

## **INSTRUCTIONS FOR FILING YOUR CONTESTED CHANGE OF CUSTODY**

A change of custody is allowed when the parent(s) can prove that there are substantial changes affecting the welfare and best interests of the child(ren). Parents can enter into an agreement regarding custody, subject to the court's approval. The parental agreement will be effective unless the Judge decides that the proposed change is not in the best interests of the childr(en). The parents' agreement can be made a Final Order of Modification by the Court at any time after the agreement has been submitted to the court.

A contested case is one in which the parties cannot work out an agreement regarding issues such as child custody, child support, visitation, and the like. The parties ask the Judge to settle arguments between them, and each will have to present evidence at a trial. This process can be quite complicated. You will probably need additional documents in order to conduct discovery, which is a formal process of gathering evidence for use at trial. Discovery can include depositions, interrogatories, requests for production of documents, and other procedures.

### **YOU MAY NEED AN ATTORNEY IF:**

- The case is contested and your ex-spouse has a lawyer.
- You cannot find your spouse to serve him or her with your papers.
- You might lose custody of your children.
- You think you will have difficulty getting information and documents from your ex-spouse regarding income, retirement funds, etc.
- The children and the custodial parent are not in Georgia.

***Even if it is a friendly action, you should talk to a lawyer before you sign any settlement papers or file anything in court.***

### **Broad overview of instructions:**

- Step 1: Complete the Filing Information and Final Disposition Forms.
- Step 2: Complete the Complaint for Change of Custody
- Step 3: Complete the Verification Form
- Step 4: Complete the Affidavit(s)
- Step 5: Attach other necessary documents (see details later)
- Step 6: Produce the required financial documents
- Step 7: Pay the Filing Fee
- Step 8: File the Forms
- Step 9: Prepare your case for Trial
- Step 10: Receive the Final Judgment

## DETAILED INSTRUCTIONS:

### STEP 1: Complete the Filing Information and Final Disposition Forms

These forms are required by Georgia Law, at O.C.G.A. § 9-1 1-133. They help the Clerk of Court keep statistical information about the number and types of cases decided in our local courts. The clerks use this information to prepare case management reports for the Chief Judge of each circuit and for the Chief Justice of the Georgia Supreme Court. In short, having this information helps us to run the court system more efficiently.

#### The Filing Information form

- a. In the top line, fill in the county where you are filing and the date filed.
- b. In the second line, fill in the names of the Plaintiff and Defendant.
- c. Where it says "Plaintiff/Petitioner's Attorney," check the box which says Pro Se. This indicates that you are representing yourself without an attorney.
- d. In the left-hand box, check off what kind of case this is. Since this is a custody modification action, you will check "Modification—Custody and/or Visitation." If you are also changing the amount of child support, you will also check "Modification—Child Support."
- e. In the right hand box, indicate whether or not you are asking for relief from family violence by checking yes or no in the appropriate boxes.

#### The Final Disposition form

The purpose of this form is to tell how your case ends. Since your case is far from over, you should NOT fill in the information in the three big boxes at the bottom of the page. At this point, we do not know how the case will end.

- a. In the top line, fill in only the county where you are filing. We do not yet know the date disposed, since you have not yet received a Final Order from the Judge.
- b. Leave the second line, "Docket #," blank. The clerk will assign this number.
- c. Write your name where it says "Reporting party."
- d. Write down the full names of the Plaintiff and Defendant.
- e. Where it says Plaintiff/Petitioner's Attorney, you will check the box which says Pro Se. This shows that you are representing yourself. Since you are not a licensed attorney, you do not have a Bar #, so leave those blanks empty.

### STEP 2: Complete the Complaint for Change of Custody.

Fill in your full name as the Plaintiff and the Defendant's full name. **Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint.** Then insert your name and the Defendant's names in the space provided just before paragraph one (1).

### Paragraph 1: Jurisdiction and Venue

Check box (a) if the Defendant is the Custodial parent. In this situation, you will file the action in the county of his or her residence.

Check box (b) if the Defendant is the non-custodial parent. In this situation, you will file the action in the county of his or her residence.

If the custodial parent and the children live in another state, the rules of jurisdiction and venue are governed by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which is quite complicated. The UCCJEA has been adopted by forty-four states. In this situation, you are strongly encouraged to get an attorney.

