

UNCONTESTED DIVORCE WITH MINOR CHILDREN

This forms packet is designed to guide you in the preparation of your divorce papers. You must fill in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet. If you do not have access to a typewriter, you may fill in the blanks by hand, in neat print, using BLACK ink.

You should fill in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures by the Notary Public and the Judge.

In the Complaint and the Settlement Agreement, there are some sections that have two possible answers, separated by an [OR]. In these sections, you must choose which of the two choices fits best in your situation, and then include only that choice in your documents. The other choice should be ignored, and should not be included in your documents.

Make sure that everything is signed. All signatures that require notarization must be notarized before your documents will be approved for filing.

Court Personnel are NOT allowed to answer any questions concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations. Divorce can be very complicated. The only person allowed to help you in the preparation of these forms is a licensed attorney. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

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.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.
- Even if it is a friendly divorce, you should talk to a lawyer before you sign any settlement papers or file anything in court.

In the packets for marriages with children, there is a form called the Domestic Relations Financial Affidavit. Each party will have to have one of these forms filled out prior to the final hearing on the divorce.

If the Defendant has filed an acknowledgment of service, then each party must submit their Domestic Relations Financial Affidavit at the time the case is filed.

If the Defendant does not file an acknowledgment of service, and the Sheriff has to serve a copy of the complaint and summons on the Defendant, the Plaintiff must still file a copy of the Domestic Relations Financial Affidavit with his or her complaint. The Defendant should be served with a copy of the Domestic Relations Financial Affidavit along with the complaint and summons.

Remember, you must fully complete the forms before the Judge will be able to grant you a decree of divorce. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your divorce. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

**IN THE SUPERIOR COURT OF _____ 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 _____ 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 and Service (Check only one: a or b)

- a) Defendant is a resident of _____ 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.

3.

Date of marriage (Check only one: 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 before January 1 1997 as of _____.

4.

- 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: _____
 Name: _____ DOB: _____ Sex: _____
 Name: _____ DOB: _____ Sex: _____
 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 _____
_____ 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: _____

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:

Name

Claim

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

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 here]

Plaintiff's Address: _____

Plaintiff's Telephone(s): _____

Defendant's Address: _____

Defendant's Telephone(s): _____

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

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

SETTLEMENT AGREEMENT

This is an agreement by and between _____ [Name],
(hereinafter referred to as "Husband") and _____ [Name],
(hereinafter referred to as "Wife").

WHEREAS, the parties are married but are currently living in a bona fide state of separation;

WHEREAS, the child(ren) born as issue of the marriage is/are:

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

WHEREAS, the parties desire to settle between themselves all questions of division of property, child custody, visitation, child support, alimony, and all other rights and obligations arising out of their marital relationship:

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

SEPARATION

1.

The parties shall continue to live separate and apart and each shall be free from interference, molestation, authority and control, direct or indirect, by the other, as fully as if sole and unmarried, and each may reside at such place or places as he or she may select.

CUSTODY AND VISITATION

2.

The parties agree that the welfare of the child(ren) is of paramount importance and each agrees to foster and encourage a feeling of affection between themselves and the child(ren). Neither party shall do anything to hamper the natural development of the children’s love and respect for the other party.

3.

Legal and physical custody (Check only one: a, b, or c)

a) The Husband/ Wife shall have the temporary and permanent legal and physical custody of the minor child (ren) born as issue of the marriage.

b) The Husband and Wife shall share joint legal custody of the minor child (ren). The parties shall share decision-making concerning the children; however, the Husband/ Wife shall have the right to make the final decision in the event the parties cannot agree.

Primary physical custody of the minor child (ren) shall be with the Husband/ Wife as follows:

Secondary physical custody shall be with the Husband/ Wife as follows:

c) The Husband and Wife shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

The parties shall share decision making concerning the child (ren); however, in the event the parties cannot decide, the Husband/ Wife shall be the tiebreaker and make the final decision.

4.

Visitation (Choose only one: a or b)

a) The Husband/ Wife shall have the right of visitation with the minor children as follows:

b) The visitation schedule is attached hereto and incorporated herein.

