

GENE JOHNSON

CLERK OF TELFAIR SUPERIOR COURT

Telfair County Courthouse ■ 128 East Oak Street, Suite 2 ■ McRae, Georgia 31055



NOTICE TO PRO SE DIVORCE LITIGANTS

You are about to file a petition for divorce Pro Se, that is representing yourself without the benefit of any attorney's training and experience. The procedure for obtaining a divorce is not a simple matter. The law requires certain steps to be followed, certain papers filed, and certain evidence presented in order to authorize a court to grant a divorce. Therefore, although you have the right to represent yourself, we strongly urge you to consult with an attorney in this matter.

If you represent yourself, you alone are responsible for knowing and following the correct procedures. The office of the Clerk of the Superior Court is an administrative office charged with the duties of receiving and filing papers with the court and recording legal documents. We are not licensed to practice law, and we are forbidden by state law to render legal advice, direction and services. **Therefore, no one in this office will be able to answer any questions you may have regarding the correct procedures to follow.** The Judges of the Superior Court must remain impartial, and may not practice law. Therefore, neither judges nor any member of their staff will be able to answer any questions you may have regarding the correct procedures to follow. **If you are uncertain of the procedures to follow, you should not file your papers until you have resolved those uncertainties.**

The presiding civil judge must approve your Pro Se petition before filing. The clerk's office will forward the petition to the judge. Upon approval and after payment of court costs, the petition will be filed with the court. If the petition is not approved, you alone are responsible for discovering what the problem is and correcting it, without the aid of the staff in the clerk's office or the judge's office. There are certain forms required for filing any divorce action, which the clerk's office will provide. These forms must be completed before the petition will be filed.

GENE JOHNSON
CLERK OF SUPERIOR COURT
TELFAIR COUNTY, GEORGIA

INSTRUCTION SHEET FOR PRO SE DIVORCE PAPERS

The format of the forms in this packet is the only format that will be accepted for the filing of a pro se divorce. Any other format will not be accepted for filing.

The forms presented in this packet are designed to guide you in the preparation of your divorce papers. You must re-type the forms that are in this packet, filling in the required information as it applies to your situation. Your papers should be laid out the same way as they appear in this packet. You must use only white paper, and should format your papers as follows:

1. You must set your left and right margins to one inch (1") wide.
2. You must use Times New Roman font
3. You must set word size at 12 point type.

When you look at the forms, you will notice several lines with numbers on them. These lines are spaces where you will have to supply information based on your situation. If you compare the line number with the Key To Forms (see below), you will be able to determine what information is required to be put in that space. Once the paperwork is completed, there should be no empty lines on these documents, except for the Civil Action Number, which will be assigned to you when your paperwork is filed.

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.

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 acknowledgement 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.

Make sure that everything is signed. All signatures that require that they be notarized must be notarized prior to your documents being approved for filing.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, nor the judges or any other court personnel, are allowed to answer any questions for you concerning the preparation of these forms. The only person allowed to help you in the preparation of these forms is a licensed attorney.

KEY TO FORMS

- (1) Plaintiff's Name. This is the person who will be filing the Complaint.
- (2) Defendant's Name. This is the name of your spouse.
- (3) Plaintiff's signature
- (4) Defendant's signature
- (5) County you as the Plaintiff currently reside in
- (6) County your spouse currently resides in
- (7) Your spouse's current address
- (8) Date of your marriage
- (9) Date you and your spouse separated, if you have
- (10) Your name and address
- (11) Signature and Seal of a Notary Public

- (12) Initials of both parties if you both accept this option in the Settlement Agreement
- (13) Request for what the Husband/Wife's name should be returned to after the divorce
- (14) Number of children born of this marriage
- (15) Name of minor child(ren) born of this marriage
- (16) Date of birth of the minor child(ren) born of this marriage
- (17) Name of person the minor child(ren) have resided with since the separation, if separated
- (18) County child(ren) are residing in
- (19) State child(ren) are residing in
- (20) Amount of alimony to be paid
- (21) When alimony is to begin being paid
- (22) When the non-custodial parent will have visitation with the minor child(ren)
- (23) Schedule for the non-custodial parent to have visitation during holiday
- (24) Percentage of monthly income to be paid for child support
- (25) Gross income of party paying child support
- (26) Amount to be paid each month, figured by percentage of gross income multiplied by gross income of the paying party
- (27) Address that child support should be mailed to each week or month
- (28) How costs of medical expenses for the minor child(ren) is/are to be divided
- (29) Jointly owned property that is to become the property of the Wife
- (30) Jointly owned property that is to become the property of the Husband
- (31) Jointly held debts the Wife shall be responsible for paying
- (32) Jointly held debts the Husband shall be responsible for paying

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 the time to read over all the forms, and understand what is being asked of you in each section.