### Paragraph 2: Current Custody Arrangement

Check box (a) if the previous custody Order came out of a divorce case. List the names and ages of the children, the Civil Action File Number of the original custody Order, the date on which the original custody Order was signed, and the name of the county in which the original custody Order was signed.

Check box (b) if the previous custody Order came out of a Legitimation action. Fill in the children's names and ages, as well as the Civil Action File number of the Legitimation Order, the date on which the Order of Legitimation was signed, and the county in which the Order of Legitimation was signed.

### Paragraph 3: Change in Circumstances

Check the box beside paragraph three. In the blanks provided, explain how a) a change of condition affecting the welfare of the child exists and b) the welfare of the child requires a modification of the original award.

### Paragraph 4: Proposed New Custody Arrangement

Check the box beside paragraph four. In this paragraph, state how you want custody to be arranged. There are two types of custody: legal custody and physical custody. Legal custody means the authority to make decisions about the children. Physical custody means the physical care of the children—who are the children living with. There are three ways to divide up custody:

1. Sole legal and physical custody. In this arrangement, one parent assumes the decision-making responsibility, and the children spend most of their time with that parent.
2. Shared legal custody and sole physical custody. Parents share decision-making authority, but the children spend most of their time with only one parent. There is often a provision that in the event of a disagreement about a decision, one parent

will be the “tie-breaker.”

3. Shared legal custody and shared physical custody. Parents share decision-making authority, and the children divide their time equally between their parents.

#### Paragraph 5: Plaintiff's Ability to be Custodial Parent

Check the box beside paragraph 5 to show that the Plaintiff is a fit parent who is able to assume full custody of the minor child(ren).

In paragraph (a), state how you are asking the Judge to modify custody. Then sign your name and write down your address and telephone number(s) in the blanks provided.

#### **STEP 3: Verification**

Complete the Verification form. Insert your name as Plaintiff and your spouse's name as Defendant. Do not fill in where it says Civil Action File No. The clerk will assign a number to your case when you file your complaint. You will need to sign this Verification in the presence of a Notary Public. Most banks and many libraries have a notary on staff and will notarize your documents for a small fee.

#### **STEP 4: Complete the Affidavit(s).**

This packet includes two affidavits. The Plaintiff's Affidavit is REQUIRED by O.C.G.A. § 19-9-69. The second affidavit, entitled “Election of \_\_\_\_\_,” is designed to allow a minor child between the ages of eleven (11) and seventeen (17) to select the parent with whom s/he wants to live.

#### Plaintiff's Affidavit

The Caption: Fill in the name of the county in which you are filing. Fill in the names of the Plaintiff and the Defendant. Leave the Civil Action No. blank empty; the Clerk of Court will assign a number to the case.

The introductory paragraph: Fill in the name of the County in which you are filing. Fill in the Plaintiff's name.

Paragraph 1: Insert the Plaintiff's name into the blank.

Paragraph 2: List the name, birth date, and gender of each child.

Paragraph 3: Write down the address where the child(ren) currently live(s).

Paragraph 4: Write down the child(ren)'s past addresses for the previous five years. Indicate the dates when the child(ren) lived at those addresses, and the names of the

people with whom the child(ren) lived.

Paragraph 5: Write down the name of the person(s) with whom the children currently live(s).

Paragraph 6: Other Cases Concerning the Child(ren)

Choose paragraph (a) if there have been no other court cases concerning the custody of the child(ren). The court wants to know about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption.

Choose paragraph (b) if there have been previous court cases concerning the custody of the child(ren). The court wants to know about the following types of actions: custody, visitation, family violence, protective orders, termination of parental rights, and adoption. Fill in the county, state and court, as well as the type of action, the date filed, and the current status of the case.

Paragraph 7: Others with a Custody/Visitation Claim

Choose paragraph (a) if the parties in this case are the only people who have a custody and/or visitation claim with respect to the minor child(ren).

Choose paragraph (b) if there are others who have custody and/or visitation claims. List each person's name as well as the type of claim they have.

Signature Block: Sign the Affidavit IN THE PRESENCE OF a notary public. The notary public will sign and date the Affidavit after s/he watches you sign. You can find a notary public in your local bank. Call before you go to inquire about any fee that may be required.

