: Minor Child(ren)

YOU MUST CHECK ONE OF THE OPTIONS, "(A)" OR "(B)." "(C)" AND "(D)" ARE OPTIONAL.

Check box "(a)" if you and the Respondent do not have any minor children together (by birth or adoption). **If you and the Respondent do not have minor children together, use one of the other more simple packets.**

Check box "(b)" if you and the Respondent have minor children together (by birth or adoption). On the first space, write the number of minor children you have together. On the lines below, list the name of each child, the sex, **YEAR** of birth only and the parent(s) (or other people) who live(s) with the child now. If you have more than five (5) minor children together, list the information for the additional children on a separate piece of paper and place it between pages 2 & 3 of the *Petition*.

Optional: **Check and complete box "(c)"** if the **wife** in this case is pregnant with a child (or children) or has had children during the marriage who are not the husband's biological or adoptive children and you want the Court to declare the child(ren) are not the husband's biological or "legal" children and he should have no legal relationship or potential rights or obligations to the children.

> *Note*: Under Georgia law, there is a legal presumption that children born or conceived during the marriage are the legitimate children of the husband (unless proven otherwise). If this situation applies to you, consult with an attorney to discuss the serious legal consequences of addressing or *not* addressing this issue in the divorce.

Write facts you believe support the Court determining the husband is not the father (examples: the parties were separated for several years prior to the child's birth and did not see each other at any point during that time; DNA test results confirm he is not the father; or the husband was incarcerated in the years leading up to the child's birth). In the spaces at the end of the paragraph, write why you believe terminating the husband's presumed parental rights is in the best interests of the child(ren).

- Paragraph 7: Child(ren)'s Current Residence

In the spaces provided, give the Court the address and county where the children (of you and your spouse) live now, and the names of people living with them. On the last space, tell the Court how long they have been at that address. **However, if the children live in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER**. Instead, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county.

- Paragraph 8: Child(ren)'s Previous Residences and People with Whom the Child(ren) Has/Have Lived

Write when and where the children have lived within the past five (5) years, the people they lived with at each address (and those peoples' current addresses). Start with the most recent previous address and go back five years. **However, if the children lived in a shelter for victims of family violence or if any person on the list is living in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER**. Instead, on the space for the address, list only the name of the shelter and the state where it is located. **Check the box and attach additional paper if necessary to go back five years.**

- **Paragraph 9: Other Court Cases about the Child(ren)**
  CHECK ONLY ONE BOX

  Check box "(a)" if you have never participated in litigation other than this case (such as filing a case, being served with court papers, testifying as a witness), concerning the custody of or visitation with the children, in this state or any other state.

  Check box "(b)" if you have participated in litigation other than this case (such as filing a case, being served with court papers, testifying as a witness), concerning the custody of or visitation with these children, in this state or another state. In the spaces provided, list the court, the case number and the date of any order concerning custody or visitation.

- **Paragraph 10: Other Cases that Could Affect Custody or Visitation in this Case**
  CHECK ONLY ONE BOX

  Check box "(a)" if you do not have any information about any other case (past or present, in any state) that could affect custody or visitation in this case. Examples include other divorces, contempt actions, family violence cases, protective orders, termination of parental rights, legitimations, and adoptions.

  Check box "(b)" if you do have information about any other case (past or present, in Georgia or another state) that could affect custody or visitation in this case. Examples include other divorces, family violence cases, protective orders, termination of parental rights, legitimations, adoptions, or criminal proceedings that might impact the case. In the spaces provided, tell the Court the name of the court involved, the case number and the type of case. If you need more space for this answer, use additional paper and attach it to the *Petition* between pages 4 and 5.

- **Paragraph 11: Others Claiming Custody or Visitation**
  CHECK ONLY ONE BOX

  Check box "(a)" if you do not know of any person (other than the Respondent) who has physical custody of the children or who claims to have custody or visitation rights to the children.

  Check box "(b)" if you do know of someone (other than the Respondent) who has physical custody of the children or claims to have custody or visitation rights to the children (example: if someone else has temporary legal guardianship of the children). In the spaces provided, list the name and present address of each person involved. Speak with an attorney if this situation applies to you.

- **Paragraph 12: Settlement Agreement**

  Optional: check this box ONLY if you and the Respondent have already COMPLETED the *Settlement Agreement* included with this packet WITH ALL OF ITS REQUIRED ATTACHMENTS (*Parenting Plan*, *Child Support Addendum* and *Child Support Worksheet*). The parties must agree voluntarily and this document must be signed by both parties in front of a notary public. See important notes about settlement agreements in Step 8 below.

  If you have already executed the *Settlement Agreement*, you make strike through paragraphs 13-24 of the *Petition* and skip to Paragraph 25 of these instructions.

