

CHILD SUPPORT MODIFICATION OF SUPERIOR COURT

This packet contains forms and information on how to modify a child support order that was originally issued by a Superior Court in Georgia.

Note: You can only file a Modification of Child Support if it has been two years since a judge signed an order for child support unless there are changed circumstances.

It is advisable to have an attorney when filing legal papers to be sure that your rights of 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 furnishing 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 MODIFICATION OF CHILD
SUPPORT**

NOTICE!!!! The new Georgia Child Support Guidelines went into effect on 1/1/07. Child support calculations must now be made using the new guidelines. To obtain the forms and instructions go to: <http://www.georgiacourts.gov/csc/>

YOU CAN USE THIS PACKET IF:

1. You have a Child Support Order from Superior Court in Georgia which orders child support to be paid to you or by you which was ordered after July 1, 1986,
2. You are asking for a change in child support, and
3. The opposing party is a resident of Clayton County.

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

STEP 1: The Petition for Modification of Child Support

- A. You are the Petitioner. Fill in your full name on the line after "Petitioner" and on the line after "Comes now the Petitioner."
- B. The Respondent is the opposing side. Fill in that person's full name on the line after "Respondent."
- C. Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the Petition.
- D. In paragraph 1: (Check "a" or "b")
 1. **Check "a"** if the opposing side lives in Clayton County. Insert the opposing side's address.
 2. **Check "b"** only if the opposing party lives in another state, but you live in Clayton County and your original court order is a Georgia Superior Court Order. Insert the city and state where the opposing side lives in the first blank, and then enter the opposing side's complete address in the other space.
- E. In paragraph 2:
 1. In the first blank insert the date of the original child support order.
 2. In the second blank insert the county in Georgia where you got your child support order.
 3. In the third blank insert the Civil Action File Number from your original child support order.

4. In the fourth blank, insert which party was to receive child support under the original child support order. (You are the Petitioner and the other person is the Respondent.)
 5. In the fifth blank, insert the amount of the original child support order. Circle whether it is weekly, biweekly, semimonthly, or monthly.
- F. In paragraph 3:
1. **Check “a”** if the child support is paid to you and write the amount in the blank.
 2. **Check “b”** if the child support is paid by you and write the amount in the blank.
- G. In paragraph 4:
1. **Check “a”** if you are asking for an increase in child support paid to you.
 2. **Check “b”** if you are asking for your child support payments to be decreased.
 3. **Check “c”** if you are asking for an increase in child support paid to you because of a substantial increase in the needs of the child(ren). Briefly explain what those needs are in the space provided.
- H. In paragraph 5:
1. **Check “a”** if you are asking for an increase in child support paid to you. In the first blank insert how much the opposing side was earning at the time the original child support order was entered. Insert in the next blank the date that his/her income increased. Insert in the final blank the amount of the opposing side’s current gross income.
 2. **Check “b”** if you are asking for your child support payments to be decreased. Insert how much your gross monthly income was when your original child support order was entered. Insert in the next blank the date that your income decreased. Insert in the final blank what your gross monthly income is now.
- I. In paragraph 6:
1. **Check “a”** if it has been 2 years since your child support has been changed.
 2. **Check “b”** if you want your child support order changed if you have never changed the original child support order.
- J. In paragraph “a”:
1. **Check “1”** if you are asking for an increase in child support paid to you.
 2. **Check “2”** if you are asking for your child support payments to be decreased.
- K. Put the date of the day you finish the form and sign your name.

STEP 2. The Verification form tells the Court that you swear, under oath, that what you wrote or put in the Petition is true and correct.

- A. Print or type your full name next to the word "Petitioner."
- B. Print or type the full name of the person who is the opposing party next to the word "Respondent."
- C. Print or type your full name on the first line.
- D. Where it says: This _____ day of _____, 20____, fill in the date, month, and year where indicated.
- E. Next to the number 2, print or type your full name where indicated, and fill in your address and telephone number. **DO NOT SIGN THIS YET. YOU MUST SIGN IT ONLY IN FRONT OF A NOTARY PUBLIC.** You can find a Notary Public at banks and the post office.

STEP 3. Complete the Rule Nisi Form. A Rule Nisi is another name for temporary hearing. This is what you would request if you want temporary relief until the judge makes a final ruling.

- A. Fill in your full name as the Petitioner.
- B. Fill in the opposing party's full name as the Respondent.
- C. Insert "Petition for Modification of Child Support" as the type of action being brought. The Clerk of Court will complete the rest when you file your petition.

STEP 4: Fill out two (2) Summons forms. (Available at clerk's office.)

STEP 5: Complete the Sheriff's Entry of Service. (Available at clerk's office.) This form is used by the sheriff when he/she serves a copy of these papers on the Respondent. You must fill out one of these.

