

COMPLAINT FOR CUSTODY BY A THIRD PARTY

HOW A THIRD PARTY GAINS CUSTODY OF A CHILD OR CHILDREN

If you are related to the children as follows: grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, sibling, adoptive parent, then the Court can award custody to you if it finds that is in the best interests of the child(ren). The law which applies to this situation is O.C.G.A. § 19-7-1(b.1), which provides:

(b.1) Notwithstanding subsections (a) and (b) of this Code section or any other law to the contrary, in any action involving the custody of a child between the parents or either parent and a third party limited to grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, sibling, or adoptive parent, parental power may be lost by the parent, parents, or any other person if the Court hearing the issue of custody, in the exercise of its sound discretion and taking into consideration all the circumstances of the case, determines that an award of custody to such third party is for the best interest of the child or children and will best promote their welfare and happiness. There shall be a rebuttable presumption that it is in the best interest of the child or children for custody to be awarded to the parent or parents of such child or children, but this presumption may be overcome by a showing that an award of custody to such third party is in the best interest of the child or children. The sole issue for determination in any such case shall be what is in the best interest of the child or children.

If you are not related to the children as listed above, the decision concerning child custody is governed by the “parental rights and fitness doctrine,” which holds that the parent(s) will lose custody only if the parents have already lost parental control by statute (O.C.G.A. § 19-7-1(b)), or, in exceptional cases, if they are proved to be unfit.

This is extremely difficult to prove, and you are strongly encouraged to retain an attorney.

O.C.G.A. § 19-7-1(b) provides:

(b) Parental power shall be lost by:

- (1) Voluntary contract releasing the right to a third person;
- (2) Consent to the adoption of the child by a third person;
- (3) Failure to provide necessaries for the child or abandonment of the child;
- (4) Consent to the child's receiving the proceeds of his own labor, which consent shall be revocable at any time;
- (5) Consent to the marriage of the child, who thus assumes inconsistent responsibilities;

or

- (6) Cruel treatment of the child.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
v.
_____,
Defendant
)
)
)
)
) Civil Action File No. _____
)
)
)
)

COMPLAINT FOR CHANGE OF CUSTODY

Now comes the Plaintiff, _____, and states his/ her Complaint for Change of Custody against _____, Defendant, and shows as follows:

1.

Jurisdiction and venue (Choose a, b or c)

a) Defendant is a resident of _____ County, Georgia and is subject to the jurisdiction of this Court. He/ She may be served with a copy of this complaint at:

_____.

b) Defendant has signed an Acknowledgement of Service.
 c) Defendant is a resident of _____ County, _____ (state) and has signed an acknowledgement of service and has waived venue and personal jurisdiction.

2.

Plaintiff's relationship to the children (choose a or b)

a) Plaintiff is related to the children in one of the categories listed in O.C.G.A. § 19-7-1(b.1), so that the decision concerning child custody is governed by the "best interests of the child" standard:

1. Grandparent

- 2. Great-grandparent
- 3. Aunt
- 4. Uncle
- 5. Great Aunt
- 6. Great Uncle
- 7. Sibling
- 8. Adoptive parent

b) Plaintiff is not related to the child in one of the categories listed in O.C.G.A. § 19-7-1(b.1), so that the decision concerning child custody is governed by the “parental rights and fitness doctrine,” which holds that the parent(s) will lose custody only if the parents have already lost parental control by statute (O.C.G.A. § 19-7-1(b)), or, in exceptional cases, if they are proved to be unfit. The Plaintiff is/ is not related to the children as follows: _____
 (list how you are related to the children, or how you know them, e.g, cousin, step-parent, neighbor, etc.).

3.

Children affected by this action

There is/are _____ (how many) minor child(ren) affected by this action:
 Name: _____ DOB: _____
 Name: _____ DOB: _____
 Name: _____ DOB: _____
 Name: _____ DOB: _____

4.

Current custody arrangement (choose a or b)

- a) The Defendant presently has legal custody of the minor child(ren), _____, age(s) _____, by virtue of a final order and decree of divorce in Civil Action No. _____, entered on the ____ day of _____, 20____, in the Superior Court of _____ County, Georgia.
- b) The Defendant presently has legal custody of the minor child(ren),

_____,
age(s) _____ by virtue of an order of
legitimation in Civil Action No. _____, entered on the ____ day of
_____, 20_____.

c) The Defendant mother presently has legal custody of the minor child(ren),
_____,
ages _____, by operation of law
(O.C.G.A. § 19-7-25) because the children were born out-of-wedlock and the father has
never legitimated the children in Court according to the requirements of O.C.G.A. § 19-7-
22.

5.

Child(ren)'s Mother

The mother of the child(ren) is/was _____.
She is still living/ deceased. Her parental rights are still in place/ have been
terminated by an order in case number _____ (civil action
file number)/ have been lost by operation of law (O.C.G.A. § 19-7-1(b)). She has
 has not been paying child support as ordered. She has has not been visiting the
child. Her address is:
_____.

6.

Child(ren)'s Father

The father of the child(ren) is/was _____.
The father is still living/ deceased. He was was not married to the mother. [If
unmarried to mother, he did did not legitimate the child(ren) in Court following the
requirements of O.C.G.A. §19-7-22]. His parental rights are still in place/ have been
terminated by an order in case number _____ (civil action
file number)/ have been lost by operation of law (O.C.G.A. § 19-7-1(b)). He has has
not been paying child support as ordered. He has has not been visiting the child. The
father's address is
_____.