The Caption: Fill in the name of the county in which you are filing. Fill in the names of the Plaintiff and the Defendant. Leave the Civil Action No. blank empty; the Clerk of Court will assign a number to the case.

**Title: Fill in the name of the minor child who is giving this affidavit.**

Introductory paragraph: Fill in the name of the minor child who is giving this affidavit.

Paragraph 1: Fill in the name of the child who is giving the affidavit. Check the appropriate sex, and insert the names of the parents. Write down the date of birth and the current age of the child.

Paragraph 2: Check the boxes to indicate whether the child is choosing his or her mother, father, or other relative. Insert that person's name in the blanks provided.

Paragraph 3: This paragraph shows that the child intends for the non-custodial parent to

have reasonable visitation. Check the box beside the paragraph. Write down whether the non-custodial parent will be your mother or father.

Paragraph 4: Check the box beside this paragraph to show that you are making this statement honestly and under oath.

Paragraph 5: Check the box beside this paragraph to show that you are making this choice of your own free will, with no pressure from anyone else.

Signature Block: Sign the Affidavit IN THE PRESENCE OF a notary public. The notary public will sign and date the Affidavit after s/he watches you sign.

#### **STEP 5: Attach other necessary documents.**

In addition to the Complaint for Divorce, Verification, and Affidavit(s), you will need to fill out and attach the following forms to your complaint (they are in the packet):

1. **Certificate of Service (p. 7).** This document is used to help the Sheriff's department serve the Defendant.
2. **Rule Nisi with Temporary Restraining Order (p. 8).** This document is used to let the Defendant know the time and place for a hearing. In addition, this form orders the parties not to harass or harm one another.
3. **Custody Investigation Forms (motion, certificate of service, Order, pp. 14-16).** These forms are used when an investigation would be helpful to explore allegations of neglect, abuse, or other acts harmful to the child(ren). Custody investigations are NOT routinely done. Please do not ask for one unless you have a good reason to do so.
4. **Visitation Schedule (p. 17).** This form lays out a specific visitation schedule in order to reduce conflicts down the road.
5. **Final Judgment and Decree (p. 25-29).** This document will be filled out and signed by the Judge in order to show what the outcome of the case is.
6. **Income Deduction Order (p. 30-31).** This document orders the employer of the non-custodial parent to withhold the child support amount and pay it directly to the custodial parent.

#### **STEP 6: Produce the required financial documents.**

Along with the Change of Custody packet, you must simultaneously file the following listed documents, as well as a certificate of service showing that the documents were properly served on the other party, and indicating the date on which the documents were served:

1. Complete the required Child Support Worksheets and Schedules by going to <http://csconlinecalc.georgiacourts.gov/frontend/web/index.php>. If you need help with data entry on the Excel spreadsheet, you might want to find a bookkeeper to help you.
2. Domestic Relations Financial Affidavit (included in this packet)
3. All federal and state income tax returns, gift tax returns and intangible and personal property tax returns filed by the party or on the party's behalf for the past three (3) years.
4. IRS forms, W-2, 1099 and K-1 forms for the past year, if the income tax return for that year has not been prepared. Also, if such income tax return has not been prepared, a year-ending pay stub received from the party's employer should be provided.
5. Pay stubs or other evidence of earned income for the twelve (12) months prior to the filing of the action.
6. A statement by the producing party identifying the amount and source of all income received from all sources during the twelve (12) months preceding the filing of this action if same is not reflected on the pay stubs produced.
7. All loan applications and financial statements prepared or used within the three (3) years preceding the filing date of this action, whether used for the purpose of obtaining or attempting to obtain credit for any other purpose.
8. The most recent statement for any liquid fund assets, including, but not limited to, profit-sharing, 401-K, money market, stock and securities, bonds, accounts, retirement and pension plan.
9. Corporate, partnership and trust tax returns for the last three (3) years, if the producing party has an interest in a corporation, partnership, or trust greater than or equal to thirty (30%) percent.
10. All written pre-marital or marital agreements entered into at any time between the parties to this marriage, whether before or during the marriage.
11. Any court orders directing a party to pay or receive spousal or child support, even if received from a third party.

