

DIVORCE TERMINATING HUSBAND'S PARENTAL RIGHTS (NO CHILDREN OF THE MARRIAGE)

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

This packet is intended for situations where the Husband is not the biological father of children born during the marriage. You **MUST** file a divorce with children in order to terminate the Husband’s parental rights.

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.

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Filed _____ Case Number _____
MM-DD-YYYY

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Check One Case Type in One Box

General Civil Cases

- Automobile Tort
- Civil Appeal
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Dissolution/Divorce/Separate Maintenance
- Family Violence Petition
- Paternity/Legitimation
- Support – IV-D
- Support – Private (non-IV-D)
- Other Domestic Relations

Post-Judgment – Check One Case Type

- Contempt
 - Non-payment of child support, medical support, or alimony
- Modification
- Other/Administrative

Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

_____ Case Number

_____ Case Number

I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

Is an interpreter needed in this case? If so, provide the language(s) required. _____
Language(s) Required

Do you or your client need any disability accommodations? If so, please describe the accommodation request.

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,		Civil Action
v.		File No.: _____
Defendant.		

**COMPLAINT FOR DIVORCE AND TERMINATION OF
HUSBAND’S PARENTAL RIGHTS**

My name is _____
I am representing myself in this divorce 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 have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.
 - (b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to my filing of this action.

2. **Venue:** My spouse is the Defendant in this action and:
[Check only one of the following, either (a), (b), (c), (d) or (e).]
 - (a) The Defendant is a resident of Gwinnett County and is subject to the jurisdiction of this Court.
 - (b) The Defendant is no longer a Gwinnett County resident, but lives in Georgia. The Defendant and I lived together in Gwinnett County at the time we separated. I still reside in Gwinnett County, and the Defendant moved away from Gwinnett County within the past six months before the date of my filing this action.
 - (c) The Defendant is a Georgia resident, but does not live in Gwinnett

County. I live in Gwinnett County and the Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.

- (d) 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 lives in the state of _____ but was formerly a resident of the State of Georgia and is subject to the personal jurisdiction of the Court under Georgia’s Long Arm Statute, OCGA § 9-10-91(5).
 - (2) The Defendant lives in the state of _____ and has never resided in the State of Georgia.
 - (3) The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
- (e) 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*.

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 signed an *Acknowledgment of Service* which I am filing with this *Complaint*.
- (b) The Defendant may be served by the Sheriff’s Department at the Defendant’s residence/work address, which is:

- (b-1) [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 Diligent Search* with this *Complaint*. The Defendant shall be served by publication as provided under OCGA § 9-11-4(e)(1). To the best of my knowledge, the Defendant's last known address is:

4. **Date of Marriage:**

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

- (a) The Defendant and I were lawfully married on _____
- (b) The Defendant and I are married by common law because we lived together and held ourselves out as husband and wife before January 1, 1997, beginning on _____

5. **Date of Separation:** The Defendant and I last separated on _____ and we have remained in a true state of separation since that date.

6. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Defendant and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with this *Complaint*.

7. **Minor Children:**

[If there were no minor children born during the marriage, you should use a different form which is much shorter.]

The Plaintiff Defendant **is not** the biological parent of the minor child(ren) listed below who was/were born during the marriage, and his legal rights to this/these child(ren) should be terminated:

Name of child	Year of Birth	Name of biological Parent

8. **Alimony:**

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

- (a) I am financially dependent on the Defendant and need the Court to order the Defendant to pay alimony for my support.
- (b) I am not asking for alimony.
- (c) The issue of alimony cannot be decided in this action because the Court does not have personal jurisdiction over the Defendant.

9. **Marital Property:**

[Check only one of the following, either (a), (b), (c) or (d). Do not include complete account numbers.]

- (a) The Defendant and I did not obtain any property during our marriage.
- (b) The Defendant and I have already divided our marital property, and we are both satisfied with the division.
- (c) The Defendant and I obtained the following marital property listed below on a separate sheet of paper attached to this *Complaint*, and I am asking for a fair division of this property:

Type	Description									
<input type="checkbox"/> House (address):	<hr/> <hr/>									
<input type="checkbox"/> Other Real Estate (address):	<hr/> <hr/>									
<input type="checkbox"/> Mobile Home (year, model):	<hr/>									
<input type="checkbox"/> Pension(s):	<table border="1"> <tr> <td data-bbox="618 848 963 911">Mine worth:</td> <td data-bbox="967 848 1437 911">Defendant's worth:</td> </tr> </table> <hr/>	Mine worth:	Defendant's worth:							
Mine worth:	Defendant's worth:									
<input type="checkbox"/> Motor Vehicles	<table border="1"> <thead> <tr> <th data-bbox="618 953 938 995"><i>Year</i></th> <th data-bbox="943 953 1101 995"><i>Make</i></th> <th data-bbox="1105 953 1437 995"><i>Model</i></th> </tr> </thead> <tbody> <tr> <td><hr/></td> <td><hr/></td> <td><hr/></td> </tr> <tr> <td><hr/></td> <td><hr/></td> <td><hr/></td> </tr> </tbody> </table>	<i>Year</i>	<i>Make</i>	<i>Model</i>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
<i>Year</i>	<i>Make</i>	<i>Model</i>								
<hr/>	<hr/>	<hr/>								
<hr/>	<hr/>	<hr/>								
<input type="checkbox"/> Bank Accounts	<i>Name of Institution, type of account</i> <hr/> <hr/>									
<input type="checkbox"/> Other property	<hr/> <hr/>									
<input type="checkbox"/> (d) The issue of the division of marital property cannot be decided in this case because none of the property is in Georgia and the Court does not have personal jurisdiction over the Defendant.										

10. Joint or Marital Debts:

[Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.]

- (a) The Defendant and I do not have any outstanding joint or marital debts.
- (b) The Defendant and I agree that our outstanding joint or marital debts should be divided as indicated in the signed Settlement Agreement.
- (c) The Defendant and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below on a separate sheet of paper attached to this *Complaint*.

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>

- (d) The issue of dividing joint and marital debts cannot be decided in this case because the Court does not have personal jurisdiction over the Defendant.

11. **Restraining Order Where Violence Has Occurred:**

[Check only if applicable.]

There is a history of physical violence by the Defendant toward me, and I am afraid that the Defendant will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

12. **Restore Former or Maiden Name:**

[Check only if applicable.]

I am asking the Court to restore my former or maiden name, which is:

13. **Grounds for Divorce:**

[Check the ones that you can prove at trial.]

My grounds for divorce from the Defendant are:

- (a) **Our marriage is irretrievably broken.** The Defendant and I can no longer live together and there is no hope that we will get back together.
- (b) **Cruel treatment** - The Defendant committed the following acts of cruel treatment toward me:

- (c) **Adultery** - The Defendant has had sexual intercourse with someone else during our marriage.
- (d) **Desertion** - The Defendant has intentionally and continually deserted me for at least a year.

- (e) **Other grounds** from list in OCGA § 19-5-3, as explained here:

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

- (a) That process and summons issue as provided by law;
- (b) That Defendant be served with a copy of this Complaint;
- (c) That I be granted a total divorce from the Defendant;
- (d) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- (e) That the custody and visitation for the children be ordered according to Paragraph 14;

- (f) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 15, 16 and 17;
- (g) That the Defendant be ordered to pay me alimony for my support;
- (h) That our marital property be divided according to Paragraph 20;
- (i) That our joint or marital debts be divided according to Paragraph 21;
- (j) That the Defendant be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (k) That my former or maiden name be restored according to Paragraph 23;
- (l) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (m) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (n) 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.: _____
------------------------------------------------------------------	---------------------------------

VERIFICATION

I am the Plaintiff filing this action. I swear or affirm that I have read the *Complaint for Divorce with Minor Children* 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

COMPLETE FINANCIAL AFFIDAVIT

Domestic Relations Financial Affidavit

It is possible you do not need to complete the Financial Affidavit, if:

- You and your spouse have a signed Settlement Agreement and have agreed to the amount of child support; or
- Your spouse was never a Georgia resident and you cannot ask for child support or alimony; or
- You are already receiving child support or alimony.

Complete the [Domestic Relations Financial Affidavit](#) if you do NOT have a Settlement Agreement and:

- Your spouse is a Gwinnett County resident and you are asking for child support or alimony; or
- Your spouse is a former Georgia resident who lives out of state and you are asking for child support and/or alimony; or
- You are asking the Court to make a fair division of marital property; or
- You are asking the Court to make a fair division of marital debt; or
- You receive a notice from the Judge directing you to complete the form.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,

Civil Action File No.:

v.

Defendant.

FINAL JUDGMENT AND DECREE OF DIVORCE

Upon consideration of evidence submitted and upon legal principles, the Court grants a total divorce, a divorce a vinculo matrimonii, to Plaintiff and Defendant. The Court orders and decrees that the marriage contract heretofore entered into between Plaintiff and Defendant, from and after this date, be set aside and dissolved as if no such contract had ever been made or entered into, and Plaintiff and Defendant, formerly husband and wife, in the future shall be held and considered as separate and distinct persons, altogether unconnected by any nuptial union or civil contract whatsoever.

The prior name of the wife, _____, is restored to her.

The Agreement between the parties filed dated _____ is incorporated herein by reference and made a part of this Final Judgment and Decree. Each party is ORDERED and directed to comply with the terms and provisions therein.

