

CHANGE OF CUSTODY AND CHILD SUPPORT

The forms and instructions in this Packet can be used if:

1. There is an existing order awarding custody which was issued by a Superior Court in Georgia; and
2. The child(ren) have lived in Georgia for at least six months before you file for modification.

A change of custody can be complicated. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from giving legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR FILING A PETITION FOR CHANGE OF CUSTODY AND CHILD SUPPORT

If you are the parent of a child and there is already a court order awarding custody to the other parent and you want to get custody of that child, then you must file a **Petition for Change of Custody and Child Support**. Your petition must be filed in the Superior Court in the county where the legal custodian lives. You must be able to show the court that there has been a material change in circumstances concerning you, the child or the other parent which materially affects the welfare and interest of the child, and that the change happened after the original custody order.

- | | |
|-----------------|--|
| _Step 1: | Complete the Petition for Change of Custody and Child Support. |
| _Step 2: | Complete the Verification Form. |
| _Step 3: | Attach other documents to your petition |
| _Step 4: | Pay the filing fee to the Clerk of Court |
| _Step 5: | File the forms |
| _Step 6: | Serve the other side with a copy of your petition and other required documents |
| _Step 7: | Prepare for Hearing |

HERE ARE THE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:

STEP 1 - Complete the attached sample form for change of custody

Fill in your name as the Petitioner and the other side's name as the Respondent. Do not fill in the section where it says "Civil Action File No." The clerk will assign a number to your case when you file your petition. Then write your name in the space provided after the word, "I", and then write the other side's name after the word, "against."

Paragraph 1: Subject Matter jurisdiction

In order for a Georgia court to be able to handle your case, there must already be a Georgia Superior Court order awarding custody to the other side, and the child(ren) must have lived in Georgia for at least six months before you file your petition. You must not have illegally removed the children from the legal custodian's home state. If you do not meet these requirements, then you still might be able to file your case in Georgia, but you will need to speak with an attorney to determine whether or not your situation might satisfy those requirements.

In paragraph b, list the child(ren)'s names, gender and date of birth in the lines provided.

Paragraph 2: Venue and Service

"Venue" is another name for county. "Service" is a legal way of making sure that the other side gets a copy of the papers that you are filing with the court. It is very important that you file in the proper county and the other side is served correctly.

The general rule is that you file your Petition for Change of Custody and Child Support in the county where the other side lives. If the other side lives in a different county in Georgia, but will agree to you filing in your county, he/she will need to sign a **Waiver of Venue** form and an **Acknowledgment of Service form**. If the other side lives in another state, but will agree to you

filing in your state and county, he/she will need to sign a **Waiver of Jurisdiction** form and an **Acknowledgment of Service** form.

PERSONAL SERVICE

Check box (a) if the other side lives in Clayton County. The sheriff will need to serve the other party with a copy of your petition. Write the other side's address in the space provided.

ACKNOWLEDGMENT OF SERVICE

Check box (b) if the other side agrees to sign a form saying that he/she has received a copy of the petition from you. This form is called an **Acknowledgment of Service**. If the other side lives in another county in Georgia, he/she will also need to sign a **Waiver of Venue** form. If the other side lives in another state, he/she will need to sign a **Waiver of Jurisdiction** form. These forms must then be filed with the Clerk of Court showing that the other side has been served with a copy of your petition. Then put a check mark beside all the forms that the Respondent has signed.

PERSONAL SERVICE BY SECOND ORIGINAL

Check box (c) if the other side lives in another state but has abandoned the child(ren) and the child(ren) has/have lived in Georgia for at least six (6) months before you filed this petition. The other side will need to be served with a copy of your petition by the sheriff where he/she lives.