ANY MATERIALLY FALSE STATEMENT KNOWINGLY MADE IN THESE DOCUMENTS WITH THE INTENT TO DEFRAUD OR MISLEAD SHALL SUBJECT ME TO THE PENALTY FOR PERJURY AND MAY BE CONSIDERED A FRAUD UPON THE COURT.

### **STEP 7: Pay the filing fee.**

Unless you are able to have your filing fee waived, there is an filing fee in the Southern Judicial Circuit. You must pay this fee when you file your Complaint for Divorce unless you also file a Poverty Affidavit.

### **STEP 8: File the forms.**

You should make two copies of all of your documents. Give the clerk your original and the two copies. The clerk will assign a number to your case and will write in the number on your documents. The clerk will then stamp the documents to show that your complaint has been filed and will give you your copy for your records. The original will remain with the court. The other copy will be given to your spouse.

### **STEP 9: Prepare your case for trial.**

Most civil cases use **pretrial discovery**. **Discovery** refers to the formal procedures and laws which enable each party to find out more about the other side's case. Discovery serves several important purposes. It preserves evidence of witnesses who may not be available at trial. It reveals facts which might have been previously unknown. It helps refine the issues. It "freezes" testimony in order to prevent later perjury. It promotes settlements because it allows each party to test the strength of his or her opponent's case. Even if the case does not settle, discovery increases the fairness and justice of the trial outcome. There are several methods of discovery which a party can use.

**Interrogatories** are written questions which one party sends to another. The answering party must write down answers under oath and file them with the clerk of court within 30 days. Georgia law usually limits the number of interrogatories to 50. Failure to respond can result in sanctions and penalties by the court.

**Depositions** are like a mini-trial. A plaintiff, defendant, or other witness is asked oral questions which must be answered orally while under oath. Depositions are recorded by a court reporter who types everything up into one long document. Each party who is questioned may be cross examined. At trial, a witness who has either changed or forgotten his or her previous testimony can be "impeached," or discredited by referring back to the deposition testimony.

**Requests for Production of Documents** are used by a party to gain access to a document which is not in his or her possession. For example, a request for production of documents may be used to get a copies of the other party's tax returns, bank statements, or other important documents.

**Physical and Mental Examinations** may be used only with the court's permission, when a party's physical or mental condition is an issue in the trial, and when the requesting party can show "good cause," i.e., the information is extremely important and cannot be otherwise obtained.



**Requests for Admissions** are used to determine which issues are actually in controversy. A party is asked to admit or deny the truth of a series of statements.

**STEP 10: Receive the Final Judgment.**

After trial, if you have not settled the case, the Judge will issue a Final Order regarding custody. Your change of custody is not final until the Judge signs the Final Order in the case.

## **CONTESTED CHANGE OF CUSTODY**

A change of custody is allowed when the parent(s) can prove that there are substantial changes affecting the welfare and best interests of the child(ren).

When a parent sues the other parent to change custody, the Court has the power to award sole custody, joint custody, joint legal custody, and joint physical custody. Additionally, the Court may award custody to a third person when both parents are proved to be unfit. The Judge has the power to Order a psychological evaluation of the family, an independent medical evaluation, or an investigation by the local family and children services agency.

A complaint for change of custody brought by the non-custodial parent must be brought in the county in which the legal custodian of the child or children. A complaint for change of custody brought by the legal custodian must be brought in the county in which the Defendant resides. **If the custodial parent and the children live in another state, the rules of jurisdiction and venue are governed by the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), which is quite complicated.** The UCCJEA has been adopted by forty-four states. You may read Georgia's version of this law at O.C.G.A. § 19-9-40 through § 19-9-104.

In a multi-state case, you are **strongly encouraged** to get an attorney.

A Judge may consider the desire of a child who is at least eleven years of age, but not yet fourteen. However, the child's desire by itself is not a material change of conditions or circumstances. The wishes of a child aged fourteen or older is controlling unless the parent whom the child chooses is unfit. During a custody hearing, the Court may Order the parents to leave the courtroom when a child testifies.

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
File No. \_\_\_\_\_  
\_\_\_\_\_, §  
Defendant. §

**COMPLAINT FOR CHANGE OF CUSTODY**

Now comes the Plaintiff, \_\_\_\_\_, and states his/her claim against the Defendant, \_\_\_\_\_, for a change of custody as follows:

1.

