



FORT GORDON CYBER CENTER OF EXCELLENCE
OFFICE OF THE STAFF JUDGE ADVOCATE
Legal Assistance Office



This Information Paper from the Fort Gordon Legal Assistance Office contains general legal information on a topic upon which Legal Assistance Attorneys typically advise. The information provided is general in nature and does not constitute formal, specific legal advice. If you wish to receive legal advice specific to your situation, please consult an attorney.

CYBER ADVOCACY: THE GEORGIA UNCONTESTED DIVORCE PROCESS

If you and your spouse agree to all of the terms of a divorce, you are eligible to file for an “uncontested” divorce. However, if there is even one issue that the two of you can’t agree on, that makes the divorce “contested” and the contested process is different than the below outline. If you are involved in a contested divorce, you are strongly encouraged to retain a private attorney.

The following information assumes that you and your spouse are appearing “pro se,” that is without hiring an attorney, for an uncontested divorce in one of the following Georgia counties: Richmond, Columbia, or Burke. To start the uncontested divorce process, you and your spouse first need to agree on all of the terms of the divorce. In a marriage without children, the terms of divorce mainly involve the division of marital assets and debts; in a marriage with children, you must also agree on child custody, visitation, and support. The Fort Gordon Legal Assistance Office (LAO) can provide you with a Separation Agreement worksheet that will help you and your spouse identify many of the necessary terms that need to be agreed upon. Once you have completed that worksheet, you or your spouse (but not both of you, the LAO can only meet with one of you per legal ethical rules) can make an appointment to meet with an attorney to seek advice and/or assistance in drafting the Separation Agreement. The Separation Agreement is your core document that outlines what you and your spouse have agreed upon. A Separation Agreement does not make you “legally separated” for civilian or military purposes, it is just an agreement between you and your spouse outlining how you intend to dissolve your marriage. There are several other documents that also need to be completed to file for divorce, all of which can be found at http://www.eighthdistrict.org/pro_se.htm under the “Divorce” section, except for the Child Support Worksheet at <http://csc.georgiacourts.gov/> and the Child Support Addendum and Parenting Plans (if applicable) at <https://www.augustabar.org/forms/> under the “State Courts-Local” and “Domestic Court Orders” section. If you do not have web access, you can obtain the divorce forms for a fee from the Richmond County Law Library, located on the second floor of the Augusta Judicial Center at 735 James Brown Blvd., Augusta, GA.

Now that you and your spouse have completed, signed, and notarized the applicable paper forms, the next step is to e-file your paperwork with the Clerk of Superior Court. **The clerks cannot give you any legal advice.** If you are filing in Columbia County, the clerk is located at 640 Ronald Reagan Dr., Evans, GA 30809 and the filing fee is \$207. If you are filing in Richmond County, the clerk is located at 735 James Brown Blvd., Augusta, GA 30901 and the filing fee is \$210. **You must e-file your documents,** you cannot file the original paper documents in most cases. You still need to complete the paper documents as outlined above, because those are the documents that you will scan in to e-file. The instructions for e-filing in Richmond County are located at <https://www.augustaga.gov/2354/eFiling>, under the “Civil and Domestic e-Filing” tab,

which will direct you to the online e-filing service (www.peachcourt.com). You will use the same e-filing service if you are filing in Columbia or Burke County. If you e-file from your own computer, the fee is \$30 and you do not need to physically go to the clerk of court's office; you can do all of your filing from your computer. However, if you wish to avoid the additional e-filing fee (currently \$30) or if you don't have access to a document scanner or the internet, you can e-file your documents in person using a self-service computer and scanner at the clerk of court office in the county in which you are filing. Methods of allowable payment include credit/debit card or cash (no personal checks), and payment is due at the time of filing.

Next, if you and your spouse have children together, you both must attend a Children of Divorce seminar. Army Community Service on Fort Gordon offers a free class to servicemembers and spouses on the second Tuesday of each month. You must register in advance for the seminar by calling 706-791-3579. If you can't attend the seminar on post, the LAO can give you a list of private companies that also offer the class for a fee. You can take this class any time before the divorce is final, but the judge generally won't finalize the divorce until you both have taken this class (or a very similar class if you or your spouse don't live in this area). Once you have completed the class, you must e-file the Completion Certificate with the same clerk of court with whom you filed your other paperwork.

After 31 days from the day you e-file the divorce paperwork (assuming the Children of Divorce seminar has been completed, if children are involved), the Plaintiff should write a short letter to the Clerk of Superior Court (and send a copy to the Defendant) that lists the case number and judge's name assigned to your case, informing the clerk that 31 days have elapsed since the Complaint for Divorce was filed, and asking the clerk to forward the file to the judge for review. (In some cases, the clerk may instruct you to contact the judge's office directly). The Plaintiff may be required to e-file that letter in the same manner as they filed the other documents in the case. **If you don't submit this letter, your file won't be sent to the judge.**

The judge's office will then review the file, contact the parties as necessary, and may set a court hearing, especially if there are children involved. The judge may possibly approve your divorce without a court hearing, but be prepared to have an in-person court hearing if you are not represented by a private attorney. This hearing is usually scheduled several weeks after the initial 31 days has expired.

If you do have a court hearing, both parties are expected to attend and the judge will either grant your divorce, or will instruct you to make changes to your paperwork. If one person cannot attend the hearing, that person needs to get permission from the judge's office in advance to be absent or to attend by telephone. When attending court, the parties should bring \$44 cash (\$22 each) for the court reporter.

When the judge signs your Final Decree of Divorce and the clerk of court files the Final Decree, your divorce is then final.

Additional Information

For additional information, the Fort Gordon Legal Assistance Office (LAO) is located at 267 Heritage Park Lane, Building 35202, Ft. Gordon, Georgia. You may reach the office by calling (706) 791-7812 / 7813. Please be advised you must have an appointment to consult with one of the attorneys; however, paralegals are available during hours of operation to answer general questions and notarize documents.