- Paragraph 13: Child Custody and Visitation

> ***Notes about Custody***: There are many ways to arrange custody. This packet includes a *Parenting Plan* for you to complete and file with your *Petition*. The *Parenting Plan* in this packet does not cover all possible arrangements for custody and/or visitation/parenting time. If you want the Court to order a different custody arrangement, you should talk to a lawyer. Under the law, the Court must order custody in a way that fits the "best interests of the child."
>
> Filling out the *Parenting Plan* can be very challenging. It is always best to consult with a lawyer before completing and submitting a custody proposal. You may also choose to consult with a professional knowledgeable about the impact of custody decisions on children. If your spouse is willing to work with you in creating a schedule, consider looking through the *Parenting Plan* together.
>
> FLIC has a number of sample parenting schedules as examples, but they are no substitute for creating a plan that best fits your child(ren)'s specific needs.
>
> O.C.G.A. § 19-9-6 has definitions for custody.
> O.C.G.A. § 19-9-3 has a list of factors for determining the best interests of a child.

Check box "(a)" if you want the Court to approve and use the *Parenting Plan* you complete and file with the *Petition*. **You must then attach the completed *Parenting Plan* to your *Petition* as an exhibit and write Exhibit "__" (ex: Exhibit "A") on the first page of the *Parenting Plan*.** Fill in the same letter in the space provided in option (a).

Check box "(b)" if you believe it would be in the children's best interest for the Court to grant full (or "sole") custody to one person with the Respondent to have no visitation. If you believe you should have sole custody yourself, write "Petitioner" in the space provided. Write why you feel the Respondent should have no visitation. If you believe some other person (such as a grandparent or other relative) should have custody instead of either you or your spouse, you may still be able to use this *Petition for Divorce*, but you will need to get advice from a lawyer about how to do it.

- Paragraph 14: Child Support

> *Note*: There are specific guidelines that the Court must follow when setting child support. The current guidelines are found in O.C.G.A. § 19-6-15. The website for calculating support is https://csconlinecalc.georgiacourts.gov/

CHECK ONLY ONE BOX

Check box "(a)" if you want the Court to determine child support based on the *Child Support Worksheet* and applicable schedules that you prepare. The child support forms are NOT INCLUDED with this pro se packet (see website above). **Not having the proper forms will delay your case.** Make sure to write Exhibit "__" (ex: Exhibit "B") on the first page of the child support forms you attach to your *Petition* and fill in the same letter in the space provided in option (a). To complete box "(a)," you need to select which option, "(i)," "(ii)," or "(iii)" applies in your case.

Check box "(i)" if there is an existing child support order in effect. Attach a copy of the order to your *Petition*. Label it Exhibit "___" (ex: B, C) at the bottom of the first page, and write the same letter in the space provided in option "(i)."

Check box "(ii)" if there are no other orders currently in effect that apply to the children in this case.

Check box "(iii)" if there is a protective order in effect that applies to the parties in this case and concerns the support of the children, but it is scheduled to expire. Write the date it expires in the space provided and attach a copy of the order to your *Petition*. Label it Exhibit "___" at the bottom of the first page and write the same letter in the space provided in option "(ii)."

- Check box "(b)" if this divorce action involves service by publication. (For more information on this issue, see the note about service by publication in the instructions above for Paragraph 3.)

- Paragraph 15: Child Support Arrearage (Past Amount Due)

  Optional: Check this box if there is an existing order for child support that applies to the parties in this case (examples: child support order obtained through the Division of Child Support Services, family violence protective order (TPO), etc.), the Respondent is behind in payments, and you want the Judge to address this past due child support. You will need to attach a copy of the order to the *Petition*. Label it Exhibit "___" at the bottom of the first page and write the same letter in the space provided in Paragraph 15. Then, write the date by which you want to calculate a total past due amount, and write the date and amount in the spaces provided.

- Paragraph 16: Health, Dental and Vision Insurance for the Children
  *CHECK ONLY ONE OF THE OPTIONS "(a)" THROUGH "(d)."

  Check box "(a)" if insurance is available to your spouse at a reasonable cost and you want him/her to get or keep that coverage for the minor children. Mark what types are available.

  Check box "(b)" if you provide or will provide insurance coverage for the children. Mark what types are available.

  Check box "(c)" if insurance (other than Medicaid) is not available to either party at a reasonable cost. You *may* also complete the second part of the paragraph regarding the availability of insurance in the future, but it is optional.

  Check box "(d)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

- Paragraph 17: Uninsured Health Care Expenses for the Children
  CHECK ONLY ONE BOX

  Check box "(a)" and complete it to indicate on the space provided how you wanted the listed uninsured medical expenses to be divided between you and your spouse (some examples: "pro rata based on the child support worksheet" or "split 50/50;" or "Respondent to pay all uninsured medical expenses"). Make sure the split you write here is the same as what you type in on the bottom of the *Child Support Worksheet* that you prepare.

