

COVER SHEET FOR MODIFICATION OF CHILD SUPPORT PACKET

Free to download; \$21.00 for paper copy

Once a court issues a final order in a family law case, the order is final. To request a change you must file a new case with the court. You should follow the terms of the original order until the court issues a new order. Even if you and the other party agree to a change, the change is not official until the court approves it in a court order.

Some issues in family law cases are commonly changed. Child custody, visitation and child support orders are frequently changed by the courts. Still, the court follows certain guidelines to determine whether a requested change is proper.

Child support orders can be changed based on a change in the income or financial need of either parent. Child support can be changed based on the changing needs of the child. Sometimes if a child support enforcement agency is involved, either parent has the right to have the child support order periodically reviewed without going to court. Sometimes a parent can request a change in child support when there are major changes to the child support laws.

Modification of a court order in family law cases can be a complex process. If possible, you should discuss your case with an attorney or hire an attorney to represent you.

This forms packet is designed to guide you in the preparation of your modification papers. You must fill in the required information as it applies to your situation. Your papers should remain in the same order as they appear in this packet. If you do not have access to a typewriter, you may fill in the blanks by hand, in neat print, using BLACK ink.

You should fill in every blank line EXCEPT for the civil action file number blanks and the lines provided for signatures by the Notary Public and the Judge. Make sure that everything is signed. All signatures that require notarization must be signed in the presence of a Notary Public before your documents will be approved for filing.

Neither the Clerk of the Superior Court, nor any Deputy Clerk, nor the Law Librarian, nor the Judges, or any other Court personnel, is allowed to answer any questions for you concerning the preparation of these forms. State Law O.C.G.A. §15-19-51 forbids court personnel to give 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. Modifications can be very complicated, especially if the parents cannot reach a settlement agreement. The only person allowed to help you in the preparation of these forms is a licensed attorney. Please consult an attorney if you have questions about the procedure or what action is best for you to take.

YOU MAY NEED AN ATTORNEY IF:

- The case is contested and your spouse has a lawyer.
- You cannot locate your spouse to serve him or her with your papers.
- You or your spouse has a house, pension, or large amount of property or income.
- You might lose custody of your children.
- You think you will have difficulty getting documents from your spouse about retirement funds, income, etc.

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

Remember, you must fully complete the forms before the Judge will be able to grant your modification. Incomplete forms, as well as forms that are improperly filled out, may delay the grant of your modification. Make sure that you take time to read over all the forms, and understand what is being asked of you in each situation.

CHECKLIST OF ITEMS TO FILE WITH THE COURT

1. This forms packet, fully completed.
2. Child Support Worksheet, which must be filled out online at www.georgiacourts.org/csc. Directions for filling out this form is available on the green tab called “training materials” at the top right-hand side of the webpage. Additional instructions on how to fill out the Child Support Worksheet can be found at the Dougherty County Law Library website: http://www.albany.ga.us/law_library/LL_index.htm. Click on “forms,” then scroll half-way down the page to the family law forms. Read the article called “calculating child support.”
3. Proof of income. For information about what kind of documents prove income, please see the following article: <http://www.irs.gov/publications/p552/ar02.html>.
4. Proof of the children’s expenses such as child care, health insurance, educational expenses, etc. For information about what kind of documents can prove expenses, please see the following article: <http://www.irs.gov/publications/p552/ar02.html>,

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

COMPLAINT FOR MODIFICATION OF CHILD SUPPORT

The Plaintiff, _____, states his/her complaint for modification of alimony against the Defendant, _____, as follows:

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 _____ (city), _____ (State) and the Plaintiff lives here in _____ County, Georgia. The Defendant can be personally served at _____ via second original with a copy of the complaint and summons pursuant to O.C.G.A. § 19-6-26.

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.

Respectfully submitted:

Plaintiff *pro se*

Address: _____

Telephone number(s): _____

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

_____,)
)
Plaintiff,)
)
v.) Civil Action 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 _____, 200_.

Notary Public, State of Georgia

My Commission Expires: _____

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

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

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 _____.

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

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

RULE NISI

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

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

This _____ day of _____, ____.

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

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

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

*****Please go to <http://www.georgiacourts.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/ month, starting on _____, and continuing per week/ bi-weekly/ month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes

otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:

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

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____.

Sworn to and subscribed before me
this ____ day of _____, 200__.

Mother

Notary Public, State of _____
My Commission Expires: _____

Sworn to and subscribed before me
this ____ day of _____, 200__.

Father

Notary Public, State of _____
My Commission Expires: _____

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

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

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:

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 Noncustodial 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 Husband is \$_____
- (b) The Court finds as set on Schedule "A," the gross income of the Wife is \$_____
4. (a) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Non-custodial Parent's Adjusted Income is \$_____
- (b) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Custodial Parent's Adjusted Income is \$_____
- (c) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Parties' Total Adjusted Income \$_____
5. The Court finds as set by the "Child Support Obligation Schedule Table" and as listed on the "Child Support Worksheet" the Basic Child Support Obligation is \$_____
6. (a) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Custodial Parent is: \$_____ %
- (b) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Noncustodial Parent is: \$_____ %
7. The Court finds that health insurance that provides for the health care needs of the child is/ is not reasonably available at a reasonable cost. If provided, it will be provided by _____.
8. (a) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support for the Custodial Parent is \$_____
- (b) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Non-custodial Parent is \$_____
- (c) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Custodial Parent is \$_____
9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor's account and the amount the child receives on a monthly basis is \$_____

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

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

- _____ A. High Income
- _____ B. Low Income
- _____ C. Other Health-Related Insurance
- _____ D. Life Insurance
- _____ E. Child and Dependent Care Tax Credit
- _____ F. Travel Expenses
- _____ G. Alimony
- _____ H. Mortgage
- _____ I. Permanent Plan or Foster Care Plan
- _____ J. Extraordinary Expenses
- _____ K. Parenting Time
- _____ L. Non-Specific Deviations (Other)

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

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

(c) 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 \$ _____

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 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 Court of _____ County, Georgia.

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

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

INCOME DEDUCTION ORDER

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

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

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

Other: _____

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

SO ORDERED this _____ day of _____, 20__.

Judge, Superior Court

Judicial Circuit

Date

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

Re: Income Deduction Order

DATE: _____

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

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

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

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

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

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

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

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

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