- A. Write your address under "Attorney's Address" on the left side.
- B. Put the opposing side's full name and address under "Name and Address of Party to be Served."
- C. On the right side, put your full name on the line above "Petitioner" or "Plaintiff."
- D. On the right side, put the opposing side's full name on the line above "Respondent" or "Defendant."

STEP 6: Make a copy of your original Order and attach it to your Petition for Modification of Child Support.

STEP 7: Fill out the Domestic Relations Financial Affidavit and sign in front of a notary public.

STEP 8: Put the papers together. Put them in this order, with the first ones on top and the rest behind.

- Petition
- Copy of Original Court Order for Child Support
- Verification
- Domestic Relations Financial Affidavit
- Rule Nisi

STEP 8: Make two (2) copies of all of these papers. Then attach a Summons to your original papers. Next, attach another Summons to one (1) of your copies along with the Sheriff's Entry of Service.

STEP 10:

- (a) File your original papers with the Clerk of Court. There are fees associated with filing this petition and Sheriff's service. Please check with the Clerk to get fee amounts.
- (b) File your original papers with the Clerk of Court. Give the clerk the copy with the Sheriff's Entry of Service and Summons. Make sure that the clerk writes in the Civil Action Number on both your copies and inserts the Rule Nisi hearing information on your copies.

STEP 11: Come to court on the date and time indicated on the Rule Nisi form for your hearing. You should go to the courtroom indicated on the notice received from the Clerk's office. Wait for your case to be called by the judge. If you are requesting a decrease in your child support payments, then you should get/bring copies of your pay stubs for the last three months. If you are asking for an increase in child support, during trial you will need to call the opposing side as a witness and ask questions about how much money he/she has now compared to how much he/she had when the original child support order was issued.

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

Petitioner: _____,

and

Respondent: _____.

Civil Action File No:

PETITION FOR MODIFICATION OF CHILD SUPPORT

Comes now the Petitioner, _____, and states his/her claim against the Respondent for a Modification of Child Support as follows:

1.

The Respondent is subject to the jurisdiction of this Court as follows: (check "a" or "b")

___a) The Respondent is a resident of Clayton County, Georgia and may be personally served with a copy of this petition and summons at: _____.

___b) The Respondent is not a resident of the State of Georgia but is a resident of _____ (insert city and state) and the Petitioner lives here in Clayton County, Georgia. The Respondent can be personally served at _____ (address) by second original with a copy of the petition and summons pursuant to O.C.G.A. §19-6-26.

2.

On _____ The Superior Court for the County of _____, State of Georgia, Civil Action File No. _____ issued an order awarding permanent child support to the _____ (insert either Petitioner or Respondent) in the amount of \$_____ to be paid weekly/biweekly/semimonthly/ month. (Circle One.)

3.

The Court awarded child support as follows: (check "a" or "b")

___a) To the Petitioner the sum of _____ as permanent child support.

___b) To the Respondent the sum of _____ as permanent child support.

4.

Since that date there has been a substantial change as follows: (check "a," "b," or "c.")

___a) There has been a substantial upward change in the income or financial status of the Respondent which increases his/ her ability to pay the child support award previously ordered.

___b) There has been a substantial downward change in the income or financial status of the Petitioner which decreases his/her ability to pay the child support award previously ordered.

___c) There has been a substantial change in the needs of the child(ren) as follows:
_____.

5.

Specifically at the time of the child support order, the following was true: (check "a" or "b")

___a) The Respondent was earning \$___ ___ per month; although as of _____ his/her gross earnings have increased to \$_____ per month.

___b) The Petitioner was earning \$___ ___ per month; although as of _____ his/her gross earnings have decreased to \$_____ per month.

6.

___a) No petition to modify has been filed within two years of the filing of this Petition.

___b) No petition to modify has been filed since the original child support order.

WHEREFORE, Petitioner demands:

a) That the final judgment and decree awarding periodic payments of child support be modified so as to:

___1) increase the payments commensurate with the Respondent's changed financial status;

___2) decrease the payments commensurate with the Petitioner's changed financial status;

b) That the Respondent be served with a copy of this Petition and Rule Nisi; and

c) That the Petitioner have such additional relief as the Court may deem equitable and appropriate.

Signed this ___ day of _____, _____.

Respectfully submitted,

Print Name:_____

Address:_____

Phone number: _____

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 Respondent is Ordered to show cause before the Honorable _____, on the _____ day of _____, _____ at _____ .m. in Courtroom _____ why the prayers of Petitioner 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)	\$
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Your Pay Period (i.e., monthly, weekly, etc.):	Number of Exemptions Claimed by You for Tax Purposes:
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(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