

LEGAL SEPARATION PACKET—WITH MINOR CHILDREN

How does a legal separation differ from divorce?

Unlike divorce, a legal separation doesn't end a marriage. It provides a legal way to settle some of the issues that arise when spouses decide to separate. For example, when couples separate, one or the other might need financial support. If there are children, custody, visitation, and support must be decided. A legal separation must, like a divorce, be granted by a court. When it grants a legal separation, the court also resolves or helps to resolve the other issues. Acceptable grounds or reasons are similar to those for divorce.

A **divorce** ends your marriage. After you get divorced, you will be single, and you can marry again. If you get divorced, you can ask the judge for orders like child support, spousal support, custody and visitation, domestic violence restraining orders, division of property, and other orders.

Although the procedure and most of the issues involved are the same, a **legal separation** does not end a marriage. You can't marry someone else if you are legally separated (and not divorced). A legal separation is for couples that do not want to get divorced but want to live apart. The court order generally defines the rights and responsibilities of the spouses between each other while living apart. Couples sometimes prefer separation for religious reasons.

Legal separation is useful when spouses wish to separate but not end the marriage. It is useful for people who do not want to divorce for religious reasons. Or it may be used if one spouse does not want to deprive the other of insurance or pension benefits that person might lose in a divorce.

A divorce is a declaration by a court that a marriage contract is broken and has ended. The divorce occurs on the day the divorce decree is granted by the judge and filed at the courthouse. After the divorce, the two people are legally "single." They can remarry. This new status may affect their lives in many ways.

In order to issue a decree of separate maintenance, the court MUST have personal jurisdiction over your spouse. If you do not know where your spouse is, you will not be able to get a decree of separate maintenance.

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

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

COMPLAINT FOR SEPARATE MAINTENANCE

The Plaintiff, _____, states his her claim for separate maintenance against the Defendant, _____, and shows this honorable court as follows:

1.

Jurisdiction and Venue (Check a, b or c)

a) The Defendant is a resident of _____ County, Georgia and can be served with a copy of this complaint and summons at the following address:

_____.

b) The Defendant is a non-resident of the State of Georgia, but s/he may be personally served with a copy of this complaint and summons in _____ County, Georgia at the following address:

_____.

c) The Defendant is a non-resident of the State of Georgia and cannot be personally served with process within the state; however, the Defendant owns property within the state in _____ County, Georgia, which is described as follows (insert the legal description of the property as it appears on the deed):

- d) The Defendant has signed an Acknowledgement of Service.
- e) The Defendant has signed an Acknowledgement of Service, Affidavit of Waiver of Venue and Personal Jurisdiction.

2.

Date of Marriage (Check a or b)

a) Plaintiff and Defendant were lawfully married on _____ in _____ County, _____ (State).

b) Plaintiff and Defendant are common law married, having entered into a common law marriage before January 1 1997 as of _____ in _____ County, _____ (State).

Note: Common law marriage was abolished in Georgia in 1997.

3.

Date of separation

The Defendant and I separated on _____ and have remained in a bona fide state of separation since that date.

4.

Reason for separation (choose a or b)

a) The separation between the parties was by virtue of a mutual agreement.

- b) The separation between the parties was due to misconduct on the part of the Defendant which is described as follows:

5.

No pending action for divorce

- There is no pending action for divorce between the parties in this state.

6.

Settlement Agreement (choose a or b)

- a) The parties have entered into a written agreement settling the issues of alimony, child support, child custody, and the like. The agreement is filed herewith.
- b) The parties have been unable to settle their differences.

7.

Marital Property (Check a, b or c)

- a) Defendant and I have no marital property.
- b) Defendant and I have already divided our marital property to our mutual satisfaction.
- c) Defendant and I have the following marital property that I have checked, and I am seeking an equitable division of this property.
 - A house located at

A notice of Lis Pendens is attached hereto as Exhibit “_____.”

- Pension(s): Mine _____ My spouse’s _____.
- Motor vehicles (list make, model & year):

- Furniture (list or attach list):

Bank accounts and investments (list or attach list)

Other:

8.

