

GUIDE TO COMPLETING UNCONTESTED DIVORCE

GENERAL RULE:

1. You will need to contact the Clerk of Court to schedule your final hearings.
2. Be sure to bring any publication notices, etc. (if required)
3. Bring the final decree form with you to Court and hand it to the Judge and follow the accompanied dialogue (if not filed at time of the initial petition)

UNCONTESTED DIVORCE ACTIONS (UNIFORM SUPERIOR COURT RULE 24.6)

1. By written consent of both parties to a hearing, the divorce may be granted any time 31 days after service or upon filing an Acknowledgment of Service form.
2. In an unanswered action, a divorce may be granted any time 46 days after service, and the Court is in Effingham, unless time for response has been extended by Court Order and there are no children involved.
3. A divorce action served by publication may be granted 61 days or more after the date of the first publication in the County's Legal Organ (Effingham Herald in Rincon, Ga.) in the county the petition was filed.
4. For uncontested divorces where minor children are involved, the parties are required to attend a parenting class/seminar before getting the divorce completed. The certificate of completion from your class will be need to filed with the Clerk of Court. (A listing of parenting classes available in our area is on our website: www.effinghamcounty.org)

CALCULATION OF DAYS:

1. When filing an acknowledgment of Service form, count each day, including weekends. If the 30th day falls on a weekend or holiday, count the next working day as the 31st day. A divorce filed without a consent for trial must wait 45 days. The same rule applies if the 45th day falls on weekends or holidays. If serving the defendant by publication, time is calculated 61 days from the first publication in the legal organ. Count the next day after publication as the first day. The same rule applied if the 61st day falls on w2weekends or holidays.

DIALOGUE FOR UNCONTESTED DIVORCE DECREES:

When the Judge calls the name of your case, come forward to the podium and when told by the Court to proceeds or state your case, use essentially the following dialogue:

1. My name is _____. I have lived in _____ County for the last _____ (months) (years)
2. My spouse's name is _____ and he/she has also lived in _____ County for the last _____ (months) (years)

OR

My spouse lived in ____ County at the time I filed this divorce action but he/she has left the county and I do not know his/her whereabouts at this time.

OR

My spouse left on or about _____(Date) and I have no contact with him/her since then.

3. My spouse and I were married on or about ____ (Date) and we separated on or about _____(Date)
4. Our marriage is irretrievably broken, there are no hopes for reconciliation and we cannot and will not live together in the future. Other legal grounds may be used instead of the ground of "irretrievably broken."
5. If applicable: My spouse and I have reached a contract of Settlement signed by us on ____ (Date) and that agreement settles all matters of custody, child support, alimony, property division, and debts, etc.
6. Tell the Judge whether there are any minor children of the marriage and that you have attended the divorcing parenting course and filed your certificate of completion with the Clerk of Court. Also, requirements of the Child Support Guidelines law that came into effect January 1, 2007 must be followed or substantially complied with by BOTH parties.
7. I am asking the Court to adopt the settlement agreement made between me and my spouse and I am asking the Court grant a divorce decree.
8. If applicable: I am also asking the Court to restore my maiden name to me, which is _____.
9. When the Court has signed the decree, it is appropriate to say "Thank you, you honor, may I be excused?" If the Judge replies "yes" you may leave the courtroom.
10. You may obtain a copy of your final decree the next day after filing by the Clerk of Courts. Cost of such copy is \$0.50 per page, certified copy (with courts seal) is \$2.50 first page and \$0.50 each page thereafter.
11. Our office takes cash, certified funds, or cashier's check. No debt cards accepted.