

Can I represent myself in a divorce?

Yes. Get a lawyer if at all possible, though. Divorces can be complicated. This is especially true if there are custody, support or property issues. If you must

represent yourself, be prepared. Take your witnesses, papers, and evidence to the hearing.

How long must I live in Georgia before I can file for a divorce?

Six months. One year if you live on a military base. If you are a non-resident, you can file a divorce against a resident of Georgia who has lived for at least six months in the Georgia county in which you file the divorce.

What is no-fault divorce?

This means that you do not have to list a specific wrongdoing by your spouse to start a divorce, but must only swear that the marriage is “irretrievably broken.” This means that there is no hope you and your spouse will get back together. Either partner can file for this divorce. You must be living separately.

Can I get a legal separation?

You can file for “separate maintenance” without getting a divorce. A separate maintenance order can cover custody, alimony, and child support. It can cover rights to property too. You don’t need a separate maintenance order to file for divorce.

Does Georgia have common law marriage?

Couples who held themselves out as married prior to January 1, 1997 are considered married. Common law marriages cannot be entered into after that date.

Is a divorce needed to end a common law marriage?

Yes. Otherwise you are still married. If you marry later it will not be legal.

Getting A Divorce in Georgia

Frequently Asked Questions

What about custody of my children?

The court decides which parent gets custody based on the best interests of the children. Most courts award physical custody to one parent. The other parent usually gets visitation rights.

The courts can award joint custody. This means that both parents have the right to make joint decisions for the child. Often there is less or no child support under joint custody. Both parents must agree on decisions for the child. Joint custody will not work for you or your child if you and the other parent cannot agree. Think carefully about joint custody. Talk to your lawyer about it.

Where do I file for a divorce?

Generally in the superior court of the county where your spouse lives or where you lived together.

Can I get child support?

The parent awarded custody should get child support. The father of a child born out of wedlock must pay support. This applies even if the court has not ordered support or ruled on legitimation or paternity.

Contact the Offices of Child Support Services in your county if you need help collecting court ordered child support.

How much child support will I get?

The amount of child support you receive or pay depends on the incomes of both parents, the number of children, insurance and child care costs, and other factors such as extraordinary expenses. For more specific information about child support, ask for the brochure entitled “Child Support In Georgia” from your Georgia Legal Services Program office.

Can I get alimony?

Alimony is money for support paid to a spouse by the other spouse. Alimony can be for a short or long time. The court usually awards it only when a long-term marriage ends. One person must show a need for support. The other person must be able to pay.

Can I get part of my spouse’s military retirement or civilian pension?

Sometimes. Tell your lawyer about any military or civilian pension or any other benefits your spouse may be entitled to. Do this before the divorce. It is too late after the court signs the divorce decree.

Can I get continued health insurance coverage for myself and my children after my divorce?

Some laws let you continue receiving health insurance coverage (COBRA). You must give the insurance company certain notices. The premium payments must be made. You can ask the court to order your spouse to pay these. Tell your lawyer you need insurance coverage from the other spouse. If the insurance coverage is cut off, you may not be able to get it back.



How do I get my property in a divorce?

The judge (or jury) decides how to divide the property fairly. The court looks at what each person gave to the marriage. The court looks at the needs of each person. Gifts or inheritances during the marriage belong to the person who received them.

How long does it take to get a divorce?

Divorce cases usually are decided on the court's regular schedule. Sometimes a court decision can take many months. But the court can decide the case as quickly as 31 days after the divorce is served on the other person. This applies only when both parties sign an agreement.

What does the court decide?

The court can decide child custody, visitation, child support, alimony and division of property. The court can return your former last name to you if you changed it. The court can order one person to keep away from the other.

What if my spouse is abusive?

Tell your lawyer or the court if there is family violence in your home. You can ask the court to order the abuser to stay away from you. It is important to make the court aware of this, as it should affect the court's decision about custody, visitation, and spousal support (alimony).

Does this brochure answer all the questions?

No. Every divorce case is different. See a lawyer to discuss your individual case.

Brochures on child support, domestic violence, public benefits and other topics are available through your local legal services office.

This booklet gives you general information only. Act immediately if you receive court papers. You may lose your rights if you do not answer the papers. Contact a lawyer for individual legal advice in your case.

Georgia Legal Services does not have enough lawyers to handle most divorce cases. Georgia Legal Services staff may give you helpful information. They also may refer you to a private attorney. Check with your local Georgia Legal Services office. Call this office if your case involves violence or abuse.

Copies of this brochure and other information on domestic violence are available at: www.legalaid-ga.org Family Law and Domestic Violence.

The Georgia Legal Services Office listed above is the office serving your area. Call this office for assistance.

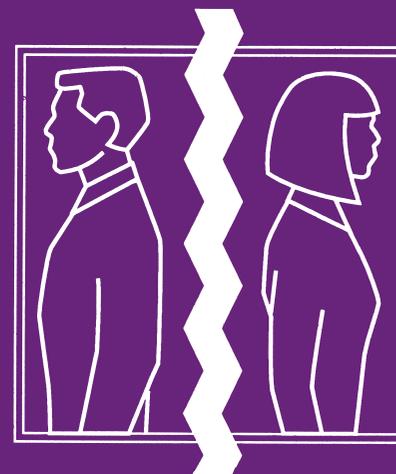
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