7.

Child(ren)'s Past Living Arrangements

For the past five years, the child(ren) lived at the following addresses with the following persons:

Address	Dates	Lived With

8.

Other actions affecting the children (Choose a or b)

(Please tell the Court about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named above, and knows of no proceeding concerning the minor children in this or any other state. No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

b) The minor children have been involved in the following actions:

County/State/Court	Type of Custody Action	Date Filed	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9.

Other Parties with a Custody Claim (Choose a or b)

- a) I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.
- b) The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

Name	Claim
_____	_____
_____	_____
_____	_____

10.

Why plaintiff seeks custody of the child(ren) (Choose a, b, or c)

- a) Plaintiff seeks custody of the child(ren) because it is in the best interests of the children to be raised by Plaintiff (**This may only be checked by someone who is related to the child(ren) as follows: grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, sibling, adoptive parent**). Plaintiff seeks custody of the child(ren) because:

- b) Plaintiff seeks custody of the child(ren) because the parents have already lost parental control by operation of law (O.C.G.A. § 19-7-1(b)). Plaintiff seeks custody of the children because:

c) Plaintiff seeks custody of the child(ren) because the parent(s) can be proved to be unfit. Plaintiff seeks custody of the children because:

11.

Existence of a custody modification agreement (choose a or b)

- a) The Plaintiff and the Parent(s) have signed a custody modification agreement.
- b) The Plaintiff and the Parent(s) have not signed a custody modification agreement.

12.

Child Support Amount

Please go to <http://www.georgiacourts.org/csc/> and complete the **Child Support Worksheet**.

The Plaintiff asks that _____ shall pay, as support of the minor child(ren), the sum of \$ _____* per week/ bi-weekly/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

13.

Child Support Method of Payment (Check a or b)

- a) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff at the following address:

b) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff by the employer of _____, via an Income Deduction Order.

c) Plaintiff asks that all payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

14.

Health Insurance

The Plaintiff asks that _____ shall be required to maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. The Plaintiff asks that costs not covered under the insurance policy shall be divided as follows:

The Plaintiff asks that _____ shall provide him / her with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the Plaintiff in submitting claims under the policy.

WHEREFORE, Plaintiff requests:

- (a) that process issue and Defendant and the child(ren)'s parents be served with a copy of Plaintiff's Summons and Complaint for Change of Custody;
- (b) that Plaintiff be awarded immediate temporary and permanent custody of the minor child(ren);
- (c) that the Court issue an order for child support; and
- (d) for such other and further relief as the Court deems just and equitable.

Plaintiff *pro se*

Address: _____

Telephone Number(s): _____

Email Address: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

VERIFICATION

Personally appeared before the undersigned notary public duly authorized in the State of Georgia to administer oaths, _____, who, after being duly sworn, deposes and states that s/he is the Plaintiff in the instant action and that the facts contained in her attached Complaint for Change of Custody are true and correct to the best of her knowledge, information, and belief.

This _____ day of _____, 20____.

Plaintiff *pro se*

Sworn to and subscribed before me

This _____ day of _____, 20____.

Notary Public
My Commission Expires: _____

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

PLAINTIFF’S AFFIDAVIT REQUIRED BY O.C.G.A. § 19-9-69

State of Georgia
County of _____

Personally before the undersigned officer authorized to administer oaths appeared _____, who, being duly sworn, does state on oath the following:

1.

That Affiant, _____, is the plaintiff named in the above- styled action.

2.

The above-styled action concerns the custody of:
Name: _____ DOB: _____ Sex: _____
Name: _____ DOB: _____ Sex: _____
Name: _____ DOB: _____ Sex: _____
Name: _____ DOB: _____ Sex: _____

3.

The present address of the child(ren) is:
_____.

4.

For the past five years, the children lived at the following addresses with the following persons:

Address	Dates	Lived With

5.

The child(ren) presently live/lives with _____.

6.

Other Cases Concerning the Child(ren) (Choose a or b)

(The Court wants to know about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.)

a) Plaintiff asserts that he/ she has not participated as a party or a witness or in any other capacity in any other litigation concerning the children named above, and knows of no other proceeding concerning the minor children in this or any other state.

No person other than the parties to this action has physical custody of the minor children or any claim to custody or visitation with the minor children.

b) The minor children have been involved in the following actions:

<u>County/State/Court</u>	<u>Type of Custody Action</u>	<u>Date Filed</u>	<u>Status</u>
_____	_____	_____	_____

<u>County/State/Court</u>	<u>Type of Custody Action</u>	<u>Date Filed</u>	<u>Status</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

7.

Others with a Custody/Visitation Claim (Choose a or b)

- a) I know of no other person, not a party to this proceeding, who has physical custody of the children or claims to have custody or visitation rights with respect to the minor children.
- b) The following persons who are not a party to this proceeding have custody or visitation rights with the minor children:

<u>Name</u>	<u>Claim</u>
_____	_____
_____	_____
_____	_____

Affiant/Plaintiff

Sworn to and subscribed before me this _____ day of _____, 20____.

Notary Public

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

ELECTION OF _____, A MINOR CHILD

This Affidavit is given by _____ who, after being duly sworn before an officer authorized in the State of Georgia to administer oaths, states the following:

1.

