



Floyd County Superior Court

PRO SE DIVORCE WITH MINOR CHILDREN **PACKET**

The forms and instructions in this packet are to be used if you are seeking a divorce from your spouse AND you have minor children together.

Depending on your personal situation, there may be additional forms that you will need that are not included in this packet. The information in this packet and on the <http://www.romefloyd.com/departments/superior-court-pro-se-divorce> website may be inappropriate for your case and/or they become outdated. **USE THESE FORMS AT YOUR OWN RISK.**

Dissolution of a marriage can be a very complicated process and you are strongly urged to consult with an attorney before beginning any legal action in this Court.

STATE LAW, O.C.G.A. § 15-19-51, PROHIBITS COURT PERSONNEL (INCLUDING STAFF ATTORNEYS, JUDGE'S STAFF, CLERK'S OFFICE STAFF, AND SHERIFF'S DEPARTMENT STAFF) FROM GIVING LEGAL ADVICE OR ANSWERING LEGAL QUESTIONS.

General Civil and Domestic Relations Case Filing Instructions

1. Provide the class of court and county in which the case is being filed.
2. Provide the plaintiff's and defendant's names.
3. Provide the plaintiff's attorney's name and Bar number. If you are representing yourself, provide your own name and check the self-represented box.
4. Provide the type of case by checking only *one* appropriate box. Cases can be either general civil or domestic relations and only *one* type of case within those categories. Check the case type that most accurately describes the primary case. If you are making more than one type of claim, check the case type that involves the largest amount of damages or the one you consider most important. See below for definitions of each case type.
5. Provide the type of post-judgment action, if applicable, by checking the appropriate box. Post-judgment cases are those that seek to enforce or modify an existing judgment. If the case is a post-judgment matter, an initial case type in the general civil and domestic relations boxes must be checked.
6. Provide an answer to the four questions by checking the appropriate boxes and/or filling in the appropriate lines.

Case Type Definitions

General Civil Cases

Automobile Tort: Any tort case involving personal injury, property damage, or wrongful death resulting from alleged negligent operation of a motor vehicle.

Civil Appeal: Any case disputing the finding of a limited jurisdiction trial court, department, or administrative agency.

Contract: Any case involving a dispute over an agreement between two or more parties.

Garnishment: Any case where, after a monetary judgment, a third party who has money or other property belonging to the defendant is required to turn over such money or property to the court.

General Tort: Any tort case that is not defined or is not attributable to one of the other torts.

Habeas Corpus: Any case designed to test the legality of the detention or imprisonment of an individual, not the question of guilt or innocence.

Injunction/Mandamus/Other Writ: Cases involving a written court order directed to a specific person, requiring that person to perform or refrain from performing a specific act.

Landlord/Tenant: Any case involving landlord/tenant disputes wherein the landlord removes a tenant and his/her property from the premises or places a lien on tenant property to repay debt.

Medical Malpractice Tort: Any tort case that alleges misconduct or negligence by a person in the medical profession acting in a professional capacity, such as doctors, nurses, physician's assistants, dentists, etc.

Product Liability Tort: Any tort case that alleges injury is caused to a person by the manufacturer or seller of an article due to a defect in, or the condition of, the article sold or an alleged breach of duty to provide suitable instructions to prevent injury.

Real Property: Any case involving disputes over the ownership, use, boundaries, or value of fixed land.

Restraining Petition: Any petition for a restraining order that does not result from a domestic altercation or is not between parties considered to be in a domestic relationship.

Other General Civil: Any case in which a plaintiff requests the enforcement or protection of a right or the redress or prevention of a wrong, but does not fit into one of the other defined case categories.

Domestic Relations Cases

Adoption: Cases involving a request for the establishment of a new, permanent relationship of parent and child between persons not so biologically related.

Dissolution/Divorce/Separate Maintenance: Any case involving the dissolution of a marriage or the establishment of alimony or separate maintenance.

Family Violence Petition: Any case in which a protective order from a family member or domestic partner is requested.

Paternity/Legitimation: Cases involving the establishment of the identity and/or responsibilities of the father of a minor child or the determination of biological offspring.

Support – IV-D: Cases filed by the Georgia Department of Human Services to request maintenance of a minor child by a person who is required, under Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Support – Private (non-IV-D): Cases filed to request maintenance of a parent/guardian or a minor child by a person who is required by law, but who is not under the auspices of Title IV-D of the Social Security Act of 1973, to provide such maintenance.

Other Domestic Relations: Domestic relations cases, including name changes, that do not adequately fit into any of the other case types.

Post-Judgment

Contempt: Any case alleging failure to comply with a previously existing court order.

Modification: Any case seeking to change the terms of a previously existing court order.

Other/Administrative: Any case with post-judgment activity that does not fit into contempt or modification categories.