Jurisdiction and Venue (choose a or b)

a) The Defendant, a Georgia resident, is the custodial parent and may be served at his or her address: \_\_\_\_\_

b) The Defendant, a Georgia resident, is the non-custodial parent and may be served at his or her address: \_\_\_\_\_

2.

**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 \_\_\_\_\_.

3.

**Change in Circumstances**

There has been a change in circumstances materially affecting the welfare of the minor child(ren) as follows: \_\_\_\_\_

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4.

**Proposed New Custody Arrangement**

As a result of such change of circumstances, the Plaintiff asks that custody be changed as follows: \_\_\_\_\_

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5.

**Plaintiff's Ability to be Custodial Parent**

The Plaintiff is a fit and capable parent and is otherwise qualified to assume full custody of the minor child(ren).

6.

**Visitation**

a) Plaintiff requests that the Defendant be awarded visitation with the minor child(ren) as follows (or attach a schedule): \_\_\_\_\_

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b) The proposed visitation schedule is attached as Exhibit "\_\_\_\_\_."

7.

### **Child Support Amount**

Please go to <https://csconlinecalc.georgiacourts.gov/frontend/web/index.php> and complete the Child Support Worksheet.

The Plaintiff asks that Defendant be required to 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 Plaintiff asks that the child support obligation be reduced as follows as each child becomes emancipated: \_\_\_\_\_

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

8.

### **Child Support Method of Payment (Check a or b)**

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

b) The Plaintiff ask that all child support payments shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

9.

### **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 between the parties as follows:

The Plaintiff further 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.

THEREFORE, Plaintiff prays:

(a) That custody of the minor child(ren) be changed as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

(b) That the Plaintiff have such additional relief as the Court may consider equitable and appropriate.

\_\_\_\_\_  
Plaintiff *pro se*

Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Telephone number(s): \_\_\_\_\_

\_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

|            |   |                |
|------------|---|----------------|
| _____      | § |                |
| Plaintiff, |   |                |
|            | § |                |
| v.         |   | Civil Action   |
|            | § | File No. _____ |
| _____      |   |                |
| Defendant. | § |                |

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

\_\_\_\_\_  
Plaintiff *pro se*

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

\_\_\_\_\_  
Notary Public, State of Georgia

My Commission Expires: \_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

|            |   |                |
|------------|---|----------------|
| _____      | § |                |
| Plaintiff, |   |                |
|            | § |                |
| v.         |   | Civil Action   |
|            | § | File No. _____ |
| _____      |   |                |
| Defendant. | § |                |

**SUMMONS**

**To the above-named defendant:**

You are hereby summoned and required to file with the Clerk of said Court and serve upon \_\_\_\_\_, the pro se plaintiff, whose address is \_\_\_\_\_ an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of Superior Court, \_\_\_\_\_ County



IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

|            |   |                |
|------------|---|----------------|
| _____      | § |                |
| Plaintiff, |   |                |
|            | § |                |
| v.         |   | Civil Action   |
|            | § | File 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: _____ |
| 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:

| <b>Court</b> | <b>Type of Action</b> | <b>Date Filed</b> | <b>Status</b> |
|--------------|-----------------------|-------------------|---------------|
|              |                       |                   |               |
|              |                       |                   |               |
|              |                       |                   |               |
|              |                       |                   |               |
|              |                       |                   |               |

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   |
|            | § | File No. _____ |
| _____      |   |                |
| Defendant. | § |                |

ELECTION OF \_\_\_\_\_.

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 mother/father/other \_\_\_\_\_ on a permanent and full-  
time basis. I understand that my mother/father/other \_\_\_\_\_  
may ask the Court to be made my custodial parent and desire that he be designated as my  
custodial parent.

3.