Joint Debts (Check a or b)

- a) Defendant and I have no joint outstanding debts.
- b) Defendant and I have the following debts. I have indicated which party should be responsible for each debt. The responsible party will indemnify and hold harmless the non-responsible party for any collection on these obligations.

Creditor	Amount	Responsible Party

9.

Alimony (Check a, b or c)

- a) I am seeking temporary alimony which will last until _____.

I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.

- b) I am seeking temporary and permanent alimony which will last until my spouse or I should die. I did not engage in adultery, desertion, cruel treatment, or other fault grounds for divorce.
- c) I voluntarily waive alimony for the past, present, and future.

10.

Minor Children of the Marriage

- There are _____ minor children born of the marriage.

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

11.

Child(ren)'s Past Living Arrangements

For the past five years, the children lived at the following addresses with the following persons:

Address	Dates	Lived With

12.

Other Custody Actions (Choose 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 custody of the children named above, and knows of no other proceeding concerning the custody of 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 custody actions:

County/State/Court	Type of Custody Action	Date Filed	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

13.

Other Parties with a Custody Claim (Choose 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

_____	_____
_____	_____
_____	_____

14.

Child Custody (Check a, b or c)

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

b) It is in the best interest of the minor child(ren) for _____ to have legal custody and _____ to have physical custody.

c) It is in the best interest of the minor child(ren) for _____ to have both legal and physical custody because:

15.

Visitation

Plaintiff requests that the Defendant be awarded visitation with the minor child(ren) as follows (or attach a schedule):

16.

Child Support Amount

Please go to <http://www.georgiacourts.org/csc/> and complete the **Child Support Worksheet**.

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.

17.

Child Support Method of Payment (Check 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 to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

18.

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.

THEREFORE, Plaintiff requests:

- (a) that process issue and Defendant be served with a copy of Plaintiff's Summons and Complaint For Separate Maintenance;
- (b) that s/he be awarded separate maintenance from Defendant;
- (c) That (he) (she) be awarded temporary and permanent custody of the minor child[ren] of the parties;
- (d) That (he) (she) be awarded visitation with the minor childr(en) of the parties;
- (e) That (he) (she) be awarded temporary and permanent alimony for the support of (himself) (herself) and the minor child[ren] of the parties during the term of separation;

- (f) That the property owned by the Defendant in this state and county be set aside to (him) (her), to be used for (his) (her) support and/or for the support and maintenance of the minor child[ren] of the parties;
- (g) that Plaintiff and the minor children of the parties have the continued and exclusive use and possession of the marital residence;
- (h) that Defendant be required to pay mortgage payments on the marital residence, together with the real estate taxes, insurance and other expenses in connection with the property;
- (i) that Plaintiff and the minor children of the parties have the continued exclusive use and possession of the family personalty located in the marital residence;
- (j) that the court determine ownership of all other tangible personal property of the parties, for either of them, and order a partition or sale in lieu of partition of all jointly owned such property, and a division of the proceeds;
- (k) that Defendant be ordered to pay Plaintiff's reasonable attorney's fees and expenses of litigation for representation of her interest during the court of this proceeding;
- (l) that Plaintiff have such other and further relief as the court may deem equitable or appropriate;
- (m) that Rule Nisi issue requiring Defendant to show cause why the temporary relief requested by Plaintiff should not be granted.

Respectfully submitted,

Plaintiff *pro se*

Address _____

Phone number _____

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

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

ACKNOWLEDGMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Separate Maintenance and states that he/she has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This _____ day of _____, 20_____.

Defendant *pro se*

Sworn to and subscribed before me

this _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires: _____

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

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

RULE NISI TEMPORARY RESTRAINING ORDER

The within and foregoing Complaint having been read and considered, the same is Allowed, Ordered and Filed.

Let the Defendant be served with a copy of this Complaint and a copy of this Order, and let the Defendant show cause before the Honorable _____ [name] at _____ .M., on the _____ day of _____, 20____, then and there to be heard, why the prayers of the Plaintiff's Complaint should not be granted.