Please note: This form is for statistical purposes only. It shall have no legal effect in the case. The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or court rules. Information on this form cannot be entered into evidence.

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of _____ County

For Clerk Use Only	
Date Filed _____ MM-DD-YYYY	Case Number _____

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Plaintiff's Attorney _____ Bar Number _____ Self-Represented

Check One Case Type in One Box

General Civil Cases <ul style="list-style-type: none"><input type="checkbox"/> Automobile Tort<input type="checkbox"/> Civil Appeal<input type="checkbox"/> Contract<input type="checkbox"/> Garnishment<input type="checkbox"/> General Tort<input type="checkbox"/> Habeas Corpus<input type="checkbox"/> Injunction/Mandamus/Other Writ<input type="checkbox"/> Landlord/Tenant<input type="checkbox"/> Medical Malpractice Tort<input type="checkbox"/> Product Liability Tort<input type="checkbox"/> Real Property<input type="checkbox"/> Restraining Petition<input type="checkbox"/> Other General Civil
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Domestic Relations Cases <ul style="list-style-type: none"><input type="checkbox"/> Adoption<input type="checkbox"/> Dissolution/Divorce/Separate Maintenance<input type="checkbox"/> Family Violence Petition<input type="checkbox"/> Paternity/Legitimation<input type="checkbox"/> Support – IV-D<input type="checkbox"/> Support – Private (non-IV-D)<input type="checkbox"/> Other Domestic Relations

Post-Judgment – Check One Case Type <ul style="list-style-type: none"><input type="checkbox"/> Contempt<input type="checkbox"/> Non-payment of child support, medical support, or alimony<input type="checkbox"/> Modification<input type="checkbox"/> Other/Administrative

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

_____ Case Number _____ Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

General Civil and Domestic Relations Case Disposition Form Instructions

1. Provide the class of court and county in which the case is being disposed.
2. Provide the plaintiff's and defendant's names.
3. Provide the reporting party who is the individual completing the form.
4. Provide the attorneys' names and Bar numbers. If parties represented themselves, provide their names and check the self-represented box.
5. Provide the manner of disposition by checking the appropriate box. See below for definitions.
6. Provide an answer to the three questions by checking the appropriate boxes.

Manner of Disposition Definitions

Jury Trial: Cases in which a jury is impaneled to determine the issues of fact in the case. A jury trial should be counted when the jury has been sworn, regardless of whether a verdict is reached.

Bench/Non-Jury Trial: Cases in which a judge or judicial officer is assigned to determine both the issues of fact and law in the case. A bench/non-jury trial should be counted when the first evidence is introduced, regardless of whether a judgment is reached.

Non-Trial Disposition: Cases in which the disposition does not involve either a jury trial or a bench trial.

Alternative Dispute Resolution: If a case was disposed of via a non-trial disposition, and the method of disposition was alternative dispute resolution. Only check if the whole case was resolved via alternative dispute resolution.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Disposed _____ Case Number _____
MM-DD-YYYY

Case Style _____

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Defendant's Attorney _____

Bar Number _____

Self-Represented

Manner of Disposition
Check Only One

Jury Trial

Bench/Non-Jury Trial

Non-Trial Disposition

Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

_____,)
Plaintiff (person starting this case),)
v.) CIVIL ACTION FILE
_____,)
Defendant (other spouse).) No. _____

PETITION FOR DIVORCE WITH MINOR CHILDREN

My name is _____ and I am representing myself in this divorce action. In support of my case, I state the following:

1. **Subject Matter Jurisdiction:** I am the Plaintiff in this action and:

[Check only one of the following, either (a) or (b).]

(a) I am a resident of _____ County, Georgia, and I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.

(b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. **Venue:** My spouse's name is _____ and he/she is the Defendant in this action.

[Check only one of the following, either (a), (b), (c), (d), or (e) If none of these applies to your case, you should consult a lawyer to find out whether or not you can file for divorce in Floyd County.]

(a) The Defendant is a resident of Floyd County, Georgia and is subject to the jurisdiction of this Court.

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

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

(d) The Defendant is not a resident of the State of Georgia, but I am a resident of Floyd County, Georgia and: [**Check only one** of the following, either (1), (2), or (3).]

(1) The Defendant was formerly a resident of the State of Georgia and currently resides in the State of _____. The Defendant is subject to the personal jurisdiction of this Court under Georgia's Long Arm Statute O.C.G.A. § 19-5-91(5).

(2) The Defendant has never resided in the State of Georgia and currently resides in the State of _____.

(3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(e) I am a resident of Floyd County, Georgia and the Defendant's location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her.

3. **Service of Process:** The Defendant shall be served, as provided under O.C.G.A. § 9-11-4, in the following manner:

[**Check only one** of the following, either (a), (b), or (c).]

