

RESPONSE TO DIVORCE (WITH CHILDREN)

HOW TO FILE YOUR RESPONSE

1. Double check that you have signed all of your documents.
2. A notary is available at the Clerk's office and you should wait until you are in front of a notary before you sign these documents.
3. Make 2 copies of all your signed documents.
4. Go to the clerk of Superior Court and have the clerk stamp all 3 copies of your Answer, Verification and Certificate of Service.
5. The clerk will keep the originals. One copy is yours to keep.
6. Mail a copy of the Answer to the other side. You may send it by regular 1st class mail, U.S. Postal Service.
7. Wait for notice of a court date or request for additional information from the court or from the other side.

Courthouse Information

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

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff, v. Defendant.	Civil Action File No.:	_____
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**ANSWER COUNTERCLAIM FOR DIVORCE
WITH MINOR CHILD(REN)**

ANSWER

I am the Defendant and am representing myself in this divorce action. In response to each of the numbered paragraphs of the Plaintiff's *Complaint for Divorce*, I state as follows:

[Check only one answer to match each paragraph of the Complaint; whenever you choose the "partly true" answer, you must explain on the lines about what is true and what is false.]

1. The allegations of Paragraph One are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

2. The allegations of Paragraph Two are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

3. The allegations of Paragraph Three are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

4. The allegations of Paragraph Four are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

5. The allegations of Paragraph Five are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

6. The allegations of Paragraph Six are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

7. The allegations of Paragraph Seven are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

8. The allegations of Paragraph Eight are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

9. The allegations of Paragraph Nine are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

10. The allegations of Paragraph Ten are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

11. The allegations of Paragraph Eleven are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

12. The allegations of Paragraph Twelve are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

13. The allegations of Paragraph Thirteen are: admitted as true denied as
untrue neither admitted nor denied because I do not have enough information to
know the truth of the matter partly true and partly untrue, specifically as
follows:

14. The allegations of Paragraph Fourteen are: admitted as true denied as
untrue neither admitted nor denied because I do not have enough information to
know the truth of the matter partly true and partly untrue, specifically as
follows:

15. The allegations of Paragraph Fifteen are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

16. The allegations of Paragraph Sixteen are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

17. The allegations of Paragraph Seventeen are: admitted as true denied as
untrue neither admitted nor denied because I do not have enough information to
know the truth of the matter partly true and partly untrue, specifically as
follows:

18. The allegations of Paragraph Eighteen are admitted as true denied as
untrue neither admitted nor denied because I do not have enough information to
know the truth of the matter partly true and partly untrue, specifically as
follows:

19. The allegations of Paragraph Nineteen are admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

20. The allegations of Paragraph Twenty are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

21. The allegations of Paragraph Twenty-One are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

22. The allegations of Paragraph Twenty-Two are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

23. The allegations of Paragraph Twenty-Three are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

24. The allegations of Paragraph Twenty-Four are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

25. The allegations of Paragraph Twenty-Five are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

26. **Defenses** - In addition to my specific responses above, I have the following affirmative defenses to this action:

COUNTERCLAIM FOR DIVORCE WITH MINOR CHILDREN

27. **Subject Matter Jurisdiction:** I am the Defendant 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 filing this action.

28. **Venue:** My spouse is the Plaintiff in this action, and has consented to venue and personal jurisdiction by filing the *Complaint for Divorce*.

29. **Service:** The Plaintiff shall be served as provided under OCGA § 9-11-5(b), by delivering or mailing to the address listed on the *Summons*.

30. **Date of Marriage:**

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

(a) The Plaintiff and I were lawfully married on _____

(b) The Plaintiff 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 _____

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

32. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Plaintiff 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 the Court, together with this *Answer and Counterclaim*.

33. **Minor Children:** *[Check all that apply. If there are no minor children, you may use a different form, which is much shorter.]*

(a) The Plaintiff Defendant is pregnant.

The baby is due on _____ .

(b) The Plaintiff Defendant **is** the biological parent of (or has legally adopted) the minor child(ren) listed below who was/were born before or during the marriage:

Name of child	Sex	Year of Birth	Lives with (Plaintiff, Defendant, other)

(c) The Plaintiff Defendant **is not** the biological parent of the minor child(ren) listed below who was/were born during the marriage:

Name of child	Year of Birth	Name and address of biological Parent

34. **Child(ren)'s Current Residence:**

Child(ren)'s current address: _____

City, State ZIP _____

County: _____

The child(ren) has/have lived at this address since approximately (month and year): _____

35. **Children's Past Residences:**

During the past five years, the child(ren) has/have lived at the following addresses:

Dates at Address	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

36. **People With Whom Children Have Lived:**

During the past five years, the children have lived with the following people:

Name of Person	Current Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

37. **Other Court Cases About Children:**

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

(a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor children in this or any other state.

(b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: _

38. **Other Proceedings That Could Affect Custody or Visitation in This Case:**

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

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in this or any other state.

- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another state. The court, the case number and the nature of the proceeding are as follows:

39. **Others Claiming Custody or Visitation:** *[Check only one of these, either (a) or (b).]*

- (a) I do not know of any person who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children.

- (b) I know of someone who is not a party to this case, who has physical custody of the children or who claims to have custody or visitation rights with respect to the children. The names and current addresses of the person(s) are as follows:

40. **Child Custody and Visitation:** I am a fit and capable parent, and I believe that the following custody arrangement is in the best interests of the children:

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

- (a) I should have legal and physical custody.

