

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

_____		
Plaintiff,		Civil Action
vs.		File Number _____
_____		
Defendant.		

**ANSWER & COUNTERCLAIM FOR DIVORCE  
WITH MINOR CHILDREN**

**ANSWER**

My name is \_\_\_\_\_ and I 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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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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:

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

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### **COUNTERCLAIM FOR DIVORCE**

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 as of \_\_\_\_\_, which date was prior to January 1, 1997.

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:**

The Plaintiff and I are the parents of \_\_\_\_\_ minor children, listed below:

<u>Name of child</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Lives with (mother, father, other)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

34. **Children's Current Residence:**

The minor children currently live at \_\_\_\_\_

\_\_\_\_\_ in \_\_\_\_\_ County,

with the following adults: \_\_\_\_\_

\_\_\_\_\_.

The children have lived at this address since approximately \_\_\_\_\_.

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

During the past five years, the children have lived at the following addresses:

<u>Dates at Address</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

<u>Name of Person</u>	<u>Person's Current Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

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:

\_\_\_\_\_

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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:

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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 present addresses of the person(s)

are:

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40. **Child Custody:**

*[Check and complete only one of these, either (a), (b), or (c).]*

I believe that the following custody arrangement is in the best interests of the children:

- (a) They should be in the full custody of \_\_\_\_\_.
  - (b) The Plaintiff and Defendant should share joint legal custody, with primary physical custody to the \_\_\_\_\_.
  - (c) \_\_\_\_\_
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41. **Child Visitation:**

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

I believe that the following visitation arrangement is in the best interests of the children:

- (a) The \_\_\_\_\_ should have reasonable visitation.
  - (b) Visitation for the \_\_\_\_\_ should be limited in the following way, for the following reasons: \_\_\_\_\_
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- 
-

42. **Child Support:**

*[Check only one of these, either (a) or (b).]*

(a) The Plaintiff has income or is capable of earning sufficient money to support the minor children. Based on the Plaintiff's gross income of \$\_\_\_\_\_ per month, and the Georgia child support guidelines (OCGA § 19-6-15), the Plaintiff should pay an amount of support between \$\_\_\_\_\_ and \$\_\_\_\_\_ per month.

(b) Based on my gross income of \$\_\_\_\_\_ per month, and the Georgia child support guidelines (OCGA §19-6-15), I can pay the Plaintiff an amount of child support between \$\_\_\_\_\_ and \$\_\_\_\_\_ per month.

43. **Health Insurance for Children:**

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

(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.

44. **Other Medical Expenses for Children:**

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

(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.

45. **Life Insurance to Support Children:**

*[Check only one of these, either (a) or (b).]*

(a) The children depend on the Plaintiff for support, and therefore the Plaintiff should maintain a policy of insurance on the Plaintiff's life, with a face amount of \$ \_\_\_\_\_, for the benefit of the minor children. The Plaintiff should maintain the policy 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.

46. **Alimony:**

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

(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.

47. **Marital Property:**

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

(a) The Plaintiff and I have already divided our marital property, and we are both satisfied with the division.

(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:

House located at \_\_\_\_\_

Other real estate, located at \_\_\_\_\_

Mobile home (model: \_\_\_\_\_, year: \_\_\_\_\_)

Pension (mine, worth \$ \_\_\_\_\_; Plaintiff's, worth \$ \_\_\_\_\_)

Motor vehicles listed here:

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Model/year: \_\_\_\_\_

Furniture:

Listed here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

Bank accounts and/or other investments:

Listed here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

Other property:

Listed here: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Listed on separate paper attached to this *Counterclaim*

48. **Joint or Marital Debts:**

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

(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:

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

Listed on separate paper attached to this *Counterclaim*.

49. **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.

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

*[Check only if applicable.]*

My former or maiden name is \_\_\_\_\_, and I am asking the Court to restore that name to me.

51. **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 Paragraphs 40 and 41;
- (d) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 42, 43, 44 and 45;
- (e) That the Plaintiff be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 47;
- (g) That our joint and marital debts be divided according to Paragraph 48;
- (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 50;
- (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: \_\_\_\_\_

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