Good luck in filling out the forms.

This instruction packet offered to Pro Se Parties for Divorce by:

The Office of Superior Court Judges
Southwestern Judicial Circuit
P. O. Drawer 784
Americus, Georgia 31709-0784

R. Rucker Smith, Chief Judge
George M. Peagler, Jr., Judge
John V. Harper, Judge

IN THE SUPERIOR COURT OF TELFAIR COUNTY
STATE OF GEORGIA

(1))

Plaintiff,)

v.

Civil Action No. _____

(2))

Defendant.)

COMPLAINT FOR DIVORCE

Plaintiff, ____ (1) ____, comes before this Court and shows this Court as follows:

1.

Plaintiff is a resident of ____ (5) ____ County, Georgia, and has been a resident of Georgia for at least six months prior to the filing of this action.

2.

Defendant is a resident of ____ (6) ____ County, Georgia, and can be served by the Sheriff's Office at ____ (7) ____.

[OR]

Defendant is a resident of ____ (6) ____ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.

3.

Plaintiff and Defendant were lawfully married on ____ (8) ____, and lived together as husband and wife until they separated on or about ____ (9) _____. Since that date the parties have lived in a bona fide state of separation.

4.

There are no minor children born of the marriage.

5.

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, O.C.G.A. §19-5-3(13).

The parties have entered into a settlement agreement that resolves all issues as to an equitable division of property and debts.

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 Plaintiff have such other and further relief as this Court deems equitable and just.

Respectfully submitted, this ____ day of _____, 200__.

_____, (3) _____, Plaintiff pro se

_____, (10) _____

_____, GA _____

() _____ - _____

This Pro Se Divorce Packet-No Children, supplied by:	
The Office of Superior Court Judges Southwestern Judicial Circuit P. O. Drawer 784 Americus, Georgia 31709-0784	R. Rucker Smith, Chief Judge George M. Peagler, Jr., Judge John V. Harper, Judge

IN THE SUPERIOR COURT OF TELLER COUNTY
STATE OF GEORGIA

(1) _____)
Plaintiff, _____)

v. _____)

Civil Action No. _____)

(2) _____)
Defendant. _____)

VERIFICATION

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

_____ (3) _____
Plaintiff pro se

Sworn to and subscribed before me
this ____ day of _____, 200__.

_____ (11) _____
Notary Public, State of Georgia

My Commission Expires _____

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Southwestern Judicial Circuit
P. O. Drawer 784
Americus, Georgia 31709-0784
R. Rucker Smith, Chief Judge
George M. Peagler, Jr., Judge
John V. Harper, Judge

IN THE SUPERIOR COURT OF ~~TELEAIR~~ COUNTY
STATE OF GEORGIA

(1) _____)
Plaintiff, _____)
v. _____)
(2) _____)
Defendant. _____)

Civil Action No. _____

CONSENT TO TRIAL 31 DAYS AFTER SERVICE AND
WAIVER OF RIGHT TO TRIAL BY JURY

Both of the above parties, as indicated by their signatures below, waive their right to trial by jury and consent to the hearing and granting of a divorce in this action any time thirty-one (31) days after the filing of the acknowledgment of service or after service having been perfected.

_____ (3) _____
Plaintiff, pro se

Sworn to and subscribed before me
this ____ day of _____, 200__.

_____ (11) _____
Notary Public, State of Georgia
My Commission Expires _____.

_____ (4) _____
Defendant, pro se

Sworn to and subscribed before me
this ____ day of _____, 200__.

_____ (11) _____
Notary Public, State of Georgia My Commission Expires: _____

IN THE SUPERIOR COURT OF TELFAIR COUNTY
STATE OF GEORGIA

(1) _____)
Plaintiff, _____)

v. _____)
(2) _____)
Defendant. _____)

Civil Action No. _____

ACKNOWLEDGMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Divorce for and states that (s)he has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This the _____ day of _____, 200_.

_____ (4) _____
Defendant, Pro se

Sworn to and subscribed before me
this _____ day of _____, 200_.