My name is _____, and I am the son or daughter of _____ and _____. I was born on _____ and am currently ___ years old.

2.

I sign this Affidavit to inform the Court that I wish to live and elect to live with my _____ (state relationship), _____ (state name) on a permanent and full-time basis. I understand that my _____ (state relationship) may ask the Court to be made my custodial parent and desire that he be designated as my legal custodian.

3.

I wish my _____ [non-custodial parent(s)] to have reasonable visitation rights.

4.

I hereby affirm that I have given this Affidavit under oath and that the statements contained herein are true and accurate.

5.

I have made this election voluntarily and not because of any pressure or duress or because of any problems made known to me by either of my parents or any other person.

Affiant

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public

My Commission Expires: _____.

however, the Plaintiff / Father/ Mother shall have the right to make the final decision in the event the parties cannot agree.

Primary physical custody of the minor child (ren) shall be with the Plaintiff/ Father/ Mother as follows:

Secondary physical custody shall be with the Plaintiff/ Father/ Mother as follows:

c) The Plaintiff and Father/ Mother shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

The parties shall share decision making concerning the child (ren); however, in the event the parties cannot decide, the Plaintiff/ Father/ Mother shall have the final decision concerning

3.

Visitation Schedule (Choose a or b)

a) The Father/ Mother shall have the right of visitation with the minor children as follows:

- b) The visitation schedule is attached hereto and incorporated herein.
- 4.

Cooperation and consultation

- This Agreement cannot provide for every possible detail with respect to the custody of the Child(ren). In that regard, the parties agree to cooperate and consult with each other so as to carry out visitation in a manner conducive to the best interests of the Child(ren). No party shall attempt to influence any of the Child(ren) not to love and respect the parents or the Plaintiff. Each party agrees to keep the other informed as to the health and whereabouts of the Child(ren) while having custody of or visitation with the child(ren).
- 5.

Change of residence

- In the event of any change of residence on the part of any party herein so long as the custody and visitation provisions of this Agreement are in effect, said party changing his or her residence shall notify the other parties at least one month in advance of the intent to change residence and of the location of the new residence and shall furnish to him or her the complete new address and, as soon as determined, the new telephone number at the new residence. Said notification shall be in writing with a copy of said writing retained by the other

CHILD SUPPORT

Please go to <http://www.georgiacourts.org/csc/> and complete the Child Support Worksheet.

6.

Child support amount

- _____ shall pay to the Plaintiff, as support of the minor child(ren), the sum of \$ _____* per week/ bi-weekly/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

7.

Child support method of payment (Check a or b)

a) All payments of child support shall be paid directly to the Plaintiff at the following address:

No Income Deduction Order will be entered into at this time. However, whenever, in violation of the terms of this Agreement, there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one (1) month, the payments required to be made may be collected by the process of continuing garnishment for support. In the event Father/ Mother fails to pay any child support obligation in this Agreement on a timely fashion on any three (3) occasions in any twelve (12) month period, the parties agree that an income deduction order shall then be entered.

b) All payments of child support shall be paid directly to the Plaintiff by the employer(s) of the parent(s) pursuant to income deduction order(s).

c) All payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

8.

Health insurance

The Plaintiff/ Father/ Mother shall maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. Costs not covered under the insurance policy shall be divided between Father and Mother as follows:

The Plaintiff/ Father/ Mother shall provide the Plaintiff/ Father/ Mother with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the Plaintiff/ Father/ Mother in submitting claims under the policy.

BINDING AGREEMENT

9.

Voluntary agreement

The parties acknowledge that they have entered into this Agreement freely and voluntarily and that it is not the result of any duress or any undue influence.

10.

Entire agreement

This Agreement constitutes the entire understanding of the parties. There are no representations, warranties, covenants, or undertaking other than those expressly set forth herein.

Plaintiff *pro se*

Sworn to and subscribed before me
this ____ day of _____, 20____.

Notary Public, State of Georgia
My Commission Expires: _____

Sworn to and subscribed before me _____ Mother *pro se*
this ____ day of _____, 20____.

Notary Public, State of Georgia
My Commission Expires: _____

Father *pro se*

Sworn to and subscribed before me
this ____ day of _____, 20____.

Notary Public, State of Georgia
My Commission Expires: _____

Exhibit “ _____ ”

VISITATION SCHEDULE

The non-custodial parent is _____.

The custodial parent is _____.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- C. During odd numbered years (2009, 2011, etc.) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- F. The Mother shall have the minor child on Mother’s Day.
- G. The Father shall have the minor child on Father’s Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____,)
Plaintiff,)
v.) Civil Action No. _____
_____,)
Defendant.)

MOTION FOR CUSTODY INVESTIGATION

COMES NOW the Plaintiff, _____, and respectfully requests the Court pursuant to O.C.G.A. § 19-9-4 to issue an order referring the case for a custody investigation:

1.

There has been actual abuse, neglect, and/or other overt acts which have adversely affected the health and welfare of the child(ren). More specifically:

WHEREFORE, Plaintiff requests:

That the Court direct the appropriate family and children services agency or any other appropriate entity to investigate the home life and home environment of each of the parents in order to provide information which will be useful in determining placement or custody of the child(ren).

This _____ day of _____, 20____.

Plaintiff *pro se*
Address: _____
Telephone number(s): _____
Email Address: _____

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
Defendant.)	