This is to certify that the above is a true and correct copy of the Final Judgment and Decree in the above stated case.

This ____ day of _____, 20__.

Deputy Clerk, Gwinnett Superior Court

HEREIN FAIL NOT, SO ORDERED

this ____ day of _____, 20__.

Judge, Gwinnett Superior Court

By designation

(FJD:V07102013)

IMPORTANT NOTE ABOUT THIS FORM

ONLY use this form if you are filing a divorce and the husband is not the biological father of a child born during the marriage and you want to terminate the husband's rights.

For a list of other custody and parenting time arrangements, please visit the [Parenting Plan](#) page.

GWINNETT COUNTY SUPERIOR COURT
STATE OF GEORGIA

Plaintiff,
v.

Defendant.

Civil Action
File No.: _____

ORDER TERMINATING PARENTAL RIGHTS

After considering the evidence and applicable law, it is the judgment of this Court that the parental rights of Plaintiff Defendant, _____, shall be terminated as follows:

The following child(ren) was/were born during the parties' marriage but is/are not Husband's biological child(ren):

Name of Child	Year of Birth

This termination is ordered pursuant to O.C.G.A. § 19-7-1(b)(8), as part of the Court's order granting a divorce. This Court finds termination to be in the best interest of the minor child(ren), in that the termination of Husband's legal status will open the door for legitimation by the biological father of the minor child(ren), or for stepparent adoption by any future stepfather. Therefore, the Court finds the Mother is the sole legal and physical custodian of the minor child(ren).

SO ORDERED THIS _____ day of _____, 20__.

JUDGE, GWINNETT 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.

General Civil and Domestic Relations Case Disposition Information Form

Superior or State Court of _____ County

For Clerk Use Only

Date Disposed _____ Case Number _____
MM-DD-YYYY

Case Style _____

Plaintiff(s)

Defendant(s)

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Last	First	Middle I.	Suffix	Prefix
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Reporting Party _____

Plaintiff's Attorney _____

Bar Number _____

Self-Represented

Defendant's Attorney _____

Bar Number _____

Self-Represented

Manner of Disposition
Check Only One

Jury Trial

Bench/Non-Jury Trial

Non-Trial Disposition

Alternative Dispute Resolution

- Check if any party was self-represented at any point during the life of the case.
- Check if the court ordered an interpreter for any party, witness, or other involved individual.
- Was the case referred/ordered to a court-annexed alternative dispute resolution (ADR) process?

HOW TO FILE YOUR DOCUMENTS AT THE COURTHOUSE

- 1. Download all current administrative court forms at:
<http://gwinnettflc.atlantalegalaid.org/administrative-court-forms/>
- 2. Double-check that you have signed all of your documents.
- 3. Go to the Clerk of Superior Court; they have a computer and scanner available for you to use.
- 4. Scan your documents, at the kiosk, one at a time

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff, _____	Civil Action File No.: _____
Defendant. _____	_____

TITLE OF DOCUMENT

Example of case heading

- Each page with the case heading is a separate document.
- Label the document in a way you will remember, for example:
 - Initials, Summons
 - Initials, Complaint
 - Initials, Financial Affidavit

- 5. Follow the instructions on the computer for filing with Tyler's Odyssey eFileGA.
- 6. Ask for help if necessary.
- 7. Set up an account or enter in your email address. There is no fee to set up an account.
- 8. Choose "upload documents" and then upload all of the documents you just scanned.
- 9. After filing, wait 24 to 48 business hours to receive an "acceptance" email. If your filing was not accepted, you will receive an email that explains why (for example, no signature or no date).
- 10. The accepted documents will be stamped with a case number, date and time.
- 11. Print two copies of the stamped, accepted document(s). One copy is for your records. The second copy is for the other party.
- 12. Serve the other party. Review your options at <http://gwinnettflc.atlantalegalaid.org/filing-and-service-instructions/>

Want to file your case from home? Visit
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>

INSTRUCTIONS FOR

SERVICE BY GWINNETT COUNTY SHERIFF

- 1. **Efile from the courthouse or from home.** For more details, visit:
<http://gwinnettflc.atlantalegalaid.org/how-to-efile/>.
- 2. Once your case has been accepted, print a copy of all the date-stamped forms and deliver them to the Gwinnett County Sheriff/Civil Processing Unit. You must pay separately for their service of Summons, which is \$50 if you have not obtained a fee waiver.
- 3. The Sheriff will file the proof of service in the court record. You should contact the court, or visit the website to confirm that the Sheriff's entry of service has been documented for your case.
- 4. Wait for notice of a court date or a request for additional information from the court or from the other party.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

Can't serve the other party in Gwinnett County? See more options at
<http://gwinnettflc.atlantalegalaid.org/category/filing-instructions/>.