I wish my \_\_\_\_\_ [non-custodial parent] 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: \_\_\_\_\_

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 1<sup>st</sup>, 3<sup>rd</sup>, and 5<sup>th</sup> 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   |
|            | § | File 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:

|       |               |              |
|-------|---------------|--------------|
| Name  | Date of Birth | Resides with |
| _____ | _____         | _____        |
| _____ | _____         | _____        |
| _____ | _____         | _____        |

Names and birth dates of affiant's other children:

|       |               |              |
|-------|---------------|--------------|
| Name  | Date of Birth | Resides with |
| _____ | _____         | _____        |
| _____ | _____         | _____        |
| _____ | _____         | _____        |

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 credits (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)

3. 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: premarital, gift,  
inheritance, source of funds, etc.)

| Description                           | Value    | Separate Asset<br>of the Husband | Separate Asset<br>of the Wife | Basis of the<br>Claim |
|---------------------------------------|----------|----------------------------------|-------------------------------|-----------------------|
| Cash                                  | \$ _____ | _____                            | _____                         | _____                 |
| Stocks, bonds                         | \$ _____ | _____                            | _____                         | _____                 |
| CD's/Money Market<br>Accounts         | \$ _____ | _____                            | _____                         | _____                 |
| Bank Accounts<br>(list each account): |          |                                  |                               |                       |
| _____                                 | \$ _____ | _____                            | _____                         | _____                 |
| _____                                 | \$ _____ | _____                            | _____                         | _____                 |
| _____                                 | \$ _____ | _____                            | _____                         | _____                 |

Retirement Pensions,

|                                     |    |       |       |       |
|-------------------------------------|----|-------|-------|-------|
| 401K, IRA, or<br>Profit Sharing     | \$ | _____ | _____ | _____ |
| Money owed you:                     | \$ | _____ | _____ | _____ |
| Tax Refund<br>owed you:             | \$ | _____ | _____ | _____ |
| Real Estate:                        |    |       |       |       |
| home:                               | \$ | _____ | _____ | _____ |
| debt owed:                          | \$ | _____ |       |       |
| other:                              | \$ | _____ | _____ | _____ |
| debt owed:                          | \$ | _____ |       |       |
| Automobiles/Vehicles:               |    |       |       |       |
| Vehicle 1:                          | \$ | _____ | _____ | _____ |
| debt owed:                          | \$ | _____ |       |       |
| Vehicle 2:                          | \$ | _____ | _____ | _____ |
| debt owed:                          | \$ | _____ |       |       |
| Life Insurance<br>(net cash value): | \$ | _____ | _____ | _____ |
| Furniture/furnishings:              | \$ | _____ | _____ | _____ |
| Jewelry:                            | \$ | _____ | _____ | _____ |
| Collectibles:                       | \$ | _____ | _____ | _____ |
| Other Assets:                       | \$ | _____ | _____ | _____ |
| _____                               | \$ | _____ | _____ | _____ |
| _____                               | \$ | _____ | _____ | _____ |
| _____                               | \$ | _____ | _____ | _____ |
| <b>Total Assets:</b>                | \$ | _____ | _____ | _____ |

## 5. A AVERAGE MONTHLY EXPENSES

**HOUSEHOLD**

|                            |          |                                   |          |
|----------------------------|----------|-----------------------------------|----------|
| Mortgage or rent payments  | \$ _____ | Cable TV                          | \$ _____ |
| Property taxes             | \$ _____ | Misc. household and grocery items | \$ _____ |
| Homeowner/Renter Insurance | \$ _____ | Meals outside the home            | \$ _____ |
| Electricity                | \$ _____ | Other                             | \$ _____ |
| Water                      | \$ _____ | <b>AUTOMOBILE</b>                 |          |
| Garbage and Sewer          | \$ _____ | Gasoline and Oil                  | \$ _____ |
| Telephone:                 | \$ _____ | Repairs                           | \$ _____ |
| residential line:          | \$ _____ | Auto Tags and license             | \$ _____ |
| cellular telephone:        | \$ _____ | Insurance                         | \$ _____ |
| Gas                        | \$ _____ | <b>OTHER VEHICLES</b>             |          |
| Repairs and maintenance:   | \$ _____ | (boats, trailers, RVs, etc.)      |          |
| Lawn Care                  | \$ _____ | Gasoline and oil                  | \$ _____ |
| Pest Control               | \$ _____ | Repairs                           | \$ _____ |
|                            |          | Tags and license                  | \$ _____ |
|                            |          | Insurance                         | \$ _____ |