  Check box "(b)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

- **Paragraph 18: Life Insurance to Support Children**
  CHECK ONLY ONE BOX

  Check box "(a)" if the children depend on your spouse for financial support, and you believe he/she should keep a life insurance policy on himself/herself in the event he/she dies. In the space provided, write the amount of insurance you believe the Respondent should have for the children's benefit.

  Check box "(b)" if you are not asking the Court to decide this issue.

  Check box "(c)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

- **Paragraph 19: Alimony**

  > *Note*: If you want alimony, but do not have proof of the Respondent's income, you should see a lawyer. There are procedures called "discovery" that may be used to try to find out about the income. The income of the two parties is a key issue in deciding alimony.

  CHECK ONLY ONE BOX

  Check box "(a)" if you are financially dependent on the Respondent and want the Court to order the Respondent to pay alimony for your support.

  Check box "(b)" if: (1) there is a protective order in effect that applies to the parties in this case; (2) you have been awarded spousal support/alimony (not the same thing as *child* support) in that protective order for a certain amount of time; AND (3) you do not want the Final Judgment and Decree of Divorce to have any impact on your receiving that support. You will need to attach a copy of the protective order to your *Petition*. Label it Exhibit "___" at the bottom of the first page and write the same letter in the space provided in Paragraph 19(b). Then write the date it expires on the line provided.

  Check box "(c)" if you are not asking the Court to order alimony payments for your support.

  Check box "(d)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

- **Paragraph 20: Income Withholding Order**

  Check box "(a)" if you want an Income Withholding Order ("IWO") entered in this action. An IWO is a special order signed by the judge to have child support or alimony deducted from the paying parent's paycheck. FLIC has a packet of forms to complete and present to the Court if this situation applies to you. You should complete the forms and have them available for the Court at your hearing. To complete "(a)," you must check "(i)" or "(ii)."

  Check box "(i)" if you want the Income Withholding Order to take effect immediately upon entry by the Court.

  Check box "(ii)" if you want it to take effect when the paying parent is behind in the amount of one month of support.

Check box "(b)" if you do not want an Income Withholding Order entered in this action and select the reason for not wanting one entered, options "(i)" through "(iv)."

Check box "(i)" if you think income withholding is not feasible for some reason (example: because the paying parent is self-employed).

Check box "(ii)" if you do not think income withholding is immediately necessary.

Check box "(iii)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

Check box "(iv)" if support is already being deducted pursuant to an existing child support order (example: because there is an open case with the Division of Child Support Services). Note: if you have a case with DCSS, you should send a copy of the Final Decree and Judgment of Divorce to the office that is handling your case, especially if the Court has increased or decreased the amount of child support or if the Court has included any past due amounts.

Note about the Division of Child Support Services ("DCSS"): If you want DCSS to enforce your IWO and handle changes in the noncustodial parent's employment, you must apply with DCSS. Call DCSS for more information: 1-844-MYGADHS (1-844-694-2347)

- Paragraph 21: Marital Property

Notes about Marital Property:

(1) In general, property (homes, vehicles, investments, savings, retirement accounts, tax refunds, etc.) that was acquired *by either party during the marriage* is considered marital property (no matter whose name is on the title or account). There are exceptions, however (some examples: gifts and inherited property).

(2) If the marital home or other real estate is titled in your spouse's name alone (or you are not sure whose name is on the property deed), file a separate document called a *Notice of Lis Pendens* to protect your interest in the property (available from FLIC). If you do not file a *Notice of Lis Pendens*, and the property is sold before the divorce becomes final, you will not be able to get the home (or possibly even a share of it) as part of the divorce, because it will be gone. See a lawyer if this may apply to your case. If you complete a *Notice of Lis Pendens*, bring it to the Clerk's attention when you file. There is an additional fee.

(3) If the marital home belonged to only one of the parties before the marriage, part or all of it may still qualify as marital property. See a lawyer if any of these scenarios apply to your case: if payments were made to reduce the mortgage during the marriage or if the home appreciated in value during the marriage because of the efforts of either or both spouses, or if one party put the home in both parties' names.

(4) If you or the Respondent have 401(k)s or pensions that have built up during the marriage, they may be considered marital property. How to divide these assets and prepare the proper QDRO ("Qualified Domestic Relations Order") for the judge to sign to divide certain accounts is very complicated. See a lawyer if this scenario may apply to your case.

(5) If you think the Respondent may have acquired assets during the marriage that are unknown to you, the law has procedures to use (called "discovery") to try to find out about them. If it is important to you to try to learn more about the Respondent's assets, you should see a lawyer.

CHECK AND COMPLETE ONLY ONE OPTION

Check box "(a)" if you and the Respondent have already divided your marital property and you are both satisfied with the division. This means nothing is in both parties' names and all property has been physically separated to both parties' satisfaction (and you are not still living together). OR, if your *Settlement Agreement* covers how everything is being divided, you may add "by Settlement Agreement" to the sentence.

Check box "(b)" if you and the Respondent did not acquire any property during your marriage to each other (or if the property is already all gone).