(a) The Defendant has acknowledged service of process. I am filing the *Acknowledgement of Service* (which has been signed by the Defendant) with this *Divorce Petition*.

(b) The Defendant may be served by the Sheriff's Department at the Defendant's residence/work address, which is: _____

(c) The Defendant's location is unknown to me. I am filing my *Affidavit of Due Diligence* with this *Divorce Petition* explaining what I have done to find him/her. The Defendant shall be served by publication as provided under O.C.G.A. § 9-11-4. To the best of my knowledge, the Defendant's last known address is: _____

4. **Date of Marriage:** [*Check and complete only one of the following.*]

(a) The Defendant and I were lawfully married on _____.

(b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife since _____, which date was prior to January 1, 1997.

5. **Date of Separation:** The Defendant and I last separated on _____, and we have remained in a true state of separation since that date.

6. **Settlement Agreement:** [*Check only if there is a signed agreement*]

The Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* and the *Parenting Plan* has been signed by each of us in front of a notary public and I am filing that document with the Court.

7. **Minor Children:** [*Check any that apply.*]

(a) The Defendant and I do not have any minor children together.

[**STOP** – If you and the Defendant DO NOT HAVE any minor children together, you must use the *Petition for Divorce without Minor Children* form.]

(b) The Plaintiff Defendant is pregnant. The baby is due on _____

(c) The Defendant and I are the parents of _____ minor children, listed below:

<u>Name of Child</u>	<u>Year of Birth</u>	<u>Child Lives With</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(d) The Plaintiff Defendant **is not** the biological or adoptive parent of the following children that are listed above: _____

8. **Minor Children's Current Residence:** The minor children currently live at _____ (address) in _____ (county), _____ (state) with _____. The children have lived at this address since approximately _____.

9. **Minor Children's Past Residence:**

During the past three years, the minor children have lived with the following people at these addresses:

<u>Dates</u>	<u>Name of Person</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

10. **Other Court Cases Involving the Minor Children:**

(a) I have never participated as a party, witness, or in any other capacity in any other litigation concerning the custody of and/or visitation with the minor children.

(b) I have participated in other litigation concerning the custody of and/or visitation with the minor children. The court, case number, and date of any court order are: _____

(c) I have information about a proceeding that could affect this case. The court, case number, and nature of the proceeding are as follows: _____

11. **Others Claiming Custody or Visitation:** [*Check one of the following*]

(a) I do not know of any person who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children.

(b) I know of a person(s) who is not a party to this case, who has physical custody of the children, or who claims to have custody or visitation rights with respect to the children. Their names and address are: _____

12. **Child Custody and Visitation:** I believe that the following custody arrangement is in the best interest of our minor children: [*Check only one*]

- (a) I should have sole legal and physical custody.
- (b) The Defendant and I should share joint legal custody but I should have primary physical custody and the Defendant should have visitation.
- (c) The Defendant and I should share joint legal custody but the Defendant should have primary physical custody and I should have visitation.
- (d) Other custody arrangement: _____

13. **Parenting Plan:** I understand that I am required to prepare and file a parenting plan before my divorce can be finalized.

14. **Child Support:** [*Check all that apply*]

- (a) The Defendant has income or is capable of earning sufficient money to help support our children.
- (b) I have income or I am capable of earning sufficient money to help support our children.
- (c) The Court should order the Plaintiff Defendant to pay child support.
- (d) The Required **Child Support Worksheets** has been submitted with this divorce.
- (e) The issue of child support cannot be decided in this action.

15. **Health Insurance for Children:** [*Check only one of the following*]

- (a) The Defendant should be ordered to maintain a policy for medical, dental, and hospitalization insurance for the minor children.
- (b) I already provide health insurance for the minor children.
- (c) I am not asking the Court to address this issue.

16. Other Medical Expenses for Children: [*Check only one of the following.*]

- (a) The Defendant should be responsible for all the minor children's medical expenses not covered by insurance.
- (b) Both the Defendant and I should share the minor children's medical expenses not covered by insurance.
- (c) I am not asking the Court to address this issue.

17. Life Insurance to Support Children: [*Check only one of the following.*]

- (a) The minor children depend on the Defendant for support and, thus, the Defendant should maintain a policy of insurance on the Defendant's life, with a face amount of \$ _____, for the benefit of the minor children. The Defendant should maintain the policy until our youngest child reaches the age of majority or is otherwise no longer entitled to child support.
- (b) I am not asking the Court to address this issue.