In the meantime and until further order of this Court, the Defendant is restrained and enjoined from molesting, harassing, or harming the Plaintiff or the minor [child, children] born as a result of this marriage in any way.

Judge, Superior Courts
_____ Judicial Circuit

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

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

LIS PENDENS NOTICE

To whom it may concern:

The above-styled case has been filed demanding that the following described real property be awarded to the Plaintiff as alimony or as equitable division of property:

This Lis Pendens notice has been filed and recorded as provided by law.
This ____ day of _____, 20 ____.

Plaintiff *pro se*

Address: _____

Telephone
Number(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 _____, (hereinafter referred to as “Husband”) and _____, (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:

1.

Separation

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.

2.

Non-interference with parental relationship

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 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 have the final decision concerning

4.

Visitation (Choose 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.

5.

Child Support

Please go to <http://www.georgiacourts.org/csc/> and complete the **Child Support Worksheet**.

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 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 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 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 expressly waive alimony for the past, present, and future.

9.

Division of Property (Check a or b)

a) The parties acknowledge that they have no joint 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 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.

Voluntariness of 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.

Agreement as entire understanding

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 of Agreement

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_____.

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

Wife

Notary Public, State of _____
My Commission Expires: _____

Sworn to and subscribed before methis _____ day of _____, 20_____.

Husband

Notary Public, State of _____
My Commission Expires: _____

_____ %

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.

The Court equitably divides the parties' marital property as follows:

The Court equitably divides the parties' marital debts as follows:

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

JUDGE, Superior Courts
_____ Judicial Circuit

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</u> cash value):	\$	_____	_____	_____	_____
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 Gasoline and oil	\$	_____

Garbage and Sewer	\$ _____	Repairs	\$ _____
Telephone:			
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<u>OTHER VEHICLES</u>	
		<u>(boats, trailers, RVs, etc.)</u>	
		<u>Gasoline and oil</u>	\$ _____
Repairs and maintenance:	\$ _____	<u>Repairs</u>	\$ _____
Lawn Care	\$ _____	<u>Tags and license</u>	\$ _____
Pest Control	\$ _____	<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>	\$ _____
		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>		Alimony paid to former spouse	\$ _____
<u>(out of pocket/uncovered expenses)</u>	\$ _____	Child support paid <u>for other</u>	
Grooming, hygiene	\$ _____	<u>children</u>	\$ _____

Gifts from children to others \$ _____

Date of initial order: _____

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

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>	\$ _____	Medical, dental, <u>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>	\$ _____
Medical, dental, prescription <u>(out of pocket/uncovered expenses)</u>	\$ _____	Alimony paid to former spouse	\$ _____
Grooming, hygiene	\$ _____	Child support paid <u>for other</u> <u>children</u>	\$ _____

Gifts from children to others \$ _____

Date of initial order: _____

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

Notary Public

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

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

FINAL JUDGMENT AND DECREE OF SEPARATE MAINTENANCE

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that the Plaintiff be awarded Separate Maintenance from the Defendant, as well as the following:

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.

[OR]

That the property owned by the Defendant in this state and county be set aside to _____, to be used for his/her support and/or for the support and maintenance of the minor child[ren] of the parties;

that Plaintiff and the minor children of the parties have the continued and exclusive use and possession of the marital residence;

that Defendant be required to pay mortgage payments on the marital residence, together with the real estate taxes, insurance and other expenses in connection with the property;

that Plaintiff and the minor children of the parties have the continued exclusive use and possession of the family personalty located in the marital residence;

that the court determine ownership of all other tangible personal property of the parties, for either of them, and order a partition or sale in lieu of partition of all jointly owned such property, and a division of the proceeds;

The Court awards to _____

- temporary alimony in the amount of \$ _____ per _____.
- permanent alimony in the amount of \$ _____ per _____.

The Court awards custody of the minor child(ren) as follows:

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

_____.

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

_____.

2. (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 father is \$ _____.

- (b) The Court finds as set on Schedule "A," the gross income of the Mother 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 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 \$_____

9. 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.

The Court equitably divides the parties' marital property as follows:

The Court equitably divides the parties' marital debts as follows:

FUTHER ORDERED that each party is 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.