Check box "(c)" if you and the Respondent have acquired property during your marriage to each other and you are asking for a fair division of that property. If you check box "(c)," provide the Court with information about the property that you and the Respondent have acquired during the marriage. Use the spaces provided to describe the property and check each box that applies. If necessary, attach lists of property to the *Petition for Divorce*, labeling each list as a specific exhibit and assigning a letter ("A," "B," "C," etc.) to each exhibit. Fill in the same letter in each space provided in Paragraph 21. Carefully read the *Notes about Marital Property* above.

Check box "(d)" if this issue cannot be decided by the Court in this divorce action because none of the marital property is located in Georgia and the case involves service by publication. (See the instructions above for Paragraph 3.) If there IS property in Georgia and you want the Court to award it to you, you must include it in paragraph (c) and ask that it be awarded to you. If it is in both spouses' names, bring copies of any titles/deeds or other information about the property with you to Court.

- **Paragraph 22: Separate Property**

CHECK ONLY ONE BOX

Check box "(a)" if you have, in your possession, all items which you believe are your "separate property" (in other words, not marital property – see *Notes about Marital Property* above).

Check box "(b)" if you do not yet have all of your separate property in your possession and you want the Court to enter an Order requiring the Respondent to deliver the items to you or to allow you to retrieve them. Use the spaces provided under box "(b)" to describe the property. Use additional paper if necessary and attach the paper to the *Petition for Divorce*, labeling the paper as Exhibit "___" (select a letter). Write the same letter in space provided in option "(b)."

- **Paragraph 23: Joint or Marital Debts**

Notes about marital debt:

(1) Creditors (companies or people to whom you owe money) are not parties in your divorce case. Therefore, the Court cannot take away the creditors' rights in the divorce. This means the Court cannot prevent creditors from trying to collect from any person who is liable or named on a particular debt. However, the Court can enter an order that says one of the parties must pay a particular marital debt. If the responsible party does not pay as ordered, she or he may be held in contempt.

(2) Even if a debt is only in your name (example: medical bill for you or the child from during the marriage), it may still qualify as a marital debt. Talk to a lawyer if you have questions about what qualifies as a marital debt.

CHECK ONLY ONE BOX

Check box "(a)" if you and the Respondent have already divided your joint or marital debts and you are both satisfied with the division. OR, if your *Settlement Agreement* covers how everything is being divided, you may add "by Settlement Agreement" to the sentence.

Check box "(b)" if you and the Respondent do not have any outstanding joint or marital debts.

Check box "(c)" if you and the Respondent have joint or marital debts and you want the Court to make a fair division of these debts. In the spaces provided, list each creditor (for example, Visa, MasterCard, mortgagor, medical bills for the children, etc.) and the balance owed. Use additional paper if necessary, and attach it to the *Petition for Divorce*, labeling the paper as Exhibit "___" (select a letter) and writing the same letter in space provided in option "(b)."

Check box "(c)" if this divorce action involves service by publication. (See the instructions above for Paragraph 3.)

- Paragraph 24: Restraining Order Where Violence Has Occurred

Optional: Check this box only if there has been a history of violence by the Respondent towards you, and you are afraid the Respondent will continue the violent acts or harassment against you. Do not check this box if there has not been any history of violent acts against you by the Respondent.

> *Note*: If there has been recent violence (or past violence plus a recent threat to renew the violence), you should consider filing for a Temporary Protective Order (TPO) immediately. A TPO provides much stronger and faster protection than a restraining order in a divorce. There is no charge for filing a TPO Petition, and free help is available for filing one. Contact No One Alone at 706-864-1986 to get more information about filing for a TPO. The restraining order in a divorce is not enforceable by warrantless arrest. It is only enforceable by filing a motion for contempt. It can provide useful protection, but it is much more limited than a TPO.

- Paragraph 25: Restore Former Name

Optional: Check this box only if you want the Court to restore your former or maiden name. On the space provided, write the name you want to have restored. This case is not a name change action and cannot be used for anyone except the wife or husband in this divorce action. If your spouse wishes to have his/her former name restored, he/she will need to appear and/or file an affidavit in this case asking the Court to restore his/her name or appear at the final hearing. You cannot request your spouse's name be restored.

- Paragraph 26: Grounds for Divorce

Check only the boxes that you can prove in court if your case goes to trial.

Check box "(a)" if there is no hope that you and the Respondent can save this marriage. This option is the language for grounds in most cases, and may be the only grounds you choose. It is the basis for granting a divorce when fault is not proven. It should also be used as a "back-up" if you check other grounds based on some kind of fault.

Check box "(b)" if you can prove and want to state other grounds for divorce. You must research the law at O.C.G.A. § 19-5-3 and tell the Court what other grounds for divorce you are asserting. Use the space provided or use and attach additional paper.

- Final Paragraph: Request for Relief

  Strike through any provisions that do not apply to your situation.