18. Alimony: [*Check only one of the following.*]

- (a) I am not asking for alimony.
- (b) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

19. Marital Property [*Check only one of the following, either (a), (b), (c), or (d).*]

- (a) The Defendant and I have already divided our marital property and we are both satisfied with the division.
 All of our property is listed in our *Settlement Agreement*.
- (b) The Defendant and I did not acquire property during our marriage.
- (c) The Defendant and I acquired the following property during our marriage, and I am asking for a fair division of this property.

- House located at _____
- _____
- Other real estate, located at: _____
- Motor vehicle (model & year): _____
- Motor vehicle (model & year): _____
- Bank accounts and/or other investments: _____
- _____
- Pension (mine is worth \$ _____; Defendant's is worth \$ _____)
- Furniture: _____
- _____
- Other property: _____
- _____
- I have listed additional property on a separate paper that I have attached to this *Divorce Petition*.

(d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.

20. Joint or Marital Debts: [*Check only one of the following*]

- (a) The Defendant and I do not have any outstanding debt together.
- (b) The Defendant and I have the following outstanding debts together and the responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

I have listed additional joint or marital debts on a separated paper that I have attached to this *Divorce Petition*.

(c) The issue of dividing joint and marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

21. Restore Former Name: [*If applicable.*]

My former name is _____, and I am asking the Court to restore that name to me.

22. **Grounds for Divorce:** [*Check the ones that you can prove at trial.*]

- (a) **Our marriage is irretrievably broken** – The Defendant and I can no longer live together and there is no hope that we will get back together.
- (b) **Cruel Treatment** – The Defendant committed the following acts of cruel treatment toward me: _____
- (c) **Adultery** – The Defendant has had sexual intercourse with someone else during our marriage.
- (d) **Desertion** – The Defendant had intentionally and continually deserted me for at least a year.
- (e) **Other grounds** from list in O.C.G.A. § 19-5-3, as explained here: _____

FOR THESE REASONS, I REQUEST: [*Check all that apply.*]

- (a) That I be granted a total divorce from the Defendant;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*;
- (c) That the custody and visitation for the child(ren) be ordered according to the *Parenting Plan* filed with this Complaint;
- (d) That child support, insurance, medical expenses for the children be ordered according to Paragraphs 14 through 17 of this Complaint;
- (e) That the Defendant be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 9;
- (g) That our joint or marital debts be divided according to Paragraph 10;
- (h) That my former name be restored;
- (i) That the Rule Nisi be issued requiring the Defendant to appear before the Court to show cause why the relief sought should not be granted;
- (j) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Plaintiff, Pro se [*Signature*]

Name [*Print*]: _____

Address: _____

Telephone: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

VERIFICATION

I, _____, who personally appeared before the undersigned notary public, hereby swear or affirm that the facts alleged in the foregoing Petition for Divorce are true and correct to the best of my knowledge and belief.

Signature [*Sign in front of a Notary*]
Name [*Print*]: _____
Telephone: _____

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

**ACKNOWLEDGMENT AND WAIVER OF SERVICE; CONSENT TO
JURISDICTION AND VENUE**

I am the Defendant in this action and I am a resident of _____ County,
_____ [list your state]. I hereby acknowledge that I have received a copy
of the Complaint/Petition in this case along with the following other documents:

_____.

I hereby waive formal process along with any and all further notice, service, and
issuance of process. I do not waive any defenses I may have in this case. Should
further notice be required for any reason, notice should be mailed to me at the address
below.

After being duly informed that I have a constitutional right to a trial by judge or
jury on the above matter in the county of my residence, and with that knowledge, I
hereby consent to both jurisdiction and venue in the Superior Court of Floyd County
for any and all proceedings in this case.

Defendant's Signature [*Sign in front of a Notary*]

Name [*Print*]: _____

Address: _____

Telephone: _____

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

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

CONSENT TO TRIAL 31 DAYS AFTER SERVICE

We hereby give our consent for the Superior Court of Floyd County to hear this matter as soon as possible after thirty-one (31) days from either (a) the date the *Acknowledgment of Service* form was filed with the Court or (b) the date the Defendant was served by the Sheriff.

If either of us is on active duty in the armed forces, then we also waive our rights under the Servicemembers Civil Relief Act, 50 U.S.C.A. § 3931 and § 3932.

Plaintiff's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

Defendant's Signature [*Sign in front of a Notary*]
Name[*Print*]: _____
Address: _____

Telephone: _____

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

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

NOTARY PUBLIC
My commission expires:

NOTARY PUBLIC
My commission expires:

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

RULE NISI

The above Plaintiff having filed a *Petition for Divorce* and the same having been read and considered, the parties are ordered to appear before this Court on _____, 20__ at _____ in Superior Courtroom ____ on the third floor of the Floyd County Courthouse, 3 Government Plaza, Rome, Georgia to show cause why the relief sought should not be granted.