CHILD SUPPORT

Please go to <http://www.georgiacourts.org/csc/> and complete the Child Support Worksheet. Then print it out and include it in your divorce papers. **Your papers will NOT be accepted for filing without these documents.**

5.

Child support amount

The Husband/Wife shall pay to the Husband/Wife, as support of the minor child(ren), the sum of \$ _____ * per week/ bi-weekly/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

6.

Child support method of payment (Check only one: a or b)

a) All payments of child support shall be paid directly to the Husband/Wife at the following address:

_____. No Income Deduction Order will be entered into at this time. However, when ever, in violation of

the terms of this Agreement, 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 (1) month, the payments required to be made may be collected by the process of continuing garnishment for support. In the event Husband/ Wife fails to pay any child support obligation in this Agreement on a timely fashion on any three (3) occasions in any twelve (12) month period, the parties agree that an income deduction order shall then be entered.

b) All payments of child support shall be paid by the employer of the non-custodial parent pursuant to an income deduction order.

c) All payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

7.

Health insurance

The Husband/ Wife shall maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. Costs not covered under the insurance policy shall be divided between Husband and Wife as follows: _____

The Husband/ Wife shall provide the Husband/ Wife with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the Husband/ Wife in submitting claims under the policy.

8.

Alimony (Check only one: a or b)

a) The Husband/ Wife shall pay to the Husband/ Wife as alimony the sum of \$_____ per week/month, to be paid beginning on _____ and to continue thereafter until the Husband/ Wife remarries or dies.

b) The parties hereby expressly waive alimony for the past, present, and future.

9.

Division of property (Check only one: a, b or c)

a) The parties acknowledge that they have no marital property to divide.

b) The parties acknowledge that they have previously made a division of their household furniture, furnishings, household goods, equipment, and other such personalty. Neither party shall claim any of the property in the possession of the other as of the date of the signing of this agreement.

c) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

1) To the Wife:

2) To the Husband:

10.

Division of Debts (Check only one: a or b)

- a) The parties acknowledge that they have no outstanding joint debts.
- b) The parties agree to the division of debts as indicated below:

| Creditor | Amount | Responsible Party |
|----------|--------|-------------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

The responsible party indemnifies and holds harmless the non-responsible party for any collection on these obligations.

11.

Name restoration

- The parties request that Wife's name be restored to _____.

12.

Binding Agreement

- The parties acknowledge that they have entered into this Agreement freely and voluntarily and that it is not the result of any duress or any undue influence.

13.

No Agreements other than this one

□ This Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertaking other than those expressly set forth herein.

14.

Enforceability

□ It is expressly understood that this Agreement does not obligate the parties to continue to live in a state of separation or to proceed with an action for divorce. However, in the event that either party shall bring or maintain an action for dissolution of the marital relationship, this Agreement shall be presented to the court and incorporated by reference into any judgment or decree concerning the matters provided herein. Notwithstanding such incorporation, this Agreement shall survive and be enforceable independently of the judgment or decree.

IN WITNESS WHEREOF, the parties have signed their names, this _____ day of _____, 20_____.

Wife
[Sign in the presence of a Notary Public]

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

Notary Public
My Commission Expires: _____

Husband
[Sign in the presence of a Notary Public]

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

Notary Public
My Commission Expires: _____

Exhibit “_____”

VISITATION SCHEDULE

The non-custodial parent is _____.

The custodial parent is _____.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- C. During odd numbered years (2009, 2011, etc.,) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- F. The Mother shall have the minor child on Mother’s Day.
- G. The Father shall have the minor child on Father’s Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

In the Superior Court of _____ County, Georgia

| | | |
|-------------|---|------------------------|
| _____ |) | |
| , Plaintiff |) | |
| |) | |
| vs. |) | Civil Action No. _____ |
| |) | |
| _____ |) | |
| , Defendant |) | |
| |) | |

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF HUSBAND

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

| Name | Date of Birth | Resides with |
|-------|---------------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Names and birth dates of affiant's other children:

| Name | Date of Birth | <u>Resides with</u> |
|-------|---------------|---------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ _____

(b) Net monthly income (from item 3C) _____

(c) Average monthly expenses (item 5A) \$ _____

Monthly payments to creditors + _____

Total monthly expenses and payments to creditors (item 5C) _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