- To finish filling out this *Petition for Divorce*, sign your name in the space provided on the last page, write your address and a daytime telephone number where the Court staff could reach you if necessary. However, if you are living in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER. To do so would violate O.C.G.A. § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Also, if the Respondent does not know your address or phone number and it should be kept confidential because of family violence, do not write that address or phone number here. Instead, you should write another address here, where you can be sure that you will receive any information that is mailed to you by the Court or the Respondent.

Step 2: Complete the *Parenting Plan*

A *Parenting Plan* is required in any permanent custody decision, with very limited exceptions, even if you have an agreement with your spouse. Complete the full heading of the *Parenting Plan* like you did with your *Petition*, using full names. Fill in the names and birth YEARs of the minor children. Carefully go through each section of the *Parenting Plan*. Consult with a lawyer if you have questions.

Notes about Custody and the Parenting Plan:

1) There are many ways to arrange custody. O.C.G.A. § 19-9-6 has definitions for custody.
2) Filling out the *Parenting Plan* can be very challenging. It is always best to consult with a lawyer before writing out a custody arrangement. You may also choose to consult with a professional with training or expertise about the impact of custody decisions on children.
3) In general, the *Parenting Plan* tells the court how you want to handle 1) legal custody (rights and responsibilities for major decisions concerning the children) and 2) physical custody (parenting time and contact with the parents). It covers the specifics of where and when a child will be in each parent's physical care (regular schedule, holiday schedule, etc., including beginning and end times), among other things like transportation arrangements, location for exchanging the children and whether supervision is necessary. A complete list of required items is in O.C.G.A. § 19-9-1, but a completed *Parenting Plan* from this packet will cover those requirements.
4) Even if you have an agreement with your spouse, a *Parenting Plan* is required.
5) The *Parenting Plan* in this packet will not work for every situation. Consult with a lawyer if you have specific questions.
6) FLIC has a number of sample parenting schedules as examples, but they are no substitute for creating a plan that best fits your child(ren)'s specific needs.
7) Under the law, the Court must order custody in a way that fits the "best interests of the child." O.C.G.A. § 19-9-3 has a list of factors for determining the best interests of a child.
8) If your spouse is willing to work with you in creating a schedule, discuss and prepare the *Parenting Plan* together.

If you and your spouse are in agreement about all terms of your *Parenting Plan*, attach it to the *Settlement Agreement* that you both expect to sign with a notary. In this situation, you do not need to attach an extra copy of the *Parenting Plan* to your *Petition for Divorce*.

If you and your spouse do not agree to the terms of the *Parenting Plan*, complete it yourself, label the first page as Exhibit "___", and attach it to your *Petition for Divorce*.

Step 3: Prepare a *Child Support Worksheet*

A *Child Support Worksheet* is required in every case involving child custody with very limited exceptions. Even if you have an agreement with the other party as to an amount of child support, the worksheet is still required as part of that agreement. The worksheet is NOT included with this packet. To complete it yourself, the calculator is available at: https://csconlinecalc.georgiacourts.gov/.

Notes about the Child Support Worksheet:

1) Completing the worksheet can be very challenging and it is best to have a lawyer assist you in preparing it. Completing it incorrectly can have a *significant* impact in your case and on the amount of support.
2) If you cannot afford to hire a lawyer, free legal consultations are available at FLIC for individuals who qualify.

If you and your spouse agree to the terms of the *Child Support Worksheet*, attach it to the *Settlement Agreement*. In this situation, you do not need to attach an extra copy of these forms to your *Petition for Divorce*.

If you and your spouse do not agree to the terms of the *Child Support Worksheet* you have prepared, label the first page as Exhibit "___", and attach it to your *Petition for Divorce*.

Step 4: Complete the *Verification* Form

The *Verification* form must be filed with the *Petition for Divorce*. In the caption (heading), write your name as the Petitioner and your spouse's name as the Respondent. Do not fill in the Civil Action Case Number. The clerk will assign a number to your case when you file your case. Write your name in the first paragraph.

Before you sign this *Verification*, remember that you will be swearing under oath the information you provided in the *Petition for Divorce* is true and correct to the best of your knowledge and belief. Re-read your *Petition for Divorce* one more time, from start to finish, to make sure it is all true.

When your forms are ready, sign your name on the *Verification* in front of the notary public in the space provided. The notary must complete the rest of the *Verification* form after you sign it under oath. FLIC staff can notarize this document free of charge, but you must have valid photo identification.

Step 5: Complete the *Domestic Relations Financial Affidavit* (DRFA)

The DRFA shows the other party and Court your financial situation. The DRFA is generally not required if you and your spouse have filled out and filed a *Settlement Agreement* that covers all issues in your divorce (making it an "uncontested" case). But it can be helpful to complete the form so you have a clear picture of your monthly income, expenses, and what your marital and separate property are worth.

