

# **Divorce with Minor Children Packet**

## **GENERAL COMMENTS**

In the State of Georgia, if you want to end your marriage, you must file a *Complaint for Divorce* in Superior Court. You can hire a lawyer to assist or you can represent yourself in court. Divorce is complicated. It is strongly recommended that you speak with a lawyer before filing any case with the Court or signing any agreements.

Please note that the law may change at any time, which may cause these forms to become outdated. The forms in this packet are only samples and will not necessarily be appropriate for your exact situation. Any person or entity using these forms does so AT THEIR OWN RISK.

## **LEGAL RESOURCES**

State law O.C.G.A. § 15-19-51 prohibits court personnel (including staff attorneys, law clerks, calendar clerks, and staff of the Clerk's Office, Sheriff's Office or Law Library) from answering legal questions or giving legal advice.

If you need an attorney, here are some options:

\* **Cobb Bar Association Lawyer Referral Line**, 770-424-2947 (\$35 for referral and ½ hour consultation with an attorney)

\* **Cobb Legal Aid**, 770-528-2565 (assistance for low-income individuals)

Before filing the case, you should attend the **Family Law Workshop**, a FREE presentation by an attorney that explains the court process for family law cases. The Workshop is offered monthly through the Cobb Superior Court's Alternative Dispute Resolution (ADR) Office. For Workshop schedules and to register, call the ADR Office at 770-528-1812 or visit [www.cobbcounty.org/adr](http://www.cobbcounty.org/adr)

## **ADDITIONAL COURT REQUIREMENTS**

The Court requires contested cases be referred to the Alternative Dispute Resolution Office for **mediation**. Fees apply. For more information on mediation, call the ADR Office at 770-528-1812 or go to [www.cobbcounty.org/adr](http://www.cobbcounty.org/adr)

The **Co-Parenting Seminar** is a four-hour required seminar. Each parent must take this class, which costs \$50 per person. For Co-Parenting Seminar class schedules and to register, call the ADR Office at 770-528-1812 or visit [www.cobbcounty.org/adr](http://www.cobbcounty.org/adr)

## FREQUENTLY ASKED QUESTIONS

### 1. Which forms do I need for a divorce?

This packet contains commonly required forms for a divorce case. The forms required will vary depending on your situation. If you are filing a new case, then you are the “Plaintiff” and your spouse is the “Defendant.” A general outline of forms is included below:

#### **Forms Needed to Start the Case**

- ☐ Complaint for Divorce with Minor Children, with Verification
- ☐ Summons
- ☐ Case Filing Information Form
- ☐ Standing Order (Issued by the Court)
- ☐ Poverty Affidavit (Only for those who cannot afford to pay the filing fees; See “Poverty Affidavit” Packet)

#### **Options for Service (Choose One)**

- ☐ Entry of Service by the Sheriff’s Office (Filed by Sheriff’s Office)
- ☐ Entry of Service by a Private Process Server (Filed by the Process Server)
- ☐ Acknowledgement of Service **OR** Acknowledgment of Service for Uncontested Divorce with Minor Children (Signed/Notarized by the Defendant/Spouse)
- ☐ Service by Publication (See “Service by Publication” Packet)

#### **Forms Needed before Court Hearing**

- ☐ Settlement Agreement with Minor Children (if applicable)
- ☐ Domestic Relations Financial Affidavit (if applicable)
- ☐ Child Support Worksheet (See FAQ #2 below)
- ☐ Parenting Plan
- ☐ Certificate of Attendance for Family Law Workshop
- ☐ Certificate of Attendance for Co-Parenting Seminar

### 2. Where do I find other forms I may need?

If you need a form that is not contained in this packet, you may be able to find it at <http://www.cobbcounty.org/superiorcourtforms> or for purchase at the Cobb Law Library, which is located on the 4<sup>th</sup> floor of the Cobb Superior Court building. The Cobb Law Library may be reached at (770) 528-1884.

To complete a Child Support Worksheet, you must use the online calculator at <https://csconlinecalc.georgiacourts.gov>. For resources on how to use the calculator, visit <https://csc.georgiacourts.gov/training/child-support-calculator-training-for-parents/>

**3. What if I cannot afford to pay the filing fees or the fees for mediation and the Co-Parenting Seminar?**

If you are indigent and cannot afford the fee to file the divorce case, you may use the "Poverty Affidavit" packet to request that the Court waive the fee.

If you are indigent and cannot afford the fees for mediation or the Co-Parenting Seminar, you may ask the ADR Office to apply for a fee waiver.

**4. How do I file documents?**

Type your forms or write legibly in black ink. Many forms must be signed in front of a Notary Public, who verifies the signer's photo identification. Do not sign until you are with the Notary.

The Superior Court Clerk of Cobb County handles documents that are filed into Superior Court cases. You may file documents directly with the clerk's office. Also, you may file some documents online at <https://peachcourt.com/>.

**5. How do I contact the Superior Court Clerk's Office?**

The Superior Court Clerk of Cobb County is located on the first floor at 70 Haynes Street, Marietta, GA 30090. The phone number is 770-528-1300, and the website is [www.cobbsuperiorcourtclerk.com/](http://www.cobbsuperiorcourtclerk.com/).

**6. What is a Standing Order?**

A Standing Order is usually issued by the Court when a divorce is filed. It both requires and prohibits certain actions by the spouses. It is important to read the Standing Order carefully.

**7. How do I get a hearing scheduled?**

Some divorces need a temporary hearing so that a Judge can issue an order addressing temporary issues such as child support, custody, and who gets to stay in the marital home while the divorce case is pending. A final hearing is where the Judge issues a permanent order addressing all issues in the divorce.

To get a hearing scheduled, contact the clerk's office or the office of the Judge assigned to your case. Every Judge handles scheduling differently. If you and your spouse have reached a settlement agreement and have filed all necessary documents, you may be able to get scheduled on the uncontested court calendar.

Bring copies of all legal documents as well as proof of current income to all hearings. Be on time and dress appropriately. Allow time for parking, getting through security, and finding the correct courtroom.

## **8. How do I serve the Defendant?**

Before a divorce case can proceed, the Plaintiff must serve the Defendant as required by law. If the Defendant agrees, the Defendant can sign an "Acknowledgment of Service" in front of a notary and return that form to the Clerk. Alternatively, the Sheriff's Office or a private process server can personally serve the Defendant. Finally, there are some situations that allow you to serve the Defendant by publishing a notice in the newspaper. For that process, see the "Service by Publication" Packet.

## **9. What if I am the Defendant in a divorce case?**

If you are the Defendant in a divorce, meaning that your spouse filed the divorce, you should file an Answer or an Answer and Counterclaim within 30 days of when you were served. Please see the forms titled "Answer to Complaint for Divorce With Children" or "Answer and Counterclaim for Divorce With Children".

## **10. How long will the divorce case take?**

It is impossible to specify how long your case will take. All situations are different. The location and cooperativeness of the parties are factors, as are complete and proper preparation of documents and court caseloads.