SERVICE BY PUBLICATION

Check box (d) if the other side has abandoned the child(ren) with you and the child(ren) has/have lived in Georgia for at least six months before you filed this petition and you do not know where the other side lives now. You can only file your petition in Clayton County if either:

you are a resident of Clayton County and

(a) you do not know the county where the other side lives in Georgia **or**

(b) the other side lives in another state and you do not know where in that state;

OR

you believe the other side lives in Clayton County but you do not know the home or work address to have him/her served.

Write the date the other side abandoned the child(ren) with you.

Paragraph 3: Original Custody Order

Write the information concerning the original custody order in the space provided. For example, if custody was awarded in a divorce decree, then put "Final Judgment and Decree." If it was awarded in a Legitimation Order, put "Legitimation Order," etc. Then fill in the case number of the order, the date it was entered, and the county where it was entered. Then check the boxes that apply to the other side. Be sure to make a copy of the original custody order and attach it to the petition.

Paragraph 4: Children's Place of Residence

Write in the space provided the address of where the child(ren) currently live and the person with whom they are living. Then list each address where the child(ren) has/have lived for the past five years and state with whom the child(ren) was/were living for each address.

Paragraph 5: Other Custody Actions

Check box (a) if there has never been any other custody action concerning your child(ren) other than the original order.

Check box (b) if there has ever been or is presently another custody action concerning your child(ren) other than the original custody action. Write in the space provided the location of the custody action, the type of action, and what happened in that custody action.

Paragraph 6: Other Persons with Claims to Child(ren)

Check box (a) if no other person or entity than you or the other party has a court order stating what legal rights they have to your child(ren). This means that there is no court order granting anyone else custody or guardianship of your child.

Check box (b) if someone other than you or the other party has any legal rights to your child(ren). Write in the space provided the name of the person or entity, and what legal rights that person or entity has to your child(ren). If your child(ren) is/are in the physical custody of another person, then you should list that person also.

Paragraph 7: Material Change in Circumstances

Since the granting of the original custody order, there must have been a material change in circumstances substantially affecting the welfare and interest of the child(ren) in order to file for a change of custody. In the space provided, state what the material change in circumstances is.

Paragraph 8: Fit and Qualified Parent

You must be fit and capable in order to have custody awarded to you.

Paragraph 9: Custody Modified as Follows:

Write how you want custody to be changed from the original custody order.

Paragraph 10: Current Child Support Order

Check box (a) if you are currently under an order to pay child support and you want to stop paying child support. Then write in the space provided the amount of child support that you are currently ordered to pay.

Check box (b) if you are currently under a court order to pay child support and want the child support to stay the same. Then write in the space provided the amount of child support that you are currently ordered to pay.

Check box (c) if you want the amount of child support you are currently ordered to pay to be reduced.

Check box (d) if you are not under a court order to pay child support.

Paragraph 11: Request for Child Support

Check box (a) if the other side is a resident of Clayton County and will be personally served with a copy of this petition. Then write in the space provided the name of your employer, your gross

(before taxes) monthly income, the name of the other side's employer and gross **(before taxes)** monthly income.

Check (b) if you are not requesting a change in child support.

Check (c) if this petition will be served by publication.

Check (d) if the other side is not a resident of Georgia.

Check (e) if none of the above apply and state in the blank lines any other options.

Requests

Check everything that you want the court to grant you.

Signature

Date and sign the petition. Then write your name, address and telephone number in the spaces provided.

STEP 2 - VERIFICATION

Complete the **Verification** form. **By signing this form you are swearing under oath that what you wrote in the petition is true and correct.** Write your name as the Petitioner and the opposing party's name as the Respondent. Do not fill in the section where it says "Civil Action File No." The clerk will assign a number to your case when you file your petition. Write your name in the blank space on the first line. Fill in the date where indicated. Write your name, address and telephone number in the spaces provided. **WAIT TO SIGN THE VERIFICATION FORM IN FRONT OF A NOTARY PUBLIC.** Most libraries and banks have a notary on staff and will notarize your document for a fee.

