

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

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

COMPLAINT FOR MODIFICATION OF CHILD SUPPORT

1.

Jurisdiction and Venue (Choose a, b, or c)

_____ a) The Defendant is a resident of _____ County, Georgia, which is where I am filing, and may be personally served with a copy of this complaint and summons at _____.

_____ b) The Defendant is a resident of _____ County, Georgia, which is where I am filing, and has signed an acknowledgement of service.

_____ c) The Defendant is not a resident of the State of Georgia, but is a resident of _____ and the Plaintiff lives here in _____ County, Georgia. The Defendant can be personally served at _____.

2.

Prior Child Support Order

On _____, 20_____, the Superior Court for the County of _____, Civil Action No. _____, issued a final judgment and decree awarding permanent child support to _____. The judgment provided for periodic _____.

payments to _____
as follows: _____

3.

Financial change in circumstances

Since _____, 20____, there has been a substantial downward or upward change in the income or financial status of the Defendant which decreases his or her ability to pay the alimony and/or child support previously awarded.

4.

Financial change in circumstances--specifics (choose a and/or b)

____ a) Specifically, at the time of the final judgment and decree, _____ was earning \$ _____ per month, although as of _____, 20____ his or her gross earnings have been decreased or increased to \$ _____ per month.

____ b) Specifically, at the time of the final judgment and decree, the net worth of _____ was \$ _____, although as of _____, 20____, his or her net worth has decreased to \$ _____.

5.

Other change in circumstances

Since the final judgment and decree, there have been other changes in circumstances which make a modification in the best interests of the children. The other changes in circumstances include: _____

6.

Proposed modification (check all that apply)

____ As a result of these other changes in circumstances, the child support award should be modified as follows: _____

_____.

____ A different method of payment: _____
_____.

____ A different time/sequence of payment: _____
_____.

____ A different party responsible for maintaining health insurance: _____
_____.

____ Other: _____
_____.

7.

No modification in the last two years

There has been no previous petition for modification filed within two years of this complaint.

THEREFORE, Plaintiff prays:

____ a) That the final judgment and decree awarding periodic payments of alimony and child support be modified so as to _____
_____;

and

____ 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

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	§	
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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: _____

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing COMPLAINT FOR MODIFICATION OF CUSTODY upon the following _____ counsel for _____ [party] OR _____ [party if no counsel of record] by delivering or causing to be delivered by hand a copy of same as follows: _____

[Name and address of counsel of record, or of parties if no counsel of record.]

This _____ day of _____, 20_____.

Plaintiff *pro se*

Address: _____

Telephone Number(s): _____

IN THE SUPERIOR COURT OF _____ COUNTY

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ACKNOWLEDGEMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Modification of Child Support and states that (s)he has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This the _____ day of _____, 20_____.

Defendant *pro se*

Sworn to and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires: _____

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**DEFENDANT’S ACKNOWLEDGEMENT OF SERVICE
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

I, _____, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of _____ County, _____ (state), and that the Plaintiff in the above-styled case is a resident of _____ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this superior court.

Affiant

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

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RULE NISI

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

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

This _____ day of _____, 20_____.

Clerk/Dep. Clerk, Superior Court

IN THE SUPERIOR COURT OF _____ COUNTY

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MODIFICATION AGREEMENT

This is an agreement for modification of child support by and between _____, (hereinafter referred to as "Father") and _____, (hereinafter referred to as "Mother").

WHEREAS, the child(ren) born to the parties is/are:

Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____
Name: _____ DOB: _____

WHEREAS, the parties desire to settle between themselves all questions related to the modification of child support:

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the parties agree as follows:

1.
Child Support

GO TO HTTP://WWW.GEORGIA COURTS.ORG/CSC/ AND COMPLETE THE CHILD SUPPORT WORKSHEET

_____ The Father/Mother shall pay to the Father/Mother, as support of the minor child(ren), the sum of \$ _____ per week/bi-weekly/monthly,

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

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

2.

Child support during extended periods of visitation

_____ In the event the child(ren) visit(s) with the non-custodial parent for one month or longer, the custodial parent shall pay to the non-custodial parent the usual amount of child support, which is \$ per _____ (week/biweekly/month).

3.

Child support method of payment (Check a or b)

_____ a) All payments of child support shall be paid directly to the Father/Mother at the following address: _____
_____.

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

_____ b) All payments of child support shall be paid by the non-custodial parent's employer pursuant to an Income Deduction Order.

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

4.

Health Insurance

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

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

5.

Voluntariness of Agreement

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

6.

Agreement as entire understanding

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

IN WITNESS WHEREOF, the parties have signed their names, this _____ day of _____, 20_____.

MOTHER

Sworn to and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires: _____

FATHER

Sworn to and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY

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ORDER

The above and foregoing matter having come on regularly for hearing before this Court on _____, 20____, on Plaintiff's Complaint for Modification of Child Support, the parties having appeared and the court having heard testimony, received exhibits and heard argument of counsel, it is hereby ORDERED 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:

Child	Date of Birth

Children for whom support is being determined:

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

For purposes of Calculating Child Support the Court Orders that the Noncustodial Parent shall be _____.

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

The Court finds as set on Schedule "A," the gross income of the Husband is \$ _____

The Court finds as set on Schedule "A," the gross income of the Wife is \$ _____

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

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

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

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 \$ _____

The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Custodial Parent is \$ _____%

The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Noncustodial Parent is \$ _____ %

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 _____.

The Court finds as set on the "Child Support Worksheet" and Schedule D," the Presumptive Amount of Child Support for the Custodial Parent is \$ _____

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 \$ _____

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 \$ _____

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 \$ _____

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 Dependant Care Tax Credits
- _____ 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)
- _____ D. Life Insurance

The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Custodial Parent is \$ _____

The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Noncustodial Parent is \$ _____

The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support the Noncustodial Parent shall Pay the Custodial Parent is \$ _____

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 \$ _____

The Court finds as set on the "Child Support Worksheet" that the Noncustodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ _____%

The Noncustodial 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 Noncustodial 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.

Whenever, in violation of the terms of this **ORDER** there shall have been a failure to make the support payments due hereunder so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may be collected by the process of continuing garnishment for support.

In addition, the Court makes the following changes to the previous child support award: _____

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

JUDGE, Superior Courts
Southern Judicial Circuit

IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

_____, §
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Defendant.

INCOME DEDUCTION ORDER

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

_____ Defendant shall pay child support of \$ _____ weekly/bi-weekly
semi-monthly/monthly with the next payment due on
_____, 20 _____.

_____ Defendant shall pay \$ _____ weekly/bi-weekly/semi-monthly/
monthly with the next payment due on
_____, 20 _____.

The total amount to be withheld is \$ _____ weekly/bi-weekly
semi-monthly/monthly. This amount shall be made payable to
_____ and forwarded within two (2) business days
of each payment date. Payments shall be made by cash, cashier's check, or
money order, personally or by mailing it to: _____.

The maximum amount to be deducted shall not exceed the amounts
allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. §
1673(b), as amended. This Order applies to current and subsequent employers
and periods of employment, and may only be contested on the grounds of
mistake of fact regarding the amount of support owed pursuant to a support
Order, the arrearage, or the identity of the obligor. The obligor shall notify
thewithin 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 would 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.