

# HOW TO FILE AN ANSWER TO A COMPLAINT FOR DIVORCE

Note: This information is not intended to serve as specific legal advice to an individual on any specific case, but instead, is general information about how to properly answer a divorce petition. If you receive any type of court papers, there will be deadlines you need to respond to, and we urge you to get legal advice IMMEDIATELY. By filing your own answer, you will ensure that you will receive notice of the final hearing and that you will be able to tell the Court your position whether you decide to hire an attorney or represent yourself. Please be cautioned that the clerk's office of the Superior Court must accept your answer, but the Judge has the authority to require that you hire an attorney.

## WHAT DO THESE PAPERS MEAN?

Any type of court papers that you are served with must be answered by a deadline.

A **SUMMONS** is a paper which will provide information regarding the case. The name of the Court and the County, the State, name of the Plaintiff (person who filed paper), name of the Defendant (person filed against), the Case Number, the attorney's name and address of the Plaintiff, and the number of days you have to file an answer.

A **SHERIFF'S ENTRY OF SERVICE** is a paper which provides the date that you were served with the petition and how you were served -- personal (in person), notorious (left at your address with a member of your household), etc.

A **COMPLAINT FOR DIVORCE** or **PETITION FOR DISSOLUTION OF MARRIAGE** is the document that states specific information regarding the marriage such as the dates of marriage and separation; the names and birthdates of the children, if any; the reason or grounds for the divorce; the settlement of property and/or custody; and, what the Plaintiff wants from the divorce.

A **RULE NISI** is a paper which states the date and time of a hearing which will temporarily settle issues that the Plaintiff demands before the actual final hearing, for example, child support or child custody. The Plaintiff may or may not request a Rule Nisi hearing.

An **ANSWER** is a paper filed by the Defendant stating what his/her objections are to the divorce petition and what he/she wants from the divorce.

## HOW DO I FILE AN ANSWER?

1. The document titled "Summons" will state the number of days you have in order to file your answer. [Normally, you have thirty (30) days from the day you were served.]
2. Your answer must be in writing and must be filed with the Clerk of the Court of the County and State printed on the petition. Remember: You must file your answer with the Court within the number of days stated on the Summons.

3. On the top part of your answer, copy the information from the top of the Summons - your name, your spouse's name, the name of the Court, and the Case Number.

4. Title your document ANSWER and then write out what you agree with and what you do not agree for every numbered paragraph in the petition. For example, I agree with numbered paragraphs 1, 2, 3, and 4. I do not agree with number 5 because ...(and state your objection). You may want to disagree with certain parts of a numbered paragraph if all the information is not true.

5. After you have written out your answer, sign your name and give the date. Your answer must be signed in the presence of a Notary Public who will notarize your answer.

6. Make two copies of your written answer. Mail one copy to the attorney for your spouse, whose name and address is on the Summons you received. Keep one copy for yourself. Take or mail the original to the Clerk of Court to file with the Court before the deadline passes.

## **WHAT HAPPENS AFTER I FILE MY ANSWER?**

By filing an answer, you will receive notice of the final hearing. You have a far better chance of getting what you've asked for in the answer by having legal representation. Regardless of whether you have an attorney or not, you should attend the hearing so that you can present your position to the Judge. Depending on the issues of the divorce case, the Judge may require that you hire an attorney. The Judge will make the final decisions in order to settle the divorce case. A final decree will be prepared by the Plaintiff's attorney and the Judge's orders will be stated in this document. Both the Plaintiff and the

Defendant must abide by this order.

Prepared by:

### **GEORGIA LEGAL SERVICES PROGRAM®**

Our work is to assure that low income people have access to justice and opportunities out of poverty.

1-800-498-9469 / TDD 1-800-255-0056 Statewide for hearing impaired.

On the Web at [www.GLSP.org](http://www.GLSP.org)