STEP 3 - OTHER COURT DOCUMENTS

In addition to the **Petition for Change of Custody and Child Support** and **Verification** form, you will need to attach additional forms to your petition which are provided in the law library:

1. Two (2) original summons (available at the clerk's office)
2. Automatic Domestic Standing Order (provided by the clerk at the time of filing)
3. Sheriff's Entry of Service Form (available at the clerk's office)
4. Case Initiation Form
5. Domestic Intake Worksheet
6. Financial Affidavit
7. A copy of the original custody order

You may also have these forms attached to your Petition for Change of Custody and Child Support:

1. Poverty Affidavit (if you are low income and eligible to have your filing fee waived because you cannot afford it)

2. Notice of Publication (if your petition must be served by publication)
3. Waiver of Venue or Waiver of Jurisdiction (if the other side agrees to sign it)
4. Acknowledgment of Service (if the other side agrees to sign it)
5. Financial Affidavit (you must have these forms attached to your petition if the other side is not agreeing to you having custody)

STEP 4 - FEES

Unless you are able to have your filing fee waived, there is a filing fee in Clayton County. You must pay this fee when you file your Petition for Change of Custody and Child Support unless you file with a poverty affidavit. If the sheriff is going to serve your petition, there is also a fee for each address the sheriff has to serve. If you are filing in Georgia, and you are out of state, and want the sheriff to serve the opposing party in Georgia, there is a fee.

If service is by publication because you do not know where the opposing party is, there is a cost for publication. All fee amounts can be obtained from the Clerk's office (404)612-5344.

STEP 5 - FILING YOUR FORMS

You should make two (2) copies of all of your documents. Attach one (1) original **Summons** to your original documents. Attach one (1) original Summons and **Sheriff's Entry of Service** to one of your copies. Give the clerk your original document and copies. The clerk will assign a number to your case and will write in the number on your documents. The clerk will then stamp your documents to show that your petition has been filed and will give you a copy for your records. The original will remain with the court. The other copy will be given to the sheriff to have served on the opposing party unless he/she signed an Acknowledgment of Service or it is being served by publication.

STEP 6 - SERVICE

Personal service is generally required. (See paragraph 2 "Venue and Service".)

STEP 7 - HEARING/CONFERENCE

Please follow the following instructions to fill out the Rule Nisi form:

1. Fill in your name where it says "Petitioner."
2. Fill in the other side's name where it says "Respondent."
3. Do not fill in the "Civil Action File No." The clerk will fill in the information for you.
4. Fill in "Petition for Change of Custody and Child Support" on the first blank line.

The clerk will fill in the rest of the information.

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

PETITION FOR CHANGE OF CUSTODY AND CHILD SUPPORT

I, _____, representing myself, state my claim for a change of custody and child support against _____, the Respondent, as follows:

1. Subject Matter Jurisdiction:

Georgia has subject matter jurisdiction over the issue of Change of Custody as follows:

- (a) There is a Georgia Superior Court Order concerning custody as set forth in paragraph 3 and;
- (b) The minor child(ren):

| <u>Full Name</u> | <u>Male/Female</u> | <u>Date of Birth</u> |
|------------------|--------------------|----------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

have been residents of Georgia for at least six months prior to filing this Petition for Change of Custody such that Georgia is the home state of the minor child(ren).

2. Venue and Service:

The Respondent is subject to the jurisdiction of this court as follows:

(Check a, b, c, or d)

- a) **Personal Service:** The Respondent is a resident of Clayton County and is subject to the jurisdiction of this Court and may be served with a copy of this petition and summons at the following address:

b) The Respondent has signed the following documents attached to the Petition:

Acknowledgment of Service

Waiver of Venue (where the Respondent is not a resident of Clayton County)

Waiver of Jurisdiction (where the Respondent is not a resident of Georgia)