- (b) The Plaintiff and I should share joint legal custody but I should have primary physical custody and the Plaintiff should have visitation.

(c) The Plaintiff and I should share joint legal custody but the Plaintiff should have primary physical custody and I should have visitation.

(d) Other custody arrangement:

(e) The Plaintiff Defendant **is not** the biological or adoptive parent of the children listed in Paragraph 7(c) and his legal rights to these children should be terminated.

Permanent Parenting Plan. I understand I am required to prepare a Parenting Plan which:

- I am filing a Parenting Plan with this *Complaint*.
- I will file a Parenting Plan before the first hearing in this case.

41. **Child Support:** [*Check only one of these, either (a), (b) or (c).*]

- (a) The Plaintiff has income or is capable of earning sufficient money to support the minor children.
- (b) I have income or am capable of earning sufficient money to support the minor children.

42. **Health Insurance for Children:** [*Check only one of these, either (a), (b), (c) or (d).*]

- (a) The Plaintiff should be ordered to maintain a policy for medical, dental and hospitalization insurance for the minor children.
- (b) I already provide health insurance for the children, and the Plaintiff should be required to reimburse me for a fair share of the cost each month.
- (c) I am not asking the Court to address this issue in this case.

43. **Other Medical Expenses for Children:** *[Check only one of these: (a), (b), (c) or (d)]*

- (a) The Plaintiff should be responsible for all expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.
- (b) The Plaintiff and I should share the cost of expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.
- (c) I am not asking the Court to address this issue in this case.

44. **Life Insurance to Support Children:** *[Check only one of these, either (a), (b) or (c).]*

- (a) The children depend on the Plaintiff for support, and therefore the Plaintiff should maintain a policy of insurance on the Plaintiff's life, for the benefit of the minor children for so long as at least one of the children is a minor or is otherwise entitled to child support.
- (b) I am not asking the Court to address this issue in this case.

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

- (a) I am financially dependent on the Plaintiff and need the Court to order the Plaintiff to pay alimony for my support.
- (b) I am not asking for alimony.

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

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

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="0"> <tr> <td data-bbox="618 739 963 793">Mine worth:</td> <td data-bbox="967 739 1096 793"></td> <td data-bbox="1101 739 1308 793">Defendant's worth:</td> <td data-bbox="1313 739 1442 793"></td> </tr> </table>	Mine worth:		Defendant's worth:									
Mine worth:		Defendant's worth:											
<input type="checkbox"/> Motor Vehicles	<table border="0"> <tr> <td data-bbox="618 835 933 877"><i>Year</i></td> <td data-bbox="938 835 1096 877"><i>Make</i></td> <td data-bbox="1101 835 1442 877"><i>Model</i></td> </tr> <tr> <td><hr/></td> <td><hr/></td> <td><hr/></td> </tr> <tr> <td><hr/></td> <td><hr/></td> <td><hr/></td> </tr> <tr> <td><hr/></td> <td><hr/></td> <td><hr/></td> </tr> </table>	<i>Year</i>	<i>Make</i>	<i>Model</i>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
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<input type="checkbox"/> Bank Accounts	<i>Name of Institution, type of account</i> <hr/> <hr/>												
<input type="checkbox"/> Other property	<hr/> <hr/>												

47. **Joint or Marital Debts:** *[Check only one of the following, either (a), (b), or (c). Do not include complete account numbers.]*

- (a) The Plaintiff and I do not have any outstanding joint or marital debts.
- (b) The Plaintiff and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

Creditor	Balance	Who Should Pay

Listed on separate paper attached to this *Complaint*

Listed in the signed *Settlement Agreement*

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

[Read instructions carefully and check only if applicable.]

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

49. **Restore Former or Maiden Name:** *[Check only if applicable.]*

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

50. **Grounds for Divorce:** *[Check the ones that you can prove at trial.]*

My grounds for divorce from the Plaintiff are:

(a) **Our marriage is irretrievably broken.** The Plaintiff and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment** - The Plaintiff committed the following acts of cruel treatment toward me: ____

-
-
- (c) **Adultery** - The Plaintiff has had sexual intercourse with someone else during our marriage.
 - (d) **Desertion** - The Plaintiff 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 I be granted a total divorce from the Plaintiff;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- (c) That the custody and visitation for the children be ordered according to Paragraph 40;
- (d) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 41,42 and 43;
- (e) That the Plaintiff be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 46;
- (g) That our joint or marital debts be divided according to Paragraph 47;
- (h) That the Plaintiff be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (i) That my former or maiden name be restored according to Paragraph 49;
- (j) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;

- (k) That the Court order the parties to participate in mediation, to try to resolve this matter; and
- (l) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,
v.

Civil Action
File No.: _____

Defendant.

VERIFICATION

The Defendant personally appeared before the undersigned officer duly authorized to administer oaths, and did swear or affirm that he/she read the foregoing *Answer and Counterclaim* and that the information contained therein is true and correct.

Signature, Defendant *Pro se*

SWORN AND AFFIRMED before me this
____ day of _____ 20____.

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,
v.

Defendant.

Civil Action
File No.: _____

CERTIFICATE OF SERVICE

This certifies that I sent copies of the foregoing *Answer and Counterclaim* to the opposing party by first class mail certified mail, return receipt requested. They were addressed to the opposing party or their attorney as follows:

Opposing Party/Attorney's Name

Address

Address Line 2

City, State, ZIP

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____