ORDER FOR CUSTODY INVESTIGATION

Upon the foregoing Complaint to Change Custody of Minor Children, it is HEREBY ORDERED that _____ investigate the matters concerning custody of _____, and _____, and furnish its report to this Court with regard to the issue of custody as soon as reasonably possible. The parties are directed and ordered to cooperate with said investigation. Each party shall furnish to _____ the names of witnesses which are requested to be interviewed, providing also a copy of such witness list to opposing counsel.

SO ORDERED, this _____ day of _____, 20____.

JUDGE, Superior Courts
_____Judicial Circuit

In the Superior Court of _____ County, Georgia

_____)	
, Plaintiff)	
)	
vs.)	Civil Action No. _____
)	
_____)	
, Defendant)	
)	

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF PLAINTIFF

1. AFFIANT'S NAME: _____ Age _____

Spouse's Name: _____ Age _____

Date of Marriage: _____ Date of Separation _____

Names and birth dates of children for whom support is to be determined in this action:

<u>Name</u>	<u>Date of Birth</u>	<u>Resides with</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and birth dates of affiant's other children:

<u>Name</u>	<u>Date of Birth</u>	<u>Resides with</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A)	\$ _____
(b) Net monthly income (from item 3C)	\$ _____
(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____
Total monthly expenses and payments	

to creditors (item 5C) \$ _____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wage \$ _____
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ _____

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ _____

Bonuses \$ _____

Overtime Payments \$ _____

Severance Pay \$ _____

Recurring Income from Pensions or Retirement Plans \$ _____

Interest and Dividends \$ _____

Trust Income \$ _____

Income from Annuities \$ _____

Capital Gains \$ _____

Social Security Disability or Retirement Benefits \$ _____

Workers' Compensation Benefits \$ _____

Unemployment Benefits \$ _____

Judgments from Personal Injury or Other Civil Cases \$ _____

Gifts (cash or other gifts that can be converted to cash) \$ _____

Prizes/Lottery Winnings \$ _____

Alimony and maintenance from persons not in this case \$ _____

Assets which are used for support of family \$ _____

Fringe Benefits (if significantly reduce living expenses) \$ _____

Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ _____

GROSS MONTHLY INCOME \$ _____
(prior section B deleted)

B. Affiant's Net Monthly Income from employment (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., weekly, monthly, etc.) _____

Number of exemptions claimed _____

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
<u>Tax Refund owed you:</u>	\$ _____	_____	_____	_____

Real Estate:

home:	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
other:	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
Automobiles/Vehicles:					
<u>Vehicle 1:</u>	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
<u>Vehicle 2:</u>	\$	_____	_____	_____	_____
<u>debt owed:</u>	\$	_____			
Life Insurance (<u>net cash value</u>):	\$	_____	_____	_____	_____
Furniture/furnishings:	\$	_____	_____	_____	_____
Jewelry:	\$	_____	_____	_____	_____
Collectibles:	\$	_____	_____	_____	_____
Other Assets:	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
_____	\$	_____	_____	_____	_____
Total Assets:	\$	_____	_____	_____	_____

5. A. AVERAGE MONTHLY EXPENSES

HOUSEHOLD

Mortgage or rent payments	\$	_____	Cable TV	\$	_____
Property taxes	\$	_____	Misc. household and grocery Items	\$	_____
<u>Homeowner/Renter</u> Insurance	\$	_____	Meals outside the home	\$	_____
Electricity	\$	_____	Other	\$	_____
Water	\$	_____	AUTOMOBILE		

Garbage and Sewer	\$ _____	Gasoline and oil	\$ _____
Telephone:		Repairs	\$ _____
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<u>OTHER VEHICLES</u>	
		<u>(boats, trailers, RVs, etc.)</u>	
Repairs and maintenance:	\$ _____	<u>Gasoline and oil</u>	\$ _____
Lawn Care	\$ _____	<u>Repairs</u>	\$ _____
Pest Control	\$ _____	<u>Tags and license</u>	\$ _____
		<u>Insurance</u>	\$ _____

CHILDREN'S EXPENSES

AFFIANT'S OTHER EXPENSES

Child care <u>(total monthly cost)</u>	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
<u>Tutoring</u>	\$ _____	<u>Medical, dental, prescription</u>	
<u>Private lessons (e.g., music, dance)</u>	\$ _____	<u>(out of pocket/uncovered expenses)</u>	\$ _____
School supplies/expenses	\$ _____	Affiant's gifts (special holidays)	\$ _____
Lunch Money	\$ _____	Entertainment	\$ _____
<u>Other Educational Expenses (list)</u>		<u>Recreational Expenses (e.g.,</u>	
_____	\$ _____	<u>fitness)</u>	\$ _____
_____	\$ _____	Vacations	\$ _____
Allowance	\$ _____	<u>Travel Expenses for Visitation</u>	\$ _____
Clothing	\$ _____	Publications	\$ _____
Diapers	\$ _____	Dues, clubs	\$ _____
Medical, dental, prescription		Religious and charities	\$ _____
<u>(out of pocket/uncovered expenses)</u>	\$ _____	<u>Pet expenses</u>	\$ _____
Grooming, hygiene	\$ _____	Alimony paid to former spouse	\$ _____
		Child support paid <u>for other</u>	
		<u>children</u>	\$ _____