B. Affiant's Net Monthly Income from employment
(deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

| Description | Value | Separate Asset of the Husband | Separate Asset of the Wife | <u>Basis of the Claim</u> |
|--|----------|-------------------------------|----------------------------|---------------------------|
| Cash | \$ _____ | _____ | _____ | _____ |
| Stocks, bonds | \$ _____ | _____ | _____ | _____ |
| CD's/Money Market Accounts | \$ _____ | _____ | _____ | _____ |
| Bank Accounts (list each account): | | | | |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| <u>Retirement Pensions, 401K, IRA, or Profit Sharing</u> | \$ _____ | _____ | _____ | _____ |
| Money owed you: | \$ _____ | _____ | _____ | _____ |
| <u>Tax Refund owed you:</u> | \$ _____ | _____ | _____ | _____ |

Real Estate:

| | | | | |
|--|----------|-------|-------|-------|
| home: | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| other: | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| Automobiles/Vehicles: | | | | |
| <u>Vehicle 1:</u> | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| <u>Vehicle 2:</u> | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| Life Insurance (<u>net cash value</u>): | \$ _____ | _____ | _____ | _____ |
| Furniture/furnishings: | \$ _____ | _____ | _____ | _____ |
| Jewelry: | \$ _____ | _____ | _____ | _____ |
| Collectibles: | \$ _____ | _____ | _____ | _____ |
| Other Assets: | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| Total Assets: | \$ _____ | _____ | _____ | _____ |

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

| | | | |
|-----------------------------------|----------|--------------------------------------|----------|
| Mortgage or rent payments | \$ _____ | Cable TV | \$ _____ |
| Property taxes | \$ _____ | Misc. household and grocery Items | \$ _____ |
| <u>Homeowner/Renter</u> Insurance | \$ _____ | Meals outside the home | \$ _____ |
| Electricity | \$ _____ | Other | \$ _____ |
| Water | \$ _____ | AUTOMOBILE | |
| Garbage and Sewer | \$ _____ | Gasoline and oil | \$ _____ |

| | | | |
|----------------------------|----------|--|----------|
| Telephone: | | Repairs | \$ _____ |
| <u>residential line:</u> | \$ _____ | Auto tags and license | \$ _____ |
| <u>cellular telephone:</u> | \$ _____ | Insurance | \$ _____ |
| Gas | \$ _____ | <u>OTHER VEHICLES</u> | |
| | | <u>(boats, trailers, RVs, etc.)</u> | |
| Repairs and maintenance: | \$ _____ | <u>Gasoline and oil</u> | \$ _____ |
| Lawn Care | \$ _____ | <u>Repairs</u> | \$ _____ |
| Pest Control | \$ _____ | <u>Tags and license</u> | \$ _____ |
| | | <u>Insurance</u> | \$ _____ |

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

| | | | |
|---|----------|---|----------|
| Child care <u>(total monthly cost)</u> | \$ _____ | Dry cleaning/laundry | \$ _____ |
| School tuition | \$ _____ | Clothing | \$ _____ |
| <u>Tutoring</u> | \$ _____ | <u>Medical, dental, prescription</u> | \$ _____ |
| <u>Private lessons (e.g., music, dance)</u> | \$ _____ | <u>(out of pocket/uncovered expenses)</u> | \$ _____ |
| School supplies/expenses | \$ _____ | Affiant's gifts (special holidays) | \$ _____ |
| Lunch Money | \$ _____ | Entertainment | \$ _____ |
| <u>Other Educational Expenses (list)</u> | | <u>Recreational Expenses (e.g.,</u> | \$ _____ |
| _____ | \$ _____ | <u>fitness)</u> | |
| _____ | \$ _____ | Vacations | \$ _____ |
| Allowance | \$ _____ | <u>Travel Expenses for Visitation</u> | \$ _____ |
| Clothing | \$ _____ | Publications | \$ _____ |
| Diapers | \$ _____ | Dues, clubs | \$ _____ |
| <u>Medical, dental, prescription</u> | \$ _____ | Religious and charities | \$ _____ |
| <u>(out of pocket/uncovered expenses)</u> | \$ _____ | <u>Pet expenses</u> | \$ _____ |
| Grooming, hygiene | \$ _____ | Alimony paid to former spouse | \$ _____ |
| <u>Gifts from children to others</u> | \$ _____ | <u>Child support paid for other</u> | \$ _____ |
| | | <u>children</u> | |
| | | <u>Date of initial order:</u> | _____ |