Consent to Custody

c) **Personal Service by Second Original:** I am a resident of Clayton County. I have had physical custody of the minor child/ren for at least six months prior to filing this Petition. The Respondent left the minor child(ren) with me on _____ and has abandoned the child(ren). The Respondent is a former resident of Georgia but now resides in _____ (State) and shall be personally served by second original pursuant to the Domestic Relations Long Arm Statute O.C.G.A. § 9-10-91(5) at his/her address at _____

d) **“Service by Publication”:** I am a resident of Clayton County. I have had physical custody of the minor children for at least six months prior to filing this Petition. The Respondent left the minor children with me on _____ and has abandoned them. I do not know where the Respondent is living now. The Respondent shall be served by Publication.

3. Original Custody Order:

Pursuant to _____ (Name of order awarding custody) in Civil Action, File No.: _____ entered on _____, 19__ in the Superior Court of _____ County, Georgia, hereinafter referred to as “Order” a copy of which is attached to the Petition, the Respondent was awarded the following type of custody of the minor child(ren):

(Check all that apply):

a) sole legal and physical custody of the minor child(ren);

b) joint legal custody and Respondent/Petitioner is the primary physical custodian of the minor child(ren);

c) joint physical custody

d) other: _____

4. Children's Place of Residence:

The minor child(ren) currently reside at _____
with _____. During the past five years, the
minor child(ren) have lived at the addresses below with the following persons:

| <u>Address:</u> | <u>Resided with:</u> |
|-----------------|----------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

5. Other Custody Actions:

(Check a or b)

- a) I have not participated as a party, or witness, or in any capacity in any other litigation concerning the custody of the minor child(ren) in this or any other state except for the initial custody action as described in the Order set forth in paragraph (3) above. I do not know of any custody proceeding concerning the minor child(ren) which may be pending in a Court in this or any other state.
- b) The minor child(ren) have been involved in the following custody actions.

| | |
|-----------------------|-----------------------|
| County: _____ | County: _____ |
| State: _____ | State: _____ |
| Court: _____ | Court: _____ |
| Type of Action: _____ | Type of Action: _____ |
| Date Filed: _____ | Date Filed: _____ |
| Status: _____ | Status: _____ |

6. Other Persons with Claims to Children:

(Check a or b)

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

| <u>Full Name</u> | <u>Claim</u> |
|------------------|--------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

7. Material Change in Circumstance:

Since the date of the Order, there has been a change in circumstances materially affecting the welfare of the minor child(ren) as follows:

8. Fit and Qualified Parent:

I am a fit and capable parent and am otherwise qualified to have full custody of the minor child(ren).

9. Custody Modified as follows:

Therefore, I desire that custody, as set out in the Order, be modified as follows:

10. Current Child Support Order:

- a) I am currently under an order to pay child support in the amount of \$_____ and I want the child support order to be terminated.
- b) I am currently under an order to pay child support in the amount of \$_____ and I request that the child support stay the same.
- c) I am currently under an order to pay child support in the amount of \$_____ and I request that the child support be lowered.
- d) I am not under a court order to pay child support.

11. Request for Child Support:

(Check a, b, c, d or e)

- a) I am employed by _____ earning _____ per month. The Respondent is an able bodied person capable of earning sufficient money to support the minor child(ren). Respondent is employed by _____ earning _____ per month, and I am in need of financial assistance from the Respondent for the support of the minor child(ren).
- b) I am not requesting a change in child support.
- c) This Petition was served by publication, and the issue of child support cannot be decided in this action.
- d) The Respondent is a nonresident and the issue of child support cannot be determined by this Court.

__ e) Other: _____

FOR THESE REASONS, I request

- __ a) That a Rule Nisi be issued directing the Respondent to show cause why my prayers should not be granted;
- __ b) That the Order be modified so as to provide for the requested change in custody of the minor child(ren) and child support;
- __ c) That the Respondent be served with a copy of my Petition for Change of Custody and Child Support;
- __ d) That the original order granting child support to Respondent be terminated;
- __ e) That the Respondent be ordered to pay me child support; and
- __ f) Any other appropriate relief.