Judge/Clerk
Superior Court of Floyd County
Rome Judicial Circuit

Presented by:

 Plaintiff Defendant *Pro se*

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

SETTLEMENT AGREEMENT WITH MINOR CHILDREN

We, _____ (referred to here as "Plaintiff") and
_____ (referred to here as "Defendant") certify the
following statements are true:

- A. We are married but are now living in a state of separation because of irreconcilable differences with no chance of staying together;
- B. We have _____ minor children together, who are listed below:

<u>Child's Name</u>	<u>Child's Year of Birth</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- C. We have freely and voluntarily defined our respective rights and obligations with respect to alimony, property, assets, debts, and so forth in good faith and full disclosure.

THEREFORE, in in consideration of the mutual promises and declarations in this agreement, the parties AGREE AS FOLLOWS:

1. Separation

The parties shall continue to live apart and each one shall be from all interference and control by the other, as if unmarried, and each may reside at such places as her or she may choose.

2. Child Custody and Visitation

[Note: The *Permanent Parenting Plan* must be filed in all cases involving child custody.]

This issue has been addressed in the attached *Permanent Parenting Plan* which is hereby made a part of this *Settlement Agreement* as if fully set forth here.

3. Child Support - Amount

[Note: *Child Support Worksheets* must be filed in all cases involving child custody.]

[Note: If Both parties are in agreement as to the child support amount, financial affidavits are not required.]

This issue has been addressed in the attached *Child Support Worksheets* which are hereby made a part of this *Settlement Agreement* as if fully set forth here.

4. Child Support - Duration

[Check only one of the following, either a), b), or c).]

a) **Beyond Age 18 for High School** - Child support shall continue to be paid until all children reach the age of eighteen, die, marry, or otherwise become emancipated; provided that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the child support shall continue for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.

b) **Stops at Age 18** – Child support shall continue to be paid until all children reach the age of eighteen, die, marry, or otherwise become emancipated.

c) **Until Specific Date** – Child support shall continue to be paid until the following date: _____.

5. Health Insurance and Other Health Care Expenses for the Children

[Check & fully complete only one of the following, either a) or b)]

a) **Insurance Available** – The following types of insurance for the children involved in this action is available at reasonable cost to the _____:

Health (medical, mental health, and hospitalization) Dental Vision

So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor children, until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; except that if a child becomes eighteen years

old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.

(1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.

(2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).

b) **Insurance Not Available** - Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:

Health (medical, mental health, and hospitalization) Dental Vision

When insurance has been obtained by either party, Paragraph 5(a)(2) shall apply.

6. Uninsured Health Care Expenses for the Children

The Plaintiff shall pay _____ % and the Defendant shall pay _____ % of all expenses incurred for the children's health care (including medical, dental, mental health, hospital and vision care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within fifteen (15) days after receiving the verification of a particular health care expenses.

7. Life Insurance for the Benefit of the Children

The minor children depend on the Plaintiff Defendant for support and, thus, the Plaintiff Defendant should maintain a policy of insurance on their life, with a face amount of \$ _____, for the benefit of the minor children. They should maintain the policy until our youngest child reaches the age of majority or is otherwise no longer entitled to child support.

8. Alimony

[*Check only one of the following, either a), b), or c).*]

a) Each party expressly waives the right to receive alimony from the other party.

b) The _____ shall pay to the _____ in alimony the sum of \$ _____ per [*select one*] month; semi-monthly; biweekly; or weekly **BEGINNING** on _____ and **CONTINUING UNTIL:**

The recipient remarries or dies;

For a period of _____ or until (date) _____, 20____.

c) The parties wish for the Court to determine alimony.

9. Income Deduction Order

[*Check & complete only one of the following, either a) or b)*]

a) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of child support and alimony (if any). That order shall take effect:

[*To finish a), you must check either (1) or (2). Do not check both.*]

(1) Immediately upon entry by the Court.

(2) Upon accrual of a delinquency equal to one month's support. The Income Deduction Order may be enforced by serving a "Notice of Delinquency" as provided in O.C.G.A. § 19-6-32(f).

b) The parties agree that an *Income Deduction Order* is not immediately necessary.

10. Property Division

[*Check only one of the following, either a), b), or c).*]

a) We have already divided our marital property and we are both satisfied with the division. Neither party shall claim any of the property currently in possession of the other party as of the date of signing this agreement.

b) The Defendant and I did not acquire property together during our marriage.

c) The Defendant and I acquired the following property during our marriage, and we agree to transfer possession and title as follows:

(1) **Marital Home** located at _____ shall be conveyed to the _____ in fee simple. The _____ shall be responsible for all taxes, assessments, and mortgage loan payments on the home after the date of _____.

[Check the following if applicable]

(A) The _____ shall have a lien against the home in the amount of \$_____. Upon the sale or transfer of the home, the lien shall be paid.

