

# ANNULMENT PACKET

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## IMPORTANT NOTE ABOUT THIS PACKET

### HELPFUL HINTS:

**“Plaintiff”**: The first and last name of the person who is filing this action

**“Defendant”**: The other party’s first and last name

**“Case Number”**: Leave this field blank if you are preparing to file a new case

### FREQUENTLY ASKED QUESTIONS:

#### **1. When can I ask for an annulment (rather than for divorce?)**

An annulment seeks a judicial declaration that a marriage was invalid. According to O.C.G.A. § 19-3-1, to constitute a valid marriage in this state there must be:

- (1) Parties able to contract;
- (2) An actual contract; and
- (3) Consummation according to law.

Generally, an annulment seeks to have the marriage declared invalid, or void if one or both persons were unable to contract (under age or already married, for example), were unwilling to contract, or were induced into marriage by fraud. If you are uncertain about your grounds for annulment, you should consult with an attorney before filing these forms.

#### **2. How does the birth of a child affect my ability to obtain an annulment?**

If a child was born between you and your spouse, you should file a divorce.

### **OPTIONAL FORM:**

If you are unable to afford the filing fees, you may ask the Court to waive the fees by completing the [Affidavit of Indigence and Eligibility to Proceed in Forma Pauperis \(Pauper’s Packet\)](#) and submit along with your other completed forms to the Clerk of Superior Court.

# Domestic Relations Case Final Disposition Information Form

Superior Court County \_\_\_\_\_ Date Disposed \_\_\_\_\_  
MM-DD-YYYY  
Docket # \_\_\_\_\_

Reporting Party \_\_\_\_\_  
Last First Middle I. Suffix Prefix Maiden Title

Name of Plaintiff/Petitioner(s) Name of Defendant/Respondent(s)  
Last First Middle I. Suffix Prefix Maiden Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney  Pro Se Defendant/Respondent's Attorney  Pro Se

Last First Middle I. Suffix Last First Middle I. Suffix

Bar # \_\_\_\_\_ Bar # \_\_\_\_\_

## Type of Disposition (Check all that apply)

1.  Dismissed Without Final Order
  - A.  Voluntary (by parties)
  - B.  Involuntary (by court)
2.  Pre-Trial Settlement
3.  Judgment on the Pleadings
4.  Summary Judgment
5.  Trial
  - A.  Bench Trial
  - B.  Jury Trial
    1.  Dismissal after jury selected
    2.  Settlement during trial
    3.  Judgment on Verdict
    4.  Directed Verdict or JNOV

## ADR

1. Was mediation utilized?  Yes  No
2. If Yes, was it (check if applicable)
  - court annexed?
  - court mandated?
3. Binding Arbitration Agreement  Yes  No  
If Yes, what matters were subject:
  - Child Custody
  - Visitation/Parenting Time
  - Parenting Plan

## Relief Granted (Check all that apply)

1.  Ex Parte Relief
2.  Temporary Relief
3.  Final Relief
  - a.  Divorce/Annulment/Separate Maintenance
  - b.  Child Custody  
Parenting Plan?  Yes  No  
Custodial Arrangement?  Yes  No  
If Yes, check one:
    - Joint Custody
    - Joint Legal Custody
    - Joint Physical Custody
    - Sole Custody to: \_\_\_\_\_  
14 year old parental selection?  Yes  No
  - c.  Visitation or Parenting Time  
Approx. Parenting Time (days per year)  
Mother \_\_\_\_\_ Father \_\_\_\_\_  
Parenting Time Contested?  Yes  No
  - d.  Child Support  
Forms attached?  Yes  No
  - e.  Legitimation/Paternity
  - f.  Alimony
  - g.  Contempt
  - h.  Equitable Division
  - i.  Protective Order
    - Person  Property
    - Finding of Family Violence?
  - j.  Adoption
  - k.  Attorneys Fees?  
If Yes, enter amount: \_\_\_\_\_  
to whom: \_\_\_\_\_
  - l.  Other (Specify) \_\_\_\_\_
4.  Dismissed prior to granting of relief.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CIVIL ACTION  
NUMBER: \_\_\_\_\_

PLAINTIFF

VS.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEFENDANT

**SUMMONS**

**TO THE ABOVE NAMED DEFENDANT:**

**You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:**

**an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.**

**This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.**

**Richard T. Alexander, Jr.,  
Clerk of Superior Court**

**By \_\_\_\_\_  
Deputy Clerk**

**INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.**

SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

—

\_\_\_\_\_

Plaintiff,

v.

\_\_\_\_\_

Defendant.

Civil Action

File No.:

\_\_\_\_\_

**COMPLAINT FOR ANNULMENT**

My name is \_\_\_\_\_ and I am representing myself in this ANNULMENT action. In support of my case, I state as follows:

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 the State of Georgia.

(b) I am not a resident of the State of Georgia, but the Defendant is a resident of the State of Georgia.

2. **Venue:** The Defendant's name is \_\_\_\_\_.

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

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

(b) The Defendant is a resident of Georgia in \_\_\_\_\_ County, and I live in Gwinnett County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

(c) The Defendant is not a resident of the State of Georgia, but I am a resident of Gwinnett County, Georgia, and:

*[Check only one of the following, either (1), (2), or (3).]*

(1) The Defendant has never resided in the State of Georgia and currently resides in the State of \_\_\_\_\_.

- (2) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (3) I am a resident of Gwinnett County and the Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, and incorporate it here by reference.

3. **Service of Process:** The Defendant shall be served as provided under OCGA § 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 *Complaint*.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Check only if the Defendant lives outside Gwinnett County.)* The Defendant resides outside of Gwinnett County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.

(c) The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1) for those who cannot be found within the State of Georgia. To the best of my knowledge, the Defendant's last known address is:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. **Date of Marriage:** The Defendant and I entered into a purported marriage on \_\_\_\_\_.

**Date of Separation:** The Defendant and I separated on \_\_\_\_\_ and have since that date continued to live in a state of separation.

6. **Grounds for Annulment:** The grounds for annulment of the purported marriage between the Defendant and I are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

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

(a) That the purported marriage between the Defendant and I be annulled *ab initio*;

(b) That \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(c) That the Court order any and all other relief that the Court finds appropriate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff *Pro se* [signature]

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City, State ZIP

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

- _____ Plaintiff, v. - _____ Defendant.	Civil Action File No.: _____
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**VERIFICATION**

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Annulment* and that the facts contained within my *Complaint* are true and correct.

\_\_\_\_\_  
Plaintiff *[signature]*

SWORN AND AFFIRMED before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**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 <sup>st</sup> , 2 <sup>nd</sup> , 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 <sup>st</sup> , 2 <sup>nd</sup> , 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	

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**(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.



## **NEXT STEPS...**

**Step #1: Download all current administrative court forms at:**

<http://gwinnettflc.atlantalegalaid.org/administrative-court-forms/>

**Step #2: Serve the other Party**

Depending on your situation you will need to have the other party acknowledge your case, or you will have to arrange to have them served. Download your filing instructions by visiting:

<http://gwinnettflc.atlantalegalaid.org/filing-and-service-instructions/>