Entertainment \$ _____ Other (attach sheet) \$ _____

Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____

Summer Camps \$ _____

OTHER INSURANCE

Health \$ _____
 Child(ren)'s portion: \$ _____

Dental \$ _____
 Child(ren)'s portion: \$ _____

Vision \$ _____
 Child(ren)'s portion: \$ _____

Life \$ _____
 Relationship of Beneficiary: _____

Disability \$ _____

Other(specify): \$ _____

TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

(please check one)

| To Whom: | Balance Due | Monthly Payment | Joint | Plaintiff | Defendant |
|----------|-------------|-----------------|-------|-----------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES: \$ _____

This _____ day of _____, 20_____.

Affiant
[Sign in the presence of a Notary Public]

Notary Public

In the Superior Court of _____ County, Georgia

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

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF WIFE

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

| Name | Date of Birth | Resides with |
|-------|---------------|--------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Names and birth dates of affiant's other children:

| Name | Date of Birth | <u>Resides with</u> |
|-------|---------------|---------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ _____

(b) Net monthly income (from item 3C) _____

(c) Average monthly expenses (item 5A) \$ _____

Monthly payments to creditors + _____

Total monthly expenses and payments
to creditors (item 5C) _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

C. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

| Description | Value | Separate Asset of the Husband | Separate Asset of the Wife | <u>Basis of the Claim</u> |
|--|----------|-------------------------------|----------------------------|---------------------------|
| Cash | \$ _____ | _____ | _____ | _____ |
| Stocks, bonds | \$ _____ | _____ | _____ | _____ |
| CD's/Money Market Accounts | \$ _____ | _____ | _____ | _____ |
| Bank Accounts (list each account): | | | | |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| <u>Retirement Pensions, 401K, IRA, or Profit Sharing</u> | \$ _____ | _____ | _____ | _____ |
| Money owed you: | \$ _____ | _____ | _____ | _____ |
| <u>Tax Refund owed you:</u> | \$ _____ | _____ | _____ | _____ |

Real Estate:

| | | | | |
|--|----------|-------|-------|-------|
| home: | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| other: | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| Automobiles/Vehicles: | | | | |
| <u>Vehicle 1:</u> | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| <u>Vehicle 2:</u> | \$ _____ | _____ | _____ | _____ |
| <u>debt owed:</u> | \$ _____ | | | |
| Life Insurance (<u>net cash value</u>): | \$ _____ | _____ | _____ | _____ |
| Furniture/furnishings: | \$ _____ | _____ | _____ | _____ |
| Jewelry: | \$ _____ | _____ | _____ | _____ |
| Collectibles: | \$ _____ | _____ | _____ | _____ |
| Other Assets: | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| _____ | \$ _____ | _____ | _____ | _____ |
| Total Assets: | \$ _____ | _____ | _____ | _____ |

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

| | | | |
|-----------------------------------|----------|--------------------------------------|----------|
| Mortgage or rent payments | \$ _____ | Cable TV | \$ _____ |
| Property taxes | \$ _____ | Misc. household and grocery Items | \$ _____ |
| <u>Homeowner/Renter</u> Insurance | \$ _____ | Meals outside the home | \$ _____ |
| Electricity | \$ _____ | Other | \$ _____ |
| Water | \$ _____ | AUTOMOBILE | |
| Garbage and Sewer | \$ _____ | Gasoline and oil | \$ _____ |

| | | | |
|----------------------------|----------|--|----------|
| Telephone: | | Repairs | \$ _____ |
| <u>residential line:</u> | \$ _____ | Auto tags and license | \$ _____ |
| <u>cellular telephone:</u> | \$ _____ | Insurance | \$ _____ |
| Gas | \$ _____ | <u>OTHER VEHICLES</u> | |
| | | <u>(boats, trailers, RVs, etc.)</u> | |
| Repairs and maintenance: | \$ _____ | <u>Gasoline and oil</u> | \$ _____ |
| Lawn Care | \$ _____ | <u>Repairs</u> | \$ _____ |
| Pest Control | \$ _____ | <u>Tags and license</u> | \$ _____ |
| | | <u>Insurance</u> | \$ _____ |