(B) The _____ shall immediately begin making reasonable efforts to refinance the outstanding mortgage(s) on the marital home, so that the _____ shall no longer be liable on the mortgage loan(s). If the _____ is not able to refinance by _____, 20____, the home shall then be listed for sale at a reasonable price, and all reasonable offers to purchase the home shall be accepted.

(2) **Other Real Estate**, located at: _____ shall be conveyed to the _____.

(3) **Motor Vehicles**: The party listed below for each vehicle shall assume responsibility for all car loan payments, taxes, insurance, and other fees.

Year/Make/Model of Vehicle

Goes to

_____	_____
_____	_____
_____	_____
_____	_____

(4) **Bank Accounts and/or Other Investments**:

[List bank name and last 4 digits of the account number]

Account

Goes to

_____	_____
_____	_____
_____	_____

(5) **Other Personal Property**: The parties acknowledge that the following property shall be transferred to the other party on or before _____, 20____.

To the Plaintiff: _____

To the Defendant: _____

(6) We have listed additional property on a separate paper that we have attached to this *Settlement Agreement*.

Except as otherwise provided in this Agreement, the transfers listed above shall be completed no later than _____, 20____, and each party shall execute all documents necessary to promptly complete the transfer. Neither party shall claim any of the property in the possession of the other party as of the date of signing this agreement, except as provided in this Agreement.

The parties acknowledge that the equitable division of marital property and the payment of marital and joint debts, if provided in this Agreement, shall not be deductible nor taxable for income tax purposes. Each party also acknowledges that, but for the payments provided here, the other party's financial independence would be impaired.

11. Debts [Check only one of the following, either a) or b).]

a) The parties acknowledge that they have no outstanding debts together.

b) The responsibility for payment of the parties' joint debts shall be as follows:

<u>Creditor</u>	<u>Balance Owed</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The responsible party listed above for each debt shall hold the other party harmless for any collections on that debt. If legal action is brought against the other party to recover that debt, the responsible party agrees to indemnify or hold the other party harmless and, in addition, to pay all fees and costs of collection which the other party may incur as a result of the legal action.

12. Completeness of Agreement

This Agreement constitutes the entire understanding of the parties. Except as specifically provided herein, no modification or waiver of the terms of this Agreement shall be made except with the express written consent of the other party, and each party hereby waives any past, present or future claim or right which he may have against the other party.

13. Effect of Divorce

Both parties understand that this Agreement does not require them to continue to live separately or to proceed with an action for divorce. However, if either party brings or maintains an action for divorce, this Agreement shall be presented to the Court and incorporated by reference into any judgment concerning the matters above by the Agreement. Even if it becomes part of a divorce judgment, this Agreement shall survive and can be enforced independently from the judgment of divorce.

Plaintiff [*Sign in front of a Notary*]

Defendant [*Sign in front of a Notary*]

Name [*Print*]: _____

Name [*Print*]: _____

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

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

NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC
My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

Plaintiff / Petitioner,)	
)	
v.)	CIVIL ACTION FILE
)	
Defendant / Respondent.)	No. _____
)	

PARENTING PLAN

- The Parties have agreed to the terms of this Plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this agreement.

- This Plan has been prepared by the Court.

- This Plan: is a new plan.
 modifies an existing parenting plan dated _____.

1. Legal Custody & Decision Making

Each parent shall make decisions regarding the day-to-day care of a child while the child is staying with that parent including any emergency decisions affecting the health or safety of the child.

[Check & complete only one of the following, either a) or b).]

- a) The _____ shall have sole legal custody of the child(ren) and shall have the authority to make the major decisions concerning the child(ren)'s education, extracurricular activities, health care, and religious upbringing.

- b) Both parties shall share joint legal custody. The parents shall consult each other and try to reach a joint decision on all major issues concerning the child(ren). However, if the parents are unable to reach a joint decision on one of these issues, then the final decision shall be made as follows:
 - (1) The parent with primary physical custody of the child(ren) shall make the final decision on the issue.

 - (2) The parents shall divide the authority to make the final decisions as follows:
 - Education Decisions Plaintiff Defendant
 - Extracurricular activities Plaintiff Defendant
 - Non-Emergency Health Decisions Plaintiff Defendant

- Religious Upbringing Plaintiff Defendant
- _____ Plaintiff Defendant
- _____ Plaintiff Defendant
- _____ Plaintiff Defendant

2. Physical Custody

[*Check & complete only one of the following, either a), b), or c). If you choose b) or want a custody arrangement that is not shown here, you should consult an attorney for appropriate language to use in place of this section.*]