Gifts from children to others \$ _____ Date of initial order: _____
 Entertainment \$ _____ Other (attach sheet) \$ _____
Activities (including extra-curricular, school, religious, cultural, etc.) \$ _____
Summer Camps \$ _____
OTHER INSURANCE
Health \$ _____ Child(ren)'s portion: \$ _____
Dental \$ _____ Child(ren)'s portion: \$ _____
Vision \$ _____ Child(ren)'s portion: \$ _____
Life \$ _____ Relationship of Beneficiary: _____
Disability \$ _____
 Other(specify): \$ _____
TOTAL ABOVE EXPENSES \$ _____

B. PAYMENTS TO CREDITORS

Plaintiff/Defendant
(please check one)

To Whom:	Balance Due	Monthly Payment	Joint
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES:

\$ _____

This _____ day of _____, 20_____.

Affiant

Notary Public

II. CUSTODY AND DECISION MAKING:

A. Legal Custody shall be (choose one):

- with the Mother
- with the Father
- joint

B. Primary Physical Custodian

For each of the children named below, the primary physical custodian shall be:

CHILD	DATE OF BIRTH	MOTHER	FATHER	JOINT

*WHERE JOINT PHYSICAL CUSTODY IS CHOSEN BY THE PARENTS OR ORDERED BY THE COURT, A DETAILED PARENTING PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) SHALL BE ATTACHED AND MADE A PART OF THIS PARENTING PLAN.

C. Day-to-Day Decisions

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

D. Other Decision-making issues

The parties will consult with each other and attempt to arrive at consensus on major decisions. Should they be unable to reach consensus, final decision making will be made as follows:

III. PARENTING TIME/VISITATION SCHEDULE

During the term of this Parenting Plan the non-custodial parent, [or in joint custodial arrangements the () mother or () father], shall have at a minimum the following parenting times:

A. Weekend / Weekday Visitation Periods:

1. Choose one of the following weekend periods:

- The weekend of the first and third Friday of each month.
- The weekend of the second and fourth Friday of each month.
- The weekend of the first, third, and fifth Friday of each month.
- Every other weekend, starting on _____.
- Other: _____.

2. Choose one of the following weekday periods:

- None
- Weekday visitation to be exercised as follows: _____

B. Major Holidays and Vacation Periods

Choose the following periods which are applicable for the non-custodial parents' visitation. A holiday/vacation period of visitation must not interfere with the school schedule of the school where it is proposed the child will be enrolled:

- Fall Break: This visitation period will begin _____ at _____ a.m./p.m., and will end _____ at _____ a.m./p.m.
- Thanksgiving Break: This visitation period will begin _____ at _____ a.m./p.m., and will end _____ at _____ a.m./p.m.
- Christmas Break: The () mother () father shall have the child(ren) for the first period from _____ p.m. the day school is dismissed until December ____ at ____ a.m./p.m. in (choose one): () odd numbered years () even numbered years () every year. The other parent will have the child(ren) for the second period from the day and time indicated above until _____ p.m. on _____. Unless otherwise indicated, the parties shall alternate the first and second periods from year to year.
- Winter Break: This visitation period will begin _____ at _____ a.m./p.m., and will end _____ at _____ a.m./p.m.

() Spring Break: This visitation period will begin _____ at _____ a.m./p.m., and will end _____ at _____ a.m./p.m.

() Summer Vacation: This visitation period will begin _____ at _____ a.m./p.m., and will end _____ at _____ a.m./p.m.

* Additional information concerning the major holiday/vacation visitation periods is as follows:

C. Other Holiday Schedule (if applicable):

* Indicate whether the child(ren) will be with the parent in ODD or EVEN numbered years or EVERY year:

HOLIDAY	MOTHER	FATHER	START/STOP TIME
Martin Luther King Day			
President's Day			
Mother's Day			
Memorial Day			
Father's Day			
July Fourth			
Labor Day			
Halloween			
Child(ren)'s Birthday			
Mother's Birthday			
Father's Birthday			
Religious Holidays			
Other:			

*** Schedule Conflicts:** In the event a holiday parenting period listed in Subsection C above conflicts with a major holiday and vacation period listed in Subsection B, then (choose one):

- The Subsection C holiday period will be observed
- The Subsection B holiday/vacation period will be uninterrupted
- Other: _____ If there is a conflict between the weekend/weekday period listed in Subsection A and a holiday period listed in Subsection C, the Subsection C holiday period will take precedence.

D. Military Provisions (if applicable):

How the child will transition into temporary physical custody to a non-deploying parent if a military parent is deployed: _____

The manner in which the child will maintain continuing contact with the deployed parent: _____

How a deployed parent's parenting time may be delegated to his or her extended family: _____

How the parenting plan will be resumed once the deployed parent returns from deployment: _____

How the above provisions serve the best interests of the child: _____

E. Transportation Arrangements:

* Exchanging the child(ren) between parents shall take place as follows:

* Payment of long distance transportation costs, if applicable, will be paid by (choose one):

- Mother
- Father
- Equally by both parents

* For purposes of transportation, the term long distance is defined as:

* Other transportation arrangements: (Ex: disabled parent, parent without a valid driver's license, other approved transporters, etc.):

* Should the parent picking up the child(ren) exceed a _____ minute grace period without prior notification or alerting the other parent by phone of an unavoidable breakdown or delay en route, the parenting time for that period is forfeited. * Should either party repeatedly cause delay by not having the child(ren) prepared for exchange or being late for pick-up or return, a modification of parenting time may be sought. Repeatedly causing delay is defined as:

F. Communication Access:

* When the child(ren) are in the physical custody of one parent, the other parent will have the right to contact the child(ren) as follows (check all that apply):

Unrestricted telephone access during reasonable hours and of reasonable duration.