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

| | | | |
|---|----------|---|----------|
| Child care <u>(total monthly cost)</u> | \$ _____ | Dry cleaning/laundry | \$ _____ |
| School tuition | \$ _____ | Clothing | \$ _____ |
| <u>Tutoring</u> | \$ _____ | <u>Medical, dental, prescription</u> <u>(out of pocket/uncovered expenses)</u> | \$ _____ |
| <u>Private lessons (e.g., music, dance)</u> | \$ _____ | Affiant's gifts (special holidays) | \$ _____ |
| School supplies/expenses | \$ _____ | Entertainment | \$ _____ |
| Lunch Money | \$ _____ | <u>Recreational Expenses (e.g.,</u> <u>fitness)</u> | \$ _____ |
| <u>Other Educational Expenses (list)</u> | | Vacations | \$ _____ |
| _____ | \$ _____ | <u>Travel Expenses for Visitation</u> | \$ _____ |
| _____ | \$ _____ | Publications | \$ _____ |
| Allowance | \$ _____ | Dues, clubs | \$ _____ |
| Clothing | \$ _____ | Religious and charities | \$ _____ |
| Diapers | \$ _____ | <u>Pet expenses</u> | \$ _____ |
| <u>Medical, dental, prescription</u> <u>(out of pocket/uncovered expenses)</u> | \$ _____ | Alimony paid to former spouse | \$ _____ |
| Grooming, hygiene | \$ _____ | Child support paid <u>for other</u> <u>children</u> | \$ _____ |
| <u>Gifts from children to others</u> | \$ _____ | <u>Date of initial order:</u> | _____ |

Entertainment \$ _____ Other (attach sheet) \$ _____

Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____

Summer Camps \$ _____

OTHER INSURANCE

Health \$ _____
 Child(ren)'s portion: \$ _____

Dental \$ _____
 Child(ren)'s portion: \$ _____

Vision \$ _____
 Child(ren)'s portion: \$ _____

Life \$ _____
 Relationship of Beneficiary: _____

Disability \$ _____

Other(specify): \$ _____

TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

(please check one)

| To Whom: | Balance Due | Monthly Payment | Joint | Plaintiff | Defendant |
|----------|-------------|-----------------|-------|-----------|-----------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

D. TOTAL MONTHLY EXPENSES: \$ _____

This _____ day of _____, 20_____.

Affiant
[Sign in the presence of a Notary Public]

Notary Public

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

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

FINAL JUDGMENT AND DECREE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that a total divorce be granted, that is to say, a divorce a vinculo matrimonii, between the parties to the above stated case upon legal principles.

It is considered, ordered, and decreed by the Court that the marriage contract heretofore entered into between the parties to this case, from and after this date, be and is set aside and dissolved as fully and effectually as if no such contract had ever been made or entered into.

Petitioner and Respondent in the future shall be held and considered as separate and distinct persons altogether unconnected by any nuptial union or civil contract whatsoever and both shall have the right to remarry.

The Court restores to _____ her prior or maiden name, to wit:
_____.

The settlement agreement entered into between the parties and filed with the court on the _____ day of _____, 20____, is hereby incorporated into and made a part of this Final Judgment and Decree of Divorce.

Based on the evidence presented, including the Child Support Worksheet, Schedules "A" through "E," incorporated by reference, and specifically the Child Support Worksheet and Schedule "E" attached hereto, and where applicable, Special Interrogatories also attached hereto, the Court finds as follows:

1. Children for whom support is being determined:

| Child | Date of Birth |
|-------|---------------|
| | |
| | |
| | |
| | |

2. (a) For purposes of Calculating Child Support, the Court Orders that the Custodial Parent shall be _____.

(b) For purposes of Calculating Child Support the Court Orders that the Noncustodial Parent shall be _____.