- a) • The **Primary Physical Custodian** (*the parent which the children spends the majority of their time with*) of the child(ren) is the _____.
- The **Non-Custodial Parent** (*the parent who has the right to exercise parenting time/visitation*) of the child(ren) is the _____.
- b) Both parties shall share joint physical custody. A detailed plan of the living arrangements of the child(ren) **has been attached** to this Parenting Plan.
- c) The parents have agreed to split physical custody of the children, with one (or more) children living with the Plaintiff and the others living with the Defendant as follows:

<u>Child's Name</u>	<u>Child's Year of Birth</u>	<u>Parent with Primary Physical Custody</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Visitation & Parenting Time

The Non-Custodial Parent shall have the right to reasonable visitation with the minor child(ren), at any time by mutual consent of the parents, provided that the beginning and ending times of the visitation have been put into writing and signed by both parents before the start of the visitation. In arranging visitation, the parents shall take into consideration the needs of the child(ren)'s school work, extracurricular activities, and child care arrangements.

- a) If the parents cannot agree on specific visitation, the parents shall have the right to visitation according to the schedule attached to this Parenting Plan as “**Exhibit A.**”
- b) The visiting parent shall notify the other parent at least 24 hours in advance of any scheduled visitation if he/she does not intend to exercise that visitation opportunity.
- c) The visiting parent shall arrive to pick up the child(ren) for visitation within _____ minutes of the scheduled time, or shall lose that visitation opportunity.

d) **Transportation Arrangements:**

(1) For visitation, the place of meeting for the exchange of the child(ren) shall be: _____.

(2) The _____ (*insert parent name*) will be responsible for transportation of the child(ren) at the beginning of visitation and the _____ (*insert parent name*) will be responsible for transportation of the child(ren) at the conclusion of visitation.

(3) Transportation costs, if any, will be allocated as follows: _____.

(4) Other Provisions: _____.

e) **Supervised Visitation:**

(1) No supervised visitation is required.

(2) The non-custodian parent shall have supervised visitation with the child(ren) as follows:

(A) Visitation shall take place at: _____.

(B) Person/Organization supervising: _____.

(C) Cost of supervision, if any, shall be paid by: _____.

(D) Supervision shall be required until _____.

4. Other Parental Rights and Responsibilities

- a) **Basic Principles** - The parents recognize that a close and continuing parent-child relationship in the child's life is in the best interest of the child(ren). The parents recognize that the child(ren)'s needs will change and grow as the child(ren) mature and the parents agree to make a good faith effort to take these changes into account so that future modifications to the parenting plan are minimized. The parents agree that the welfare of the child(ren) is the most important and each agrees to encourage a feeling of affection and respect between the child(ren) and the other parent.

- b) **Parent to Parent Communication** – Each parent shall promptly provide the other parent with their current address and phone number. A parent changing their address must give at least 30 days' advance notice of the change.
 - Exemption:** Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.

- c) **Parent to Child Communication** – When the child(ren) are in the physical custody of one parent, the other parent has the right to contact the child(ren) as follows:
 - Reasonable telephone access, defined as no more than one call per day between the hours of ____ a.m. and ____ p.m., not to exceed ____ minutes, at the expense of the calling parent.
 - Reasonable text message or email communication.
 - Other: _____

- d) **Access to Information and Records** - The parents agree that both parents will have access to all of the child(ren)'s records and information including, but not limited to, education, health, health insurance, extracurricular activities, and religious communications. The parents shall take the necessary action with school authorities of the school(s) in which the child(ren) are enrolled to:
 - (1) List both parents as a parent of the child;
 - (2) Authorize the school to release both parents any and all information concerning the child(ren); and
 - (3) Ensure both parents receive copies of any notices regarding the child(ren).
 - Limitations on Access Rights: _____

5. Special Considerations

Please list any special circumstances of which the Court should be aware of (e.g., health issues, educational issues, etc.). If necessary, please attach an addendum:

6. Parent's Consent

We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

Plaintiff [*Sign in front of a Notary*]
Name [*Print*]: _____

Defendant [*Sign in front of a Notary*]
Name [*Print*]: _____

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

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

NOTARY PUBLIC
My commission expires: _____

NOTARY PUBLIC
My commission expires: _____

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court.

IT IS SO ORDERED this ____ day of _____, 20____.

Judge
Superior Court of Floyd County
Rome Judicial Circuit

“Exhibit A” – Visitation Schedule.

During the term of this parenting plan the **non-custodial parent** shall have, at a minimum, the following rights of parenting time/visitation. To resolve any conflicts in the visitation provided under this schedule, the holiday visitation provided under paragraphs (c) and (d) shall have priority over the weekend, weekday, and summer visitation in paragraphs.

a) Weekend Time

1. A weekend shall be:
 - The weekend of the first and third Friday of each month.
 - The weekend of the first, third, and fifth Friday of each month.
 - The weekend of the second and fourth Friday of each month.
 - Other: _____.