_____ (11) _____
Notary Public, State of Georgia
My Commission Expires _____

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IN THE SUPERIOR COURT OF TELFAIR COUNTY
STATE OF GEORGIA

(1))
Plaintiff,)

v.)

(2))
Defendant.)

Civil Action No. _____

SETTLEMENT AGREEMENT

This is an Agreement by and between _____ (hereinafter referred to as "Wife") and _____, (hereinafter referred to as "Husband").

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

WHEREAS, the parties desire to settle between themselves all questions of division of property, 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.

ALIMONY

2.

The parties agree to alimony as initialed below:

_(12)_a) The Husband/Wife shall pay to the Husband/Wife as alimony the sum of \$ ___ (20) ___ per week/month, to be paid beginning on ___ (21) ___ and to continue thereafter until the Husband/Wife remarries or dies.

[OR]

_(12)_b) The parties hereby expressly waive alimony for the past, present, and future.

DIVISION OF PROPERTY

3.

The parties agree to the division of property as initialed below:

_(12)_a) 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.

[OR]

_(12)_b) The parties acknowledge that they possess various items of jointly owned property, which shall be divided as follows:

To the Wife: _____ (29) _____
To the Husband: _____ (30) _____

DIVISION OF DEBTS

4.

The parties agree to the division of debts as initialed below:

_(12)_a) The parties acknowledge that they have no outstanding joint debts.

[OR]

_(12)_b) The parties acknowledge that they have debts they are jointly responsible for, and these debts shall be divided as follows:

To the Wife: _____ (31) _____ and indemnifies and holds the Husband harmless for any collection of these obligations.

To the Husband: _____ (32) _____ and indemnifies and holds the Wife harmless for any collection of these obligations.

NAME RESTORATION

5.

The parties request wife's name to be restored to: _____ (13) _____ .

BINDING AGREEMENT

6.

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.

7.

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

8.

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.

This Agreement is entered into this the _____ day of _____, 200_.

_____ (3) _____
Plaintiff, pro se

Sworn to and subscribed before me
this _____ day of _____, 200_.

_____ (11) _____
Notary Public, State of Georgia
My Commission Expires _____.

_____ (4) _____
Defendant, pro se

Sworn to and subscribed before me
this _____ day of _____, 200_.

_____ (11) _____
Notary Public, State of Georgia
My Commission Expires _____.

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R. Rucker Smith, Chief Judge
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IN THE SUPERIOR COURT OF TELFAIR COUNTY
STATE OF GEORGIA

Plaintiff

vs.

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 whatsoever and both shall have the right to remarry.

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

The Court fixes alimony as follows: _____.

Decree and Ordered this ____ day of _____, 2009.

JUDGE TELFAIR COUNTY SUPERIOR COURT

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. Wife's Name (first, middle, last)	5. Maiden (Birth) Last Name	6. Date of Birth (mo., day, year)
7. County of Residence	8. Number of This Marriage (1 st , 2 nd , etc.)	
9. Husband's Name (first, middle, last, generation)	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.

AFFIDAVIT FOR PERSON FILING CASE WITH NO ATTORNEY

Plaintiff

Civil Action No. _____

vs.

Defendant

PERSONALLY appeared before the undersigned officer, _____ who
after being duly sworn deposes and states under oath the following: (Affiant)

- 1) That affiant has this date filed a suit for divorce or other complaint in this County and does not have an attorney at law representing affiant.
- 2) (a) Affiant further states that the following person prepared the complaint and/or other papers:

(Name of person or business name who prepared papers)

(Address of such person and business)

(Telephone number of such person and business)

(b) Affiant states that said person who prepared the papers (was, was not) paid to prepare the papers. The total amount paid was \$ _____.

3) Affiant further states that there (is, is not) any further money due anyone for assisting in the preparation of said papers. If affiant owes money to the preparer, the amount is \$ _____.

4) Affiant has not paid or given anyone any other consideration or money for help in preparing the papers, except the following: _____.

5) Did the preparer of the papers tell you what information, or give you advice regarding the information to put in any of your papers? Yes or No

6) Did the preparer give you any advice about how to file your papers? Yes or No

7) Did the preparer give you any advice about how to present your case to the judge? Yes or No

I have answered all the above questions truthfully, under criminal penalties of perjury.

Affiant

Address

City, State, and Zip Code

Phone Number (Required)

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

(Deputy) Clerk of Superior Court