This ___ day of _____, _____.

Respectfully submitted,

Signature Pro Se
Name (Print or type): _____
Address: _____

Telephone Number: (____) _____

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

VERIFICATION

I, _____, personally appeared before the undersigned Notary Public, and say under oath that I am the Petitioner in the above-styled action and that the facts herein are true and correct.

This _____ day of _____, _____.

[date]

[month]

[year]

 (Sign your name here in front of the Notary) **Pro Se**
 Petitioner's name (print or type): _____
 Petitioner's address: _____

 Petitioner's telephone number: (____) _____

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

 NOTARY PUBLIC
 My Commission Expires:
 (Notary Seal)

Exhibit "A"

VISITATION SCHEDULE

The Father shall be entitled to exercise reasonable visitation with the minor child(ren) 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 (1998, 2000, etc.), the Father 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 PM on December 25 until New Year's Eve.
- C. During odd numbered years (1999, 2001, etc.), the Father shall have the right of visitation on the holidays delineated below:
 - 1. New Years 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 (1998, 2000, etc.), the Mother shall have the minor child(ren) on the holidays delineated below:
 - 1. New Years 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 (1999, 2001, etc.), the Mother shall have the minor child(ren) 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 PM on December 25 until New Year's Eve.
- F. The Mother shall have the minor child(ren) on Mother's Day.

- G. The Father shall have the minor child(ren) on Father's Day.
- H. The Father shall have the right to visit with the minor(ren) child for two consecutive weeks in the Summer between June 15 and August 15. During this period, the Mother shall have the minor child(ren) on the first (1st) weekend from 6:00 PM Friday until 6:00 p.m. Sunday. The Father shall give the Mother a minimum of thirty (30) days written notice of his intent to exercise this visitation.
- I. Holiday visitation shall take precedent over weekend visitation.

NOTE TO PETITIONER: The above is a sample. You may draft your own visitation schedule to submit as Exhibit A.

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

ACKNOWLEDGMENT OF SERVICE

The undersigned Respondent hereby acknowledges service of the above Petition for Change of Custody and Child Support, and states that s(he) has received a copy of said Petition, and Respondent hereby waives any and all further notice, service, and issuance of process.

(Check the box below if you are not a resident of Georgia.)

WAIVER OF JURISDICTION — RESPONDENT'S AFFIDAVIT

I, _____ am the named respondent in the above-styled case, which is a petition for _____. After being duly sworn, I state the following:

1. I am a resident of _____ County in the State of _____, and that Petitioner is a resident of Clayton County, Georgia. My address is _____.

2. I have been informed that I have a constitutional right to a trial by judge or jury in the state of my residence, and that I expressly waive my right to jurisdiction in the state of my residence, and consent to jurisdiction in the State of Georgia, Clayton County Superior Court.

This ____ day of _____, _____.

Respondent's Signature (Sign in front of the Notary)

Address: _____

Telephone: _____

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

NOTARY PUBLIC

My Commission expires:

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

ACKNOWLEDGMENT OF SERVICE AND WAIVER OF VENUE

The undersigned Respondent hereby acknowledges service of the above Petition for _____, and states that s(he) has received a copy of said Petition, and Respondent hereby waives any and all further notice, service, and issuance of process.

(Check the box below if you are a resident of Georgia but do not live in Clayton County.)

WAIVER OF VENUE — RESPONDENT'S AFFIDAVIT

I, _____ am the named respondent in the above-styled case, which is a petition for _____. After being duly sworn, I state the following:

1. I am a resident of _____ County in the State of Georgia, and that Petitioner is a resident of Clayton County, Georgia.
2. I have been informed that I have a constitutional right to a trial by judge or jury in the county of my residence, and that I expressly **waive my right** to venue in the County of my residence, and consent to venue and personal jurisdiction in Clayton County Superior Court.