The DRFA *is* required in "contested" cases (you do not have an agreement with your spouse about all issues in the divorce). It's best to get the help of a lawyer in completing the form. You are no longer required to file the DRFA itself but you are required to file a *Certificate of Service* stating how you served a copy of it on the other party. Keep the original for Court. These rules sometimes change, so it is important to find the most up to date information.

If you are not sure whether you will have an agreement, complete the DRFA before your appointment with FLIC if you want FLIC to review it.

Timing: Read the *Domestic Relations Standing Order* (included in the divorce packet and at www.nejc.org/familylaw) and Uniform Superior Court Rule 24.2 to see *when* it must be served on the other party, or you will risk being held in contempt of court.

As with all of your documents, be truthful about the information you are providing. If a question does not apply to your situation, put "N/A" on the line. If the amount is zero, put "0" on the line.

- Caption (Heading) Fill in the full heading at the top of the page (county, party names, and case number).

1. Affiant information. You are the "Affiant" – fill in your name here. Complete the rest of this paragraph. Put only the YEAR of birth for any minor children. If a question does not apply to your situation, put "N/A" on the line.
2. Summary of Affiant's Income and Needs. Skip this section and come back to it after you have completed the other parts of this form. You will bring your totals over from the other pages when you are done.
3. Affiants' Gross Monthly Income. Do not include child support or certain public assistance as income (such as TANF, SSI or food stamps), but be sure to list all other amounts of gross monthly income (BEFORE taxes come out).

    Note: Turn everything into a *monthly* amount.

    Multiply a weekly amount by 4.35 to get a month of income.

    If you are paid bi-weekly (26 pay periods per year), multiply the bi-weekly amount by 26, and then divide that total by 12 to get a monthly amount.

    If your monthly income changes each pay period, you may put down an average monthly income, calculated over a reasonable amount of time. Some people put +/- when using an average.

    If the amount is zero for an item, write "0" or "N/A".

    Calculate your net monthly income in the same manner, taking out only state and federal taxes and FICA. Do not take out medical premiums or other withdrawals – you will write those down later as monthly expenses.

4. Assets (property owned or held by you and/or your spouse)

   Re-read the *Notes about Marital Property* section in these instructions. Classifying property as marital property or separate property can be very complicated, and some property may be a mixture of the two. If you have questions about how to classify certain property, you should speak to a lawyer.

   All of the property, whether it is marital (including marital property that may only be in your spouse's name) or separate property, should be given a dollar value and written in the first column on this page. Then, if you believe the property (or some part of its value) is you or your spouse's separate property, write the amount you believe to be separate in that person's column. Explain *why* you believe it is separate property in the very last column (examples: "pre-marital", "source of funds").

   Add up all the property values for each column. Anything you want to explain, you may do so in the empty comment box at the end of the property section.

5. A. Average Monthly Expenses

   Estimate your average monthly expenses for each item, just like you did for income. DO NOT write weekly or yearly amounts on the lines. Write the monthly amount.

   > If you know the weekly cost, multiply by 4.35.
   >
   > If you know the yearly cost (example: car tag), divide by 12.
   >
   > If an expense changes month to month, calculate a monthly average from a reasonable amount of time (examples: utility costs, childcare costs, or gifts for holidays and birthdays – you can take the amount you spend in a year and divide by 12). Some people put +/- when using an average.

   Note: If you have not been paying these expenses yourself (for example because your spouse has typically paid them or you are getting temporary help from family members), it is o.k. to estimate a *reasonable* monthly amount for costs you expect to have in the reasonable future (like a budget). But explain it in the comment box (example: " *I am not paying these costs now but I expect to be paying them in the near future." Then be sure to mark those expenses you are not paying with an asterisk (*). Calculate the total monthly amount of expenses in this section and write it in the space provided.

   B. Payments to Creditors

   If you have a balance owed for anything (car loans, mortgage, medical bills, etc.), write each creditor (bank or other lender, credit card company, mortgage company, medical provider, etc.) and the balance owed here. Marital debt does not necessarily have to be in both parties' names to be considered marital or joint debt (examples: unpaid medical bills for you or the children during the marriage or a car loan for a car that was purchased during the marriage).

   If you and your spouse have already agreed how certain debts will be paid, you may check "√" who will be responsible for those debts.

   > *Note*: if you need to list a mortgage balance here, include the entire balance due in this section, but DO NOT write the monthly payment amount again if you already wrote it in your expenses on the previous page. Instead, write "already added".

   Add up your monthly payments and write the total in the space provided. If you need to explain anything further about your expenses, you may do so in the empty comment box on the last page.

C. Total Monthly Expenses

Add the two totals from Sections 5A and 5B together and write the amount on the line.

- **Go back to page one and complete Section 2**, now that you have numbers from all of the other completed sections. Then sign this form in front of a notary and make a copy to serve on the other party.
- See FLIC for a *Certificate of Service* to e-file when you have served a copy of the DRFA on the other party.

Step 6: Read the *Domestic Relations Standing Order* and Complete the *Certificate of Service or Inclusion*

The *Domestic Relations Standing Order* sets out rules for family law cases in Hall and Dawson Counties. It is very important that you read this order. **The Court can hold you in contempt if you violate the terms of this order**.

You are required to serve a copy of this standing order on your spouse. The Clerk's office will reject the filing of the case if it is not included with the other documents when you file.

Complete only the one-page *Certificate of Service or Inclusion* that goes with the standing order to show the Court how you have delivered a copy to your spouse, or that you plan to have it served with process (by the sheriff) on your spouse.

Step 7: Prepare the *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*

This form is an optional form for your spouse to complete and sign in front of a notary (and return to you for filing with the Court). If signed, you will not have to pay to have the sheriff serve your spouse.

If your spouse does not live in Dawson County or in the State of Georgia and he or she completes the top and bottom parts of the form, the Dawson County Court will have power to order child support, divide debts, etc..

Instructions:

- Complete only the heading on this form will full legal names.
- DO NOT ask your spouse to sign the *Acknowledgment of Service* until you are sure you have every document that you need completed and copied for your spouse to receive.
- It's best to wait until AFTER you have your paperwork reviewed by a lawyer or FLIC staff before asking your spouse to sign anything.

Step 8: *Complete* the *Settlement Agreement*

You are not required to complete this step before filing your divorce papers, but if you do not have a complete, written and signed *Settlement Agreement*, the *Domestic Relations Standing Order* requires you to schedule and attend mediation before your case can be finished, with very limited exceptions.

If you and your spouse have reached or can reach an agreement about **all** questions of custody, parenting time, child support, insurance, alimony, division of property, debts and all other issues related to the marital relationship, you may use the *Settlement Agreement* with this packet to formalize your agreement in writing.

Work on these forms before your FLIC appointment (or meeting with a lawyer), so FLIC can review them and make sure they are complete before they are signed.

There are four parts to a complete *Settlement Agreement*:

1. The *Settlement Agreement*
2. The *Parenting Plan*
3. The *Child Support Addendum* and
4. The *Child Support Worksheet* (prepared separately online and printed).

Without all four forms, the *Settlement Agreement* in this packet is not complete, with very limited exceptions.

Important notes about settlement agreements:

Generally, if two spouses sign a legal agreement to settle all issues in their divorce, and it is not signed under fraud, duress, accident, or mistake, the agreement is a contract which is binding on both parties. If the agreement is considered by the Court to be a valid agreement, it will become part of the Final Judgment and Decree of Divorce (and have the effect of a court order).

The Court is not required to accept your agreement (particularly when it comes to issues of child custody or child support), but if the judge is ok with your agreement, he or she will likely incorporate it into the final decree, binding both of you to the agreement. Therefore, once you and your spouse have executed the agreement, if you want to make any changes to it, you will both have to agree to those changes in writing, unless you can prove it is not a valid agreement.

In other words, DO NOT sign the *Settlement Agreement* if it is incomplete, or you and your spouse have agreed to something verbally that is not included in the agreement. DO contact an attorney if you have any questions at all about an agreement your spouse or his/her lawyer asks you to sign OR if you are unclear about any of the terms included in it. **Consult with an attorney before signing any agreement**.

Additionally, the *Settlement Agreement* included with this packet is just one sample of an agreement you might reach with your spouse. It does not cover every possible financial issue or situation that might come up in the future between you and your spouse with respect to children or finances. If you can hire an attorney to represent you, he or she will be able to help write out a specific agreement that is tailored to your precise needs.

If you execute an agreement with your spouse, and later believe the agreement is not valid, you will need to contact an attorney to find out what options might be available to you.

Step 9: Complete the other forms in your packet

A. *Affidavit of Diligent Search* – You do not need this form unless you are asking the Court to allow you to serve the Respondent by publication (because you do not his/her whereabouts). Fill in your complete name as the Petitioner and your spouse's name as the Respondent. Put the last address you have for the Respondent in the space provided. Then, write all of your efforts to locate the Respondent (e.g., looking online at www.whitepages.com or other web-based search tools, social media, talking with relatives and friends of the Respondent, talking to the Respondent's last known employer, etc.). As with any other document, you must be truthful about the information you are giving to the Court and you must be diligent in your efforts to find the Respondent. You will also need a *Notice of Publication* and *Order of Publication* (see FLIC).

B. *STATE OF GEORGIA Report of Divorce, Annulment or Dissolution of Marriage* – Complete items 4 through 15. On item 14, write the grounds for your divorce. If you are filing because the marriage is "irretrievably broken", then write these words in the space provided. If you have listed other grounds for divorce in your *Petition*, list those grounds as well.

C. *Pro Se Mediation Referral Form* – If you do not have a *Settlement Agreement* signed and notarized by both parties when you file, and you are not asking for a divorce by publication, you must attend mediation with very limited exceptions. Complete this form and get it to the mediation office at the address listed on the form. You MUST follow up with the mediation office to make sure mediation is actually scheduled and occurs, or your hearing will be postponed. More details about mediation are included later in these instructions.

> *Note*: if you live in a shelter for victims of family violence, contact the Mediation Office directly at (770) 535-6909, rather than completing the *Pro Se Mediation Referral Form*. DO NOT include an address on the mediation referral form that you do not want your spouse to know.

D. *Civil Disposition Information Form* (included with this packet) – You will not need this form until the day of your final hearing (keep it with your FLIC folder and bring it with you to Court), but you can e-file an incomplete version in PeachCourt prior to Court (just make sure the final version is filed). Otherwise, fill in the requested information and file the form with your *Final Judgment and Decree of Divorce* on the day of your divorce.

Mediation Information

Schedule and attend mandatory mediation with your spouse if you do not have a *Settlement Agreement*, signed by and notarized for both parties, and your case does not involve publication (publishing a notice in the newspaper). Mediation is required by the *Domestic Relations Standing Order* for "contested" cases.

To schedule mediation, call the Ninth Judicial Administrative District Office of Dispute Resolution ("Mediation Office") at (770) 535-6909 or complete the *Pro Se Mediation Referral Form* (included with this packet). It is your responsibility to make sure the mediation is scheduled and takes place in the required time frame.

If you do not think you will be able to pay the required mediation fees, fill out a *Poverty Fee Reduction Application* (at www.adr9.com under "Forms") and get it to the mediation office at least 10 working days prior to your scheduled mediation.

**If you have been ordered to mediation but later complete the *Settlement Agreement* with your spouse, call FLIC for options. If the Mediation Office has already started the process of setting up a mediation for you and your spouse, call that office to see if it is possible to cancel the mediation without being charged the fee. If you do not show up for a scheduled mediation without notifying the mediation office, you will be charged for the mediation.

**If you have a protective order (TPO) or restraining order against your spouse and are fearful that mediating presents a safety risk or other complications, call FLIC to find out about an *Order Waiving Mediation.* You should also call the Mediation Office to learn more about the mediation process when domestic violence has been an issue between the parties.

At a minimum, you should bring copies of all paperwork filed in your case with you to mediation, especially the *Petition for Divorce*, *Domestic Relations Financial Affidavit*, *Parenting Plan* and *Child Support Worksheet.*

General Information About Hearings and Finishing Your Case

Temporary Hearing

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a temporary hearing. In a divorce with minor children, temporary issues may include temporary custody and parenting time/visitation, temporary child support, temporary alimony, living arrangements, use of vehicles, and who is responsible for certain payments while the divorce is pending, among other things.

See FLIC for instructions on how to ask for a temporary hearing. The *Domestic Relations Standing Order* also has a number of rules about hearings.

Final Hearing or Finishing your Case without a Hearing - Timing

If you have a signed *Settlement Agreement*, and the Respondent has completed an *Acknowledgment of Service* and an *Agreement to Try* giving his/her consent to have the case heard at 31 days, then you may ask to have the final hearing take place 31+ days after the Respondent was personally served (or 31+ days after the *Acknowledgement of Service* was filed with the Clerk).

If you do not have those things, then your final hearing may take place 46+ days after the Respondent was personally served (or the *Acknowledgement of Service* was filed with the Clerk).

If service is by publication, the hearing may take place 61+ days from the date of the first publication.

Although it is possible to have the final hearing at 31 days or at 46 days, you may not receive a hearing that soon. It will depend on the particular Judge's schedule.

If you have a signed *Settlement Agreement* (with all the proper legal forms attached), and there are no complicated issues in your case, it may be possible to finish your case without a hearing. There are more steps and paperwork involved. See FLIC for details about the *Divorce by Verified Petition* process and forms.

Preparing for a Hearing

Before any hearing, whether temporary or final, you must prepare your case to present to the Court if you are unrepresented.

You are your main witness. You are also responsible for preparing and asking questions of any witnesses. You must gather any evidence you want to present (such as documents and photographs), and you must arrange for witnesses to be present if you want them to testify at the hearing. You must also prepare and label the proper documents to give the Judge and the other party at any hearing. There are many rules of evidence, making it extremely important to consult with or hire a lawyer before any hearing.

The *Domestic Relations Standing Order* also has some special rules for how to present evidence in this Circuit (Hall and Dawson Counties), especially if the hearing will be held by videoconference (like Zoom).

Read the *Domestic Relations Standing Order* carefully.

For a temporary hearing, you may use Affidavits from witnesses, so they do not have to testify in person. However, there are special procedures for using Affidavits. (See USCR 24.5) FLIC has sample affidavits.

At the final hearing, Affidavits are not proper evidence. Witnesses must testify in person at the hearing.

You should hire a lawyer or talk to a lawyer to learn how to present your case.