_____ telephone calls to the child(ren) per day/week with the duration of each call not to exceed _____ minutes within the following time consideration:

The child(ren) are allowed to call either parent at any time.

Other agreed provisions for telephone/e-mail access: _____

G. Other Parenting Time Provisions /Agreements:

* Check all that apply:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number so that the other parent may exercise their parenting time, notify the other parent as needed, and reach the child(ren) while they are in the other parent’s household.

When making child care arrangements while the child is with them, parents agree to the following (Ex: age before child(ren) will be left alone, appropriate caregivers, right of first refusal to provide care, etc.): _____

If either parent decides to relocate more than _____ miles away from the other parent’s home, the moving parent will give the other parent written notice of the intent to relocate no less than (choose one): 30 days 60 days 90 days 180 days prior to the date of moving.

Supervised parenting time shall apply as follows:

Place: _____
Person/Organization supervising: _____
Responsibility for costs: mother father both equally

Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.

Parents will consult with each other prior to scheduling any activity that will impact time the other parent spends with the child(ren).

Additional agreements: _____

IV. ACCESS TO RECORDS AND INFORMATION

Absent agreement to limitations or Court ordered limitations, both parties are entitled to access to all of the child(ren)’s records and information, including, but not limited to, education, health, extracurricular activities, and religious

communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

* Limitations on access rights: _____

* Check all that apply:

Mother Father will notify school authorities where child(ren) are enrolled each year to list both parents to receive all notifications, reports.

Each parent shall promptly notify the other parent of any information received through the child(ren) concerning parent meetings, reports or school activities in which the child(ren) may be engaged or interested.

Other information sharing provisions: _____

V. MODIFICATION OF PLAN OR DISAGREEMENTS

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order, nor shall it constitute a defense for contempt unless agreed on in writing. Custody shall only be modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between them prior to involving the Court.

VI. SPECIAL CONSIDERATIONS

Please attach an addendum detailing any special circumstances of which the Court should be aware (e.g., health issues, educational issues, etc.)

VI. PARENTS' CONSENT

Please review the following and initial:

A. We recognize that a close and continuing parent-child relationship and continuity in the child(ren)'s life is in the child(ren)'s best interest.

Mother's initials _____ Father's initials _____

B. We recognize that our child(ren)'s needs will change and grown as the child(ren) matures; we have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan is minimized.

Mother's initials _____ Father's initials _____

C. We recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child(ren) is residing with such parent.

Mother's initials _____ Father's initials _____

We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

Mother's Signature

Father's Signature

**IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA**

_____,)
)
 Plaintiff,)
)
 v.) **Civil Action File No.** _____
)
)
 _____,)
)
 Defendant.)

CHILD SUPPORT ORDER ADDENDUM

Instructions: All parts of this Addendum must be completed and it must be attached to all final orders and judgments determining the amount of child support. However, it is not required for orders on contempt motions.

(You must check one of the following boxes)

- () The parties have agreed to the terms of this order and this information has been furnished by both parties to meet the requirements of O.C.G.A. §19-6-15. The parties agree on the terms of the order and affirm the accuracy of the information provided, as shown by their signatures at the end of this addendum
- () This addendum includes findings of fact and conclusions of law and fact made by the Court, in compliance with O.C.G.A. §19-6-15.

Application of Child Support Guidelines. The statutory requirements of O.C.G.A. §19-6-15 have been applied in reaching the amount of child support provided under the final order in this action. The specifics are as follows:

1. **Gross Income** – The Father’s gross monthly income (before taxes) is _____; the Mother’s gross monthly income (before taxes) is _____.
2. **Number of Children** – The number of children for whom support is being provided under this order is _____.
3. **Attachments** – The *Child Support Worksheet* and applicable schedules are attached and made a part of this Addendum.
4. **Child Support Amount** – The _____ shall pay to the _____ for the support of the minor child the sum of _____ Dollars (\$_____) per month, beginning on _____, 20____, and shall continue on the first of each month thereafter.

5. Duration of Child Support (check only one)

- (a) **Beyond Age 18 for High School** – The child support obligation shall continue monthly thereafter until the child reaches the age of eighteen, dies, marries, or otherwise become emancipated; provided that if the child becomes eighteen years old while enrolled in and attending secondary school on a fulltime basis, then the child support shall continue for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.
- (b) **Stops at Age 18** – The child support shall continue monthly thereafter until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated.
- (c) **Until Further Order** – This is not a final order, so the child support shall continue until further order of this Court.
- (d) **Until Specific Date** – The child support shall continue monthly thereafter until _____.