2. For purposes of this Parenting Plan, a weekend will start at _____ [Write down starting time and indicate am or pm] on Thursday/ Friday/ Saturday/ or Other: _____ and the weekend will end at _____ [Write down ending time] on Sunday/ Monday/ or Other: _____.

b) Weekday Time

- None.
 - Every _____ evening.
 - Every other _____ evening.
 - Other: _____.
1. For purposes of this Parenting Plan, a weekday will begin at _____ a.m./p.m. and will end [_____ p.m. / when the child(ren) return(s) to school or day care the next morning/Other: _____].

c) Holidays: The child(ren) shall spend holidays with each parent on the following schedule. [NOTE: When filling out the Holiday section, please check only one preference and be careful not to check the same years for both parents. For example, if you check Even-number years for Plaintiff to have Spring vacation, then you should not also check Even-number years for Defendant to have Spring vacation.]

Holiday	With Defendant	With Plaintiff
Spring Vacation: From ____ p.m. on the day school lets out for vacation, until ____ p.m. on the day before the child(ren) return to school.	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years
Fall Vacation: From ____ p.m. on the day school lets out for vacation, until ____ p.m. on the day before the child(ren) return to school.	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years
Father’s Day: From _____ to _____ p.m.		
Mother’s Day: From _____ to _____ p.m.		

“Exhibit A” – Visitation Schedule

Holiday	With Defendant	With Plaintiff
Thanksgiving: (define) _____ _____	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years
Christmas: (define) _____ _____	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years	<input type="checkbox"/> Even-number years <input type="checkbox"/> Odd-number years
Summer Vacation: (define) _____ _____		
Winter Vacation: (define) _____ _____		

d) Other Holidays (if applicable):

Plaintiff's Birthday: _____
 Defendant's Birthday: _____
 Martin Luther King, Jr. Day: _____
 Memorial Day: _____
 July Forth: _____
 Labor Day: _____
 Halloween: _____
 Child(ren)'s Birthday(s): _____
 Religious Holidays: _____

 Other Holidays: _____

 Plaintiff [*Sign in front of a Notary*]
 Name [*Print*]: _____

 Defendant [*Sign in front of a Notary*]
 Name [*Print*]: _____

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

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

 NOTARY PUBLIC
 My commission expires: _____

 NOTARY PUBLIC
 My commission expires: _____

IN THE SUPERIOR COURT OF FLOYD COUNTY,
STATE OF GEORGIA

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

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of this case and the evidence submitted, it is the judgment of the Court that a total divorce be granted between the parties to this case. It is hereby ordered that the marriage contract entered into between the parties is hereby set aside from this date and fully dissolved. Plaintiff and Defendant shall now 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 further orders that:

1. Settlement Agreement

The *Settlement Agreement* made between the parties is hereby approved and incorporated into this *Final Judgment*. Both parties are ordered to strictly obey all of its terms.

2. Restoration of Name

The former name of the Plaintiff or Defendant shall be restored to:
_____.

3. Child Support

This case does not determine or modify child support.
 The *Child Support Worksheet*, and appropriate schedules have been attached and are hereby made part of this order.

This decree is entered on the _____ day of _____, 20_____.

Judge
Superior Court of Floyd County
Rome Judicial Circuit

STATE OF GEORGIA
Report of Divorce, Annulment or Dissolution of Marriage
 Type or print all information

1. Civil Action Number	2. Date Decree Granted (mo., day, year)	3. County Decree Granted
4. Party 1 (First, Middle, Last Name)	5. Last Name at Birth	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Party 2 (First, Middle, Last Name)	10. Date of Birth (mo., day, year)	11. County of Residence
12. Number of This Marriage (1 st , 2 nd , etc.)	13. Date of This Marriage (mo., day, year)	
14. Specify Grounds For Divorce (19-5-3, OCGA)	15. Number of Children Less Than 18 Affected by This Decree	

This above Report may be reproduced by use of a computer. However, the finished Report must be a close reproduction of the original, and prior review and approval must be obtained from the State Registrar before use. (31-10-7, O.C.G.A.)

31-10-22. Record of divorce, dissolutions, and annulments.

(a) A record of each divorce, dissolution of marriage, or annulment granted by any court of competent jurisdiction in this state shall be filed by the clerk of the court with the department and shall be registered if it has been completed and filed in accordance with this Code section. The record shall be prepared by the petitioner or the petitioner's legal representative on a form prescribed and furnished by the state registrar and shall be presented to the clerk of the court with the petition. In all cases, the completed record shall be a prerequisite to the granting of the final decree.

(b) The clerk of the superior court shall complete and forward to the department on or before the tenth day of each calendar month the records of each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month.