This ____ day of _____, _____.

Respondent's Signature (Sign in front of the Notary)

Address: _____

Telephone: _____

Sworn to and signed before me, this
__ day of _____, _____.

NOTARY PUBLIC

My commission expires:

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

CONSENT TO CHANGE OF CUSTODY AND CHILD SUPPORT

1. I _____, am the mother/father of the child(ren) named _____.
2. I consent in writing to the following custody arrangement:
 - ___ a) That the father/mother of said child(ren) have sole legal and sole physical custody of the child(ren).
 - ___ b) That the father/mother of said child share joint legal custody with me and I will be the primary physical custodian from _____ to _____ and the mother/father shall be the secondary physical custodian from _____ (date) to _____ (date).
 - ___ c) That the father/mother of said child share joint legal custody with me and mother/father shall be the primary physical custodian from _____ to _____ and I will be secondary physical custodian from _____ to _____.
3. I consent in writing to the following visitation arrangement attached hereto as Exhibit "A".
4. I consent to child support being modified as follows:
 - a) My gross monthly income is _____.
 - b) The mother's/father's gross income is _____.
 - c) Child support is being determined for _____ number of children.
 - d) **NOTICE: The new Georgia Child Support Guidelines went into effect on 1/1/07. Any child support calculations must now be made using these guidelines.**

e) No special circumstances exist, or the following special circumstances exist and check those applicable:

- Ages of the child(ren).
- A child(ren)'s extraordinary medical costs or needs in addition to accident and sickness insurance, provided that all such costs or needs shall be considered if no insurance is available.
- Educational costs.
- Day-care costs.
- Shared physical custody arrangements, including extended visitation.
- A party's other support obligations to another household.
- Income that should be imputed to a party because of suppression of income.
- In-kind income for the self-employed, such as reimbursed meals or a company car.
- Other support a party is providing or will be providing, such as payment of a mortgage.
- A party's own extraordinary needs, such as medical expenses.
- Extreme economic circumstances including but not limited to:
 - 1) Unusually high debt structure; or
 - 2) Unusually high income of either party or both parties, which shall be construed as individual.
- Historical spending in the family for child(ren) which varies significantly from the percentage table.
- Considerations of the economic cost-of-living factors of the community of each party, as determined by the trier of the fact.
- In-kind contribution of either parent.
- The income of the custodial parent.
- The cost of accident and sickness insurance coverage for dependent children included in the order.
- Extraordinary travel expenses to exercise visitation or shared physical custody.

___ Any other factor which the trier of fact deems to be required by the ends of justice, as described below: _____

f) _____ (person's name) shall pay to
_____ (person's name) child
support in the amount of _____ per
week/biweekly/semimonthly/monthly.

5. I make this consent freely, and knowingly. I have not been forced to sign this consent and I am not under any duress at the time that I am signing this consent.

This _____ day of _____, _____.
[date] [month] [year]

(Sign your name here in front of the Notary)

Pro Se

Petitioner's name (print or type): _____

Petitioner's address: _____

Petitioner's telephone number: (____) _____

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

NOTARY PUBLIC

My Commission Expires:

(Notary Seal)

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Petitioner: _____,

and

Respondent: _____.

Civil Action File No: _____

RULE NISI

The foregoing _____ having been read and filed,
the (check one:) Petitioner Respondent is Ordered to show cause before the Honorable
_____, on the ____ day of _____,
_____ at __.m. in Courtroom _____ why the prayers of (check one:) Petitioner
Respondent should not be granted.

This _____ day of _____, _____.
[date] [month] [year]

Deputy Clerk

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

_____ ,

Plaintiff,

vs.

Civil Action
Case Number

_____ ,

Defendant.

