**Conducting a Pro Se Divorce**

Check service and notice if no defendant present.

 If no service but defendant present, ask parties if they waive service and want to proceed,

Asking for a final divorce as opposed to a temporary decree

Questions:

 When were you married? Or were you and Mr. Smith married on October 21, 2001?

 When did you separate?

Have you been living in a bona fide state of separation- that is not living in a spousal relationship- since that time? (you can be in the same house but not live as spouses)

 At the time you filed this action for divorce, had you been living in Georgia for over six months?

When you filed, had your spouse been a resident of this jurisdiction (i.e. Cobb County) for over six months? If not, spouse can waive venue and continue or venue must be changed

Is the marriage irretrievably broken, i.e. is there no chance of reconciliation?

Are there any minor children born from this relationship (either before, during, or anticipated after marriage)? Are any children currently anticipated?

 If children:

Has each party filed a Child Support Worksheet and a Domestic Relations Financial Affidavit? IF not, have them file one.

Is there any agreement between the parties regarding custody and/or visitation?

Do the parties own anything of value including real estate or other property, cars, valuables, retirement accounts or pensions or other possessions they need the court to divide?

If so: Is the any agreement between the parties about how it should be divided? In writing?

If no: So are you satisfied that anything your spouse has currently he/she can keep and you would like to keep anything you now have?

 Do the parties have any outstanding debts they need the court to divide?

If so: Is the any agreement between the parties about how it should be divided? In writing?

If not: So any debts you currently have you will pay and any debts he/she has he/she will pay?

Is there a request for a name restoration in this action (i.e. wife’s maiden name)? If so, please spell out each name as you wish it to appear in the decree (or write it out).

Is there anything else you wish to tell the court or that you want the court to consider?

OTHER PARTY:

Do you agree with the information your spouse told the court?

Is there anything you would like to add or anything else the court should consider?

IF CHILDREN ARE INVOLVED:

Ask questions about incomes of each party, especially if no CSW or DRFA completed.

Do a CSW for the court and attach to the final decree.

Make a clear custody decree and Parenting Plan.

REAL PROPERTY:

Make a final decision of disposition of marital real property of some kind.

SELL IT!

RETIREMENT ACCOUNTS:

QDRO if a 401(k)- who’s responsible and by when?

FINAL ORDER:

Enter it there and then if possible (everyone likes to walk out with paper in hand)

If not possible, explain exactly how the parties will get a copy of the final judgment and when they should expect it.

Check their current addresses.