

# Pro Se Divorce Self Help Guide\*



## Pataula Circuit Law Library

Superior Courts of Terrell, Randolph, Quitman, Clay,  
Miller, Early, and Seminole Counties

<http://pataulalawlibrary.com>  
<http://pataulajudicialcircuit.com>

\*This is a limited overview. Parties are strongly encouraged to seek legal advice from licensed attorneys. Detailed instructions can be found at the two websites listed above and other county law libraries.

# What does a divorce do?

- Permanently dissolves your marriage.
- Determines how your property or debt are to be divided.
- Determines custody issues (if you have children).
- Note: A divorce can be filed by either party.

# Before filing your lawsuit, the following things should be considered:

1. The laws of the state of Georgia;
2. The filing requirements such as where to file your case;
3. What type of service your lawsuit requires;
4. The paperwork required by your particular lawsuit;
5. Any discovery required for your hearing; and
6. How to obtain the final disposition of your case.

# Official Code of Georgia

- The legal authority for the state of Georgia is the Official Code of Georgia.
- You **must** comply with all of the rules that pertain to Georgia regardless of your current state of residence if you are filing a lawsuit in Georgia.

# Filing your case:

- The primary issue is where you need to file your case.
- The place where you file your case is called venue.
- It is of absolute importance to have proper venue in any lawsuit filing.
- Generally, you must file your case in the county where the defendant resides, but that may not be the case if:
  - You are filing for divorce and your spouse moved away from the county where you lived as husband and wife. If this situation applies, you can file in your home county **for up to six months**. After six months pass, you must file in the county where your spouse now resides in the State of Georgia.
  - Your spouse formerly lived in Georgia, but now lives in another state, you can file your lawsuit in Georgia if the requirements of O.C.G.A. § 9-10-91 (5) are met.

**\*\*If you are still unsure of where to file your case, then you are strongly encouraged to consult an attorney.\*\***

# Serving your case on the other party:

- You **must** formally notify the other party of your lawsuit in order to file your case.
- This may be accomplished through:
  1. Personal Service where the person is delivered the notice by the sheriff or a private process server; or
  2. Acknowledgment (in divorce paperwork that is filed); or
  3. Publication (see O.C.G.A. § 9-11-4)

# What type of lawsuit do you have?

- The other party has thirty days to respond to your complaint once it has been filed.
- Contested means that you disagree about one or more aspects of your lawsuit. The judge will make a decision about any disagreements at the hearing for your case.
- Uncontested means that you and the other party agree on all aspects of your suit.
  - Note: Just because the other side does not file an answer does not mean that the lawsuit is uncontested.

# What paperwork do I need?

\* See previous page for the definition of contested and uncontested.\*

- You will either need the forms for contested or uncontested divorce.
- Parties with children each need to file a financial affidavit. Parties claiming alimony need to file a financial affidavit. Financial affidavits should be filed if your divorce is contested.
- If you have children, you need the forms for children AND you will have to do the child support worksheet (<http://csc.georgiacourts.gov>).
- You may not need all forms posted on the website, but it is up to you to determine which forms you do need.
- The forms that are designated as needing to be signed by a notary public **must** be witnessed by a notary public. (You must sign these in the presence of the notary.)

# If you have children, please note:

- An original petition for child support is only applicable where you do not have a prior Child Support Order against this non-custodial parent.
  - If you have an existing Child Support Order, please enclose it in your paperwork.
- You can either:
  1. File a petition for Child Support in Superior Court.
  2. File a petition through the Division of Child Support Services Office in Randolph County.

# Child Support Worksheet:

- **MUST BE FILED IN ALL CASES INVOLVING CHILDREN.**

- Also enclose applicable documentation\*:
  - Healthcare or insurance premium bills,
  - W-2 or 1099,
  - Childcare bills, and/or
  - Paystubs.

\*Required for judge to make a determination for your final order in contested cases

# The hearing for your lawsuit:

- Your hearing will either be one of two types:
  1. Temporary (“Rule Nisi”)
    - Applicable if your case is pending and you need to address an issue such as custody or child support.
  2. Final Hearing - Judge issues the Final Order and finalizes your case.
  3. You are responsible for scheduling your hearing and notifying the other party of the court date.
  4. You are responsible for the evidence for your case. That means you must bring any financial information, documentation, or witnesses with you to court.
  5. You must also bring your proposed Final Order with you to your hearing.
  6. Please note: If a party wants to restore their former name, it **must** be documented on your proposed final order.

## **Remember**, you may need an attorney if:

- Your case is contested;
- The other party has a lawyer;
- Your case involves any personal property, real property, pension, or money;
- Your case involves children;
- Either party lives outside of Georgia; or
- If you do not understand the rules governing divorce in the state of Georgia.