6. Deviation from Presumptive Amount (check only one)

- (a) **No Deviation** – It has been determined that none of the Deviations allowed under O.C.G.A. §19-6-15 applies in this case. The amount of support in Paragraph 4 above is the Presumptive Amount of Child Support shown on the attached *Child Support Worksheet*.
- (b) **Deviation** – It has been determined that one or more of the Deviations allowed under O.C.G.A. §19-6-15 applies in this case, as shown by the attached *Schedule E*. The Presumptive Amount of Child Support that would have been required under O.C.G.A. § 19-6-15 if the deviation had not been applied is \$ _____ per month, as shown on the attached *Child Support Worksheet*. The attached *Schedule E* explains the reasons for the deviation, how the application of the guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support, and how the best interest of the children who are subject to this child support determination is served by deviation from the presumptive amount of child support.

7. Health, Dental & Vision Insurance for Children (check and complete one)

- (a) **Insurance Available** – The following insurance for the child involved in this action is available at a reasonable cost to the Mother through that parent’s employer or the PeachCare program:

Health (medical, mental health and hospitalization) Dental Vision

So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor child, until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; except that if a child

becomes eighteen years old while enrolled and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reached twenty years of age, whichever occurs first.

(1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.

(2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).

() (b) **Insurance Not Available** – Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:

() Health (medical, mental health and hospitalization) () Dental () Vision.

When insurance has been obtained by either party, Paragraphs 7 (a)(1) and (2) shall apply.

8. **Uninsured Health Care Expenses** – The _____ shall pay _____% and the _____ shall pay _____% of all expenses incurred for the child's health care (including medical, dental, mental health, hospital and vision care) that are not covered by insurance. The party who incurs a health care expense for the child shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within fifteen (15) days after receiving the verification of a particular health care expense.

9. **Parenting Time Amounts** – The approximate number of days of parenting time per year according to the visitation order is _____ days for the Father and _____ days for the Mother.

10. **Social Security Benefits** (check and complete one)

() (a) **Not Received** – The child does not receive Title II Social Security benefits under the account of the parent ordered to pay child support.

() (b) **Received** – The children receive Title II Social Security benefits under the account of the parent ordered to pay child support. The benefits received by the children shall be counted as child support payments and shall be applied against the final child support order to be paid by that parent.

(1) If the amount of benefits received is less than the amount of support ordered, the obligor shall pay the amount exceeding the Social Security benefit.

(2) If the amount of benefits received is equal to or more than the amount of support ordered, the obligor's responsibility is met and no further support shall be paid.

(3) Any Title II benefits received for the children's benefit shall be retained by the custodial parent or nonparent custodian for the children's benefit, and it shall not be used as a reason for decreasing the final child support order or reducing arrearages.

11. Modification (check and complete one)

(a) **Not Modification Action** – This is an initial determination of child support, not a modification action.

(b) **Support Not Modified** – This action is a modification action, but the order does not modify the amount of child support that was previously ordered for these children. The date of the initial support order concerning this child support case was: _____.

(c) **Support Amount Modified** – The order modifies the amount of child support that was previously ordered for these children. The basis for the modification is:
 (1) Substantial change in the income and financial status of the Father;
 (2) Substantial change in the income and financial status of the Mother;
 (3) Substantial change in the needs of the Children;
 (4) The noncustodial parent failed to exercise visitation provided under the prior order;
 (5) The noncustodial parent has exercised more visitation than was provided in the prior order.

The date of the initial support order concerning the child support case was: _____.

12. Continuing Garnishment for Child Support – Whenever, in violation of the terms of the order, there shall have been a failure to make the support payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

13. Income Deduction Order (check and complete one)

(a) An *Income Deduction Order* shall be entered by the Court, under O.C.G.A. §19-6-32, for payment of the child support and alimony (if any) provided. The *Income Deduction Order* shall take effect (check only 1 or 2 below, not both)

(1) immediately upon entry by the Court

() (2) upon accrual of a delinquency equal to one month's support. The *Income Deduction Order* may be enforced by serving a *Notice of Delinquency*, as provided in O.C.G.A. §19-6-32.

- () (b) The parties agree that an *Income Deduction Order* is not immediately necessary.

Parties' Consent – We knowingly and voluntarily agree on the terms of this order. Each of us affirms that the information we have provided in the Addendum is true and correct.

Mother's Signature

Father's Signature

**IN THE SUPERIOR COURT OF _____ - COUNTY
STATE OF GEORGIA**

_____,)
Plaintiff,)
v.)
_____,) Civil Action File No. _____
Defendant)
)
)
)

NOTICE OF CUSTODY DETERMINATION

To: _____

You are hereby notified that on the ____ day of _____, 20 ____,
_____ filed a suit to determine custody of _____.

You are further notified that you as _____ [parent,
person with physical custody of child, etc.] have the opportunity to be heard in this suit.

Should you wish to respond to this suit, you must do so before the hearing set in this
case for the ____ day of _____, 20 ____, in the _____ Court of
_____ County.

This the ____ day of _____, 20 ____.

Plaintiff *pro se*

Address _____

Phone number(s) _____

Email Address: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
)	
_____)	
)	
Defendant.)	

RULE NISI

The within and foregoing Complaint having been read and considered, the same is allowed and ordered filed.

Let the Defendant be served with a copy of this Complaint and Order thereon and let the Defendant show cause before the Honorable _____, at _____ o'clock __.M., on the _____ day of _____, 20 ____, then and there to be heard, why the prayers of the Plaintiff's Complaint should not be granted.

This _____ day of _____, 20 ____.

JUDGE, Superior Courts

Judicial Circuit

Schedule "E" attached hereto, and where applicable, Special Interrogatories also attached hereto, the Court finds as follows:

1. Children for whom support is being determined:

Child	Date of Birth

2. (a) For purposes of Calculating Child Support, the Court Orders that the Custodial Parent shall be _____.