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

| | | |
|---|---------------------|---------------|
| (1) Your Name: | | Your Age: |
| Spouse's Name: | | Spouse's 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 your other children: | | |
| Name | Date of Birth | Resides with |
| | | |
| (2) SUMMARY OF YOUR INCOME AND NEEDS: (fill out this part after you complete pages 2-5) | | |
| A) Gross Monthly Income (from Item 3A below) | | \$ |
| B) Net Monthly Income (from Item 3B below) | | \$ |
| C) Average Monthly Expenses (Item 5A below) | | \$ |
| Monthly Payments to Creditors (Item 5B below) | | \$ |
| Total Monthly Expenses & Payments to Creditors (Item 5C below) | | \$ |

(3) (A) YOUR 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. Where applicable, income should be annualized.)

| | |
|---|----|
| Salary or Wages — 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 | \$ |
| Worker's 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.) | \$ |
| TOTAL Gross Monthly Income (also write in 2A on page one) | \$ |

| | |
|--|----|
| (3)(B) Net Monthly Income From Employment (deducting only state and federal taxes and FICA) (also write in 2B on page one) | \$ |
|--|----|

| | |
|--|---|
| Your Pay Period (i.e., monthly, weekly, etc.): | Number of Exemptions Claimed by You for Tax Purposes: |
|--|---|

(4) ASSETS
(List all assets here, including both non-marital and marital property. 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. The total value of each asset must be listed in the "value" column. "Value" means what you feel the item of property would be worth if it were offered for sale.)

| Description | Value | Separate Asset of Husband | Separate Asset of Wife | Basis of the Claim (pre-marital, gift, inheritance, etc.) |
|--|-------|---------------------------|------------------------|---|
| Cash | \$ | \$ | \$ | |
| Stocks, Bonds | \$ | \$ | \$ | |
| CD's / Money Market Accounts | \$ | \$ | \$ | |
| Bank Accounts (list each account below): | | | | |
| (1) | \$ | \$ | \$ | |
| (2) | \$ | \$ | \$ | |
| (3) | \$ | \$ | \$ | |
| Retirement Pensions, 401(k), IRA or Profit-Sharing | \$ | \$ | \$ | |
| Money Owed to You (or Spouse) | \$ | \$ | \$ | |
| Tax Refund Owed to You | \$ | \$ | \$ | |
| Real Estate (list properties & mortgages): | | | | |
| Home | \$ | \$ | \$ | |
| Debt owed on Home | \$ | | | |
| Other Real Estate | \$ | \$ | \$ | |
| Debt owed on Other Real Estate | \$ | | | |
| Automobiles / Vehicles (list vehicles & amounts owed on each one): | | | | |
| (1) | \$ | \$ | \$ | |
| Debt owed on Vehicle (1) | \$ | | | |

| | | | | |
|---------------------------------|-------|---------------------------|------------------------|---|
| (2) | \$ | \$ | \$ | |
| Debt owed on Vehicle (2) | \$ | | | |
| (4) ASSETS (continued) | | | | Basis of the Claim (pre-marital, gift, inheritance, etc.) |
| Description | Value | Separate Asset of Husband | Separate Asset of Wife | |
| Life Insurance (net cash value) | \$ | \$ | \$ | |
| Furniture / Furnishings | \$ | \$ | \$ | |
| Jewelry | \$ | \$ | \$ | |
| Collectibles | \$ | \$ | \$ | |
| Other Assets (specify): | \$ | \$ | \$ | |
| | \$ | \$ | \$ | |
| | \$ | \$ | \$ | |
| TOTAL ASSETS | \$ | \$ | \$ | |

