

## Family Law Information Center

### Important Information for Divorce and Legitimation Cases

- The civil filing fee is \$210.00 (cash or money order).
- The Sheriff's service fee is \$50.00 (if needed).
- FLIC assistance is **by appointment only (walk-in assistance is no longer available)**.

### What to Expect

1. You may need 2 or more FLIC appointments to complete the review process.
2. You may wait 4 or more weeks for each appointment.
3. You will receive free assistance reviewing your paperwork.
4. You may request and qualify for a free attorney consultation (subject to conflict check and financial qualification).

### Your Responsibilities

1. Read the packet instructions thoroughly.
2. Complete the packet documents to the best of your ability (signatures not required before review) before your appointment.
3. Arrive promptly and come prepared for your FLIC appointment.
4. Bring photo identification for notary services.
5. Notify the FLIC office in advance if you are unable to keep your appointment.

### FLIC Contact Information

- Phone: (770) 531-2463
- Fax (for *Appointment Request Forms*): (770) 536-7924
- Email (for requesting appointments only): [nejcflic@hallcounty.org](mailto:nejcflic@hallcounty.org)
- Website (for printing legal forms and *Appointment Request Forms*):  
[www.hallcounty.org/judicial/jud\\_FLIC\\_Forms.asp](http://www.hallcounty.org/judicial/jud_FLIC_Forms.asp)
- Location of appointments with FLIC Review Staff: Room 467
- Location of appointments with FLIC Attorney: Room 461
- Complete *Appointment Request Forms* in person and find other resource information available: Room 459



**PETITIONING FOR LEGITIMATION AND/OR  
CUSTODY/VISITATION**

**THESE FORMS DO NOT COVER THE FOLLOWING SITUATIONS – YOU WILL NEED TO SPEAK TO AN ATTORNEY IF ANY OF THE FOLLOWING STATEMENTS ARE TRUE:**

- The child is in the physical custody or guardianship of someone other than you or the mother.
- The mother was married to another man at the time the child was conceived or born.
- Another man has legitimated the child or appears on the child’s birth certificate.
- Another man claims to be the child’s legal or biological father.

**THERE ARE MANY OTHER REASONS WHY THESE FORMS MAY NOT BE APPROPRIATE FOR YOUR PARTICULAR SITUATION.** It is strongly recommended that you seek the advice or representation of an attorney before signing or filing any legal document with the Court.

**USE THESE FORMS AT YOUR OWN RISK.** In no event will the Court Administrator, Clerk of Court or anyone contributing to the development of these forms or instructions be liable for any damages resulting from the use of this packet. These forms may not be appropriate for your particular case. In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated. You should review any statutes (laws) that apply to make sure the forms are current. **Again, it is strongly recommended that you obtain the services of an attorney.**

**YOU MAY ALSO NEED THE FOLLOWING FORMS NOT INCLUDED IN THIS PACKET:**

- **CHILD SUPPORT WORKSHEET AND SCHEDULES** – see *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet) or go to [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc).

**SEE PAGE 2 FOR FAMILY LAW INFORMATION CENTER (FLIC) HOURS OF OPERATION.**

**NO AUTHORITY TO GIVE LEGAL ADVICE**

State law, O.C.G.A. § 15-19-51, prohibits court personnel (including staff attorneys or law clerks, calendar clerks, clerk’s office staff, and sheriff’s department staff) from giving legal advice or answering legal questions. This rule also applies to staff persons in the Northeastern Judicial Circuit Family Law Information Center (FLIC), except for the FLIC attorney who can answer general legal questions pertaining to legitimation (by appointment only). Consultations are available to Hall or Dawson County residents or individuals filing in Hall or Dawson County (subject to conflict check and income qualification).

### IMPORTANT INFORMATION

1. **THIS PACKET DOES NOT COVER EVERY LEGAL ISSUE THAT CAN COME UP IN A LEGITIMATION AND/OR CUSTODY CASE.** It is best to hire an attorney or discuss your case with an attorney before filing or signing any documents to protect your legal rights. Mistakes can place your rights in jeopardy and have serious consequences (including dismissals and rulings that are unfavorable to you).
2. **DUE TO THE CHANGING NATURE OF THE LAW, THE INFORMATION IN THESE INSTRUCTIONS AND FORMS MAY BE OR BECOME OUTDATED.** It is your responsibility to check any statutes or laws that pertain to legitimation, custody/visitation and/or child support to make sure these forms are current when you use them.
3. **THERE MAY BE BETTER WAYS TO DESCRIBE OR ADDRESS CERTAIN ISSUES IN YOUR CASE.** A lawyