

INSTRUCTIONS FOR FILING A PETITION FOR DIVORCE

In Georgia, if you want to end your marriage, you must file a complaint for divorce in the Superior Court. You can either hire an attorney who will prepare your case and represent you in court, or you can use the sample forms included in this packet and represent yourself in court. After a court issues a final judgment and decree, you can remarry.

YOU MAY NEED AN ATTORNEY IF:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income. Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.

HERE ARE INSTRUCTIONS TO PROCEED:

- A. Fill out the Complaint for Divorce. Be sure to check the paragraphs that apply to you.
- B. Sign the verification. This must be signed and notarized.
- C. Your petition must be served on your spouse. This can be done several ways, depending on your situation.
 1. If your spouse consents, he or she can sign an acknowledgment of service.
 2. The sheriff can serve your spouse.
 3. If you do not know where your spouse is, he/she can be served by publication.

When all of the paper work is completed, if the divorce is not contested and a settlement agreement has been signed by both parties, prepare and file a Motion for Judgment on the Pleadings. If all the paper work is in order, this will enable the Judge to grant the divorce without you having to come to Court.

CHILD SUPPORT

The law concerning calculation of Child support has changed on January 1, 2007. Instructions, worksheets and forms can be obtained online at <http://www.georgiacourts.org/csc/>

You must provide the worksheets and proof of both parent's income and expenses with your complaint