| | | | |
|--|----|------------------------------------|----|
| (5)(A) AVERAGE MONTHLY EXPENSES FOR YOU AND YOUR HOUSEHOLD | | | |
| HOUSEHOLD EXPENSES | | | |
| Mortgage or Rent Payments | \$ | Gas | \$ |
| Property taxes | \$ | Repairs & Maintenance | \$ |
| Homeowner's / Renter's Insurance | \$ | Lawn Care | \$ |
| Electricity | \$ | Pest Control | \$ |
| Water | \$ | Cable TV / Internet Access | \$ |
| Garbage & Sewer | \$ | Misc. Household & Grocery Items | \$ |
| Telephones | | Meals Outside Home | \$ |
| Residential Lines | \$ | Other (specify) | \$ |
| Cellular Telephones | \$ | | \$ |
| AUTOMOTIVE | | | |
| Gasoline & Oil | \$ | Auto Tags / Registration / License | \$ |
| Repairs & Maintenance | \$ | Insurance | \$ |
| OTHER VEHICLES (boats, trailers, RVs, etc.) | | | |
| Gasoline & Oil | \$ | Tags / Registration / License | \$ |
| Repairs & Maintenance | \$ | Insurance | \$ |

| CHILDREN'S EXPENSES | | | |
|--|----|--|----|
| Child Care (total monthly cost) | \$ | Allowance | \$ |
| School Tuition | \$ | Children's Clothing | \$ |
| Tutoring | \$ | Diapers | \$ |
| Private lessons (e.g., music, dance) | \$ | Medical, Dental, Prescriptions (out-of-pocket uncovered expenses) | \$ |
| School Supplies / Expenses | \$ | Grooming / Hygiene | \$ |
| Lunch Money | \$ | Gifts from children to others | \$ |
| Other Educational Expenses (list type & amount): | | Entertainment | \$ |
| | \$ | Activities (including extra-curricular, school, religious, cultural, etc.) | \$ |
| | \$ | Summer Camps | \$ |
| OTHER INSURANCE | | | |
| Health Insurance | \$ | Life Insurance | \$ |
| Children's portion: | \$ | Relationship of Beneficiary: | |
| Dental Insurance | \$ | Disability Insurance | \$ |
| Children's portion: | \$ | Other Insurance (specify) | \$ |
| Vision Insurance | \$ | | \$ |
| Children's portion: | \$ | | \$ |
| YOUR OTHER EXPENSES | | | |
| Dry Cleaning & Laundry | \$ | Publications | \$ |
| Clothing | \$ | Dues, Clubs | \$ |
| Medical / Dental / Prescription (out-of-pocket uncovered expenses) | \$ | Religious & Charities | \$ |
| Your Gifts (special holidays) | \$ | Pet expenses | \$ |
| Entertainment | \$ | Alimony Paid to Former Spouse | \$ |
| Recreational Expenses (e.g., fitness) | \$ | Child Support Paid for other children | \$ |
| Vacations | \$ | Date of initial CS order: | |
| Travel Expenses for Visitation | \$ | Other (attach sheet to list) | \$ |

| TOTAL ABOVE MONTHLY EXPENSES (also write on first line of 2C on page one) | | | | | \$ |
|---|-------------|------------------|--------------------|---------|------|
| (5)(B) YOUR PAYMENTS & DEBTS TO CREDITORS | | | | | |
| To Whom | Balance Due | Monthly Payments | (Please check one) | | |
| | | | Joint | Husband | Wife |
| | \$ | \$ | | | |
| | \$ | \$ | | | |
| | \$ | \$ | | | |
| | \$ | \$ | | | |
| | \$ | \$ | | | |
| | \$ | \$ | | | |
| Total Monthly Payments to Creditors (also write this total on line 2 of 2C on page one) | | | | \$ | |
| (5)(C)TOTAL MONTHLY EXPENSES (Total Expenses from final line on page 5 + Total Monthly Payments to Creditors above) (also write this total on line 3 of 2C on page one) | | | | \$ | |

 [INSERT YOUR NAME]
 (Sign in front of notary public.)

Name: _____
 Address: _____
 Daytime Phone: _ () _____

Subscribed and sworn before me on
 _____, 20__.

 Notary Public