**CHILDREN'S EXPENSES**

|  |          |
|--|----------|
| Child care ( <u>total monthly cost</u> ) | \$ _____ |
| School tuition                           | \$ _____ |
| Tutoring                                 | \$ _____ |
| Private lessons (e.g., music, dance)     | \$ _____ |
| School supplies/expenses                 | \$ _____ |
| Lunch Money                              | \$ _____ |
| Other Educational Expenses (list)        |          |
| _____                                    | \$ _____ |
| _____                                    | \$ _____ |
| Allowance                                | \$ _____ |

**AFFIANT'S OTHER EXPENSES**

|  |          |
|--|----------|
| Dry cleaning/laundry   | \$ _____ |
| Clothing   | \$ _____ |
| Medical, dental, <u>prescription</u><br>(out of pocket/uncovered expenses) | \$ _____ |
| Affiant's gifts<br>(special holidays)                                      | \$ _____ |
| Entertainment  | \$ _____ |
| Recreational Expen.<br>(e.g., <u>fitness</u> )                             | \$ _____ |
| Vacations  | \$ _____ |
| Travel Expenses  | \$ _____ |
| Visitation   | \$ _____ |
| Publications   | \$ _____ |
| Dues, clubs  | \$ _____ |

|   |                 |  |          |
|---|-----------------|--|----------|
| Clothing  | \$ _____        | Religious and charities                  | \$ _____ |
| Diapers   | \$ _____        | Pet expenses                             | \$ _____ |
| Medical, dental, prescription<br>(out of pocket/uncovered expenses)           | \$ _____        | Alimony paid to<br>former spouse         | \$ _____ |
| Grooming, hygiene   | \$ _____        | Child support paid for other<br>children | \$ _____ |
| Gifts from children to others   | \$ _____        | Date of initial Order:                   | _____    |
| Entertainment   | \$ _____        | Other (attach sheet)                     | \$ _____ |
| Activities (including extra-curricular,<br>school, religious, cultural, etc.) | \$ _____        |  |          |
| Summer Camps  | \$ _____        |  |          |
| <b>OTHER INSURANCE</b>  |                 |  |          |
| Health  | \$ _____        |  |          |
| Child(ren)'s portion:   |                 | \$ _____                                 |          |
| Dental  | \$ _____        |  |          |
| Child(ren)'s portion:   |                 | \$ _____                                 |          |
| Vision  | \$ _____        |  |          |
| Child(ren)'s portion:   |                 | \$ _____                                 |          |
| Life  | \$ _____        |  |          |
| Relationship of Beneficiary:  |                 | _____                                    |          |
| Disability  | \$ _____        |  |          |
| Other(specify):   | \$ _____        |  |          |
| <b>TOTAL ABOVE EXPENSES</b>   | <b>\$ _____</b> |  |          |

**B. PAYMENTS TO CREDITORS**  
(please check one)

| To Whom: | Balance Due | Monthly<br>Payment | Joint | (please check one) |           |
|----------|-------------|--------------------|-------|--------------------|-----------|
|          |             |                    |       | Plaintiff          | Defendant |
| _____    | _____       | _____              | _____ | _____              | _____     |
| _____    | _____       | _____              | _____ | _____              | _____     |
| _____    | _____       | _____              | _____ | _____              | _____     |
| _____    | _____       | _____              | _____ | _____              | _____     |
| _____    | _____       | _____              | _____ | _____              | _____     |

\_\_\_\_\_  
\_\_\_\_\_

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ \_\_\_\_\_

C. TOTAL MONTHLY EXPENSE: \$ \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Affiant

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
File No. \_\_\_\_\_  
\_\_\_\_\_, §  
Defendant. §

**FINAL JUDGMENT AND DECREE**  
**MODIFICATION OF CUSTODY**

The original Order for custody, Civil Action File No. \_\_\_\_\_, which was issued on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, is hereby modified as follows:

Legal Custody is awarded to: \_\_\_\_\_.

Physical Custody is awarded to: \_\_\_\_\_.

Visitation is awarded as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Based on the evidence presented, including the Child Support Worksheet, Schedules "A" through "E," incorporated by reference, and specifically the Child Support Worksheet and 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 is \$ \_\_\_\_\_

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 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  
Southern Judicial Circuit

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY

STATE OF GEORGIA

\_\_\_\_\_, §  
Plaintiff, §  
v. § Civil Action  
§ File 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  
\_\_\_\_\_ 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 Court  
Southern Judicial Circuit

**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.