(b) For purposes of Calculating Child Support the Court Orders that the Non-custodial Parent shall be _____.

(c) The Court finds that the amount of the Non-custodial Parent's parenting time as set forth in the Order of Visitation is _____ days.

3. (a) The Court finds as set on Schedule "A," the gross income of the father is \$_____

(b) The Court finds as set on Schedule "A," the gross income of the Mother is \$_____

4. (a) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Non-custodial Parent's Adjusted Income is \$_____

(b) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Custodial Parent's Adjusted Income is \$_____

(c) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Parties' Total Adjusted Income \$_____

5. The Court finds as set by the "Child Support Obligation Schedule Table" and as listed on the "Child Support Worksheet" the Basic Child Support Obligation is \$_____

6. (a) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Custodial Parent is: \$_____

_____ %

(b) The Court finds as set on the “Child Support Worksheet,” the Basic Child Support Obligation for the Non-custodial Parent is:

\$ _____
_____ %

7. The Court finds that health insurance that provides for the health care needs of the child is/ is not reasonably available at a reasonable cost. If provided, it will be provided by _____.

8. (a) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support for the Custodial Parent is

\$ _____

(b) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Non-custodial Parent is

\$ _____

(c) The Court finds as set on the “Child Support Worksheet” and Schedule “D,” the Presumptive Amount of Child Support due to the Custodial Parent is

\$ _____

9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor’s account and the amount the child receives on a monthly basis is

\$ _____

10. The Court has considered the existence of special circumstances and as set forth on the “Child Support Worksheet” and Schedule “E,” has found the following special circumstances marked with an [“X”] to be present in this case.

Note: Refer to Schedule “E” and, where applicable, “Special Interrogatories” attached hereto for an explanation for the reasons for the deviation, how the application of the Presumptive Amount of Child Support would have been unjust and how the best interest of the child for whom support is being determined will be served by a deviation from the Presumptive Amount of Child Support.

- _____ A. High Income
- _____ B. Low Income
- _____ C. Other Health-Related Insurance
- _____ D. Life Insurance
- _____ E. Child and Dependent Care Tax Credit
- _____ F. Travel Expenses

- _____ G. Alimony
- _____ H. Mortgage
- _____ I. Permanent Plan or Foster Care Plan
- _____ J. Extraordinary Expenses
- _____ K. Parenting Time
- _____ L. Non-Specific Deviations (Other)

11. (a) The Court finds as set on the “Child Support Worksheet” the Final Amount of Child Support for the Custodial Parent is \$ _____

(b) The Court finds as set on the “Child Support Worksheet” the Final Amount of Child Support for the Non-custodial Parent is \$ _____

(c) The Court finds as set on the “Child Support Worksheet” the Final Amount of Child Support the Non-custodial Parent shall Pay the Custodial Parent is \$ _____

12. (a) The Court finds as set on the “Child Support Worksheet” that the Custodial Parent’s allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____ %

(b) The Court finds as set on the “Child Support Worksheet” that the Non-custodial Parent’s allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____ %

The Non-custodial parent, _____, shall pay Child Support for each of the _____ minor child(ren) at \$ _____ per month, for a total of \$ _____ per month to the Custodial parent, starting _____, and continuing until each minor child reaches the age of majority, dies, marries, becomes emancipated, whichever first occurs, provided however, the Court, in the exercise of its sound discretion, directs (or does not direct) the Non-custodial Parent to continue to pay child support for a Child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, until that child graduates from high school, or until the child attains _____ years of age (not to exceed 20 years), whichever first occurs.

As each child becomes ineligible for child support, the total amount owed shall be reduced by \$ _____, which is _____%.

_____ shall be required to maintain a health insurance policy for the benefit of the minor children. Any health-care costs which are not covered by health insurance shall be divided as follows:

_____ shall furnish to _____ health insurance card(s) and the parties shall cooperate in filing health insurance claims.

Each party is hereby restrained and enjoined from molesting or harrassing the other party.

SO ORDERED, this _____ day of _____, 20____.

JUDGE, Superior Courts

_____Judicial Circuit

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
Defendant.)	

INCOME DEDUCTION ORDER

The above-styled matter was heard by the Court on _____, 20____. The _____ was properly served and present and represented by counsel. This Court having entered an order requiring the _____ to pay child support to the _____, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

- Defendant shall pay child support of \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20____.
- Defendant shall pay \$ _____ weekly bi-weekly semi-monthly monthly with the next payment due on _____, 20__.
- The total amount to be withheld is \$ _____ weekly bi-weekly semi-monthly monthly. This amount shall be made payable to _____ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: _____.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the _____ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

Other: _____

This order shall become effective immediately upon signing and shall remain in full force and effect until modified, suspended, or terminated by order of this Court.

SO ORDERED this ____ day of _____, 20____.

JUDGE, Superior Courts

Judicial Circuit

Date

Notice To: Employer or any other person, private entity, Federal or State Government, or any unit of local government providing or administering income due to Defendant

Re: Income Deduction Order

DATE: _____

Attached you will find an Income Deduction Order. Please read this order carefully and follow the instructions as written. If you have any questions you should contact your attorney.

Employers are required by law to deduct from income due and payable an employee the amount designated by the Court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.