(c) The Court finds that the amount of the Noncustodial Parent’s parenting time as set forth in the Order of Visitation is _____ days.

3. (a) The Court finds as set on Schedule “A,” the gross income of the Husband is \$ _____

(b) The Court finds as set on Schedule “A,” the gross income of the Wife is \$ _____

4. (a) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Noncustodial Parent’s Adjusted Income is \$ _____

(b) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Custodial Parent’s Adjusted Income is \$ _____

(c) The Court finds as set on the “Child Support Worksheet” and Schedule “B,” the Parties’ Total Adjusted Income \$ _____

5. The Court finds as set by the “Child Support Obligation Schedule Table” and as listed on the “Child Support Worksheet” the Basic Child Support Obligation is \$ _____

6. (a) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Custodial Parent is: \$ _____
 _____%

(b) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Noncustodial Parent is: \$ _____

- _____ %
7. The Court finds that health insurance that provides for the health care needs of the child
 is/ is not reasonably available at a reasonable cost. If provided, it will be provided by
 _____.
8. (a) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support for the Custodial Parent is \$ _____
 (b) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Non-custodial Parent is \$ _____
 (c) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Custodial Parent is \$ _____
9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor’s account and the amount the child receives on a monthly basis is \$ _____
10. The Court has considered the existence of special circumstances and as set forth on the “Child Support Worksheet” and Schedule “E,” has found the following special circumstances marked with an [“X”] to be present in this case.

Note: Refer to Schedule “E” and, where applicable, “Special Interrogatories” attached hereto for an explanation for the reasons for the deviation, how the application of the Presumptive Amount of Child Support would have been unjust and how the best interest of the child for whom support is being determined will be served by a deviation from the Presumptive Amount of Child Support.

- _____ A. High Income
- _____ B. Low Income
- _____ C. Other Health-Related Insurance
- _____ D. Life Insurance
- _____ E. Child and Dependent Care Tax Credit
- _____ F. Travel Expenses
- _____ G. Alimony
- _____ H. Mortgage
- _____ I. Permanent Plan or Foster Care Plan
- _____ J. Extraordinary Expenses
- _____ K. Parenting Time
- _____ L. Non-Specific Deviations (Other)

11. (a) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Custodial Parent is \$ _____

(b) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Noncustodial Parent is \$ _____

(c) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support the Noncustodial Parent shall Pay the Custodial Parent is \$ _____

12. (a) The Court finds as set on the "Child Support Worksheet" that the Custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____
_____ %

(b) The Court finds as set on the "Child Support Worksheet" that the Noncustodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____
_____ %

The Noncustodial parent, _____, shall pay Child Support for each of the _____ minor child(ren) at \$ _____ per month, for a total of \$ _____ per month to the Custodial parent, starting _____, and continuing until each minor child reaches the age of majority, dies, marries, becomes emancipated, whichever first occurs, provided however, the Court, in the exercise of its sound discretion, directs (or does not direct) the Noncustodial Parent to continue to pay child support for a Child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, until that child graduates from high school, or until the child attains _____ years of age (not to exceed 20 years), whichever first occurs.

Each party is hereby restrained and enjoined from molesting or harassing the other party.

SO ORDERED, this _____ day of _____, 20_____.

JUDGE, Superior Courts
_____ Judicial Circuit

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

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

INCOME DEDUCTION ORDER

The above-styled matter was heard by the court on _____, 20__.

The _____ was properly served and present and represented by counsel. This court having entered an order requiring the _____ to pay child support to the _____, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

- Defendant shall pay child support of \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20__.
- Defendant shall pay \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20__.
- The total amount to be withheld is \$ _____ weekly bi-weekly semi-monthly monthly. This amount shall be made payable to _____ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: _____.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the _____ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

- Other: _____
- This order shall become effective immediately upon signing and shall remain in full force and effect until modified, suspended, or terminated by order of this Court.

SO ORDERED this _____ day of _____, 20__.

JUDGE, Superior Courts

Judicial Circuit

Date

Notice To: Employer or any other person, private entity, Federal or State Government, or any unit of local government providing or administering income due to Defendant

Re: Income Deduction Order

DATE: _____

Attached you will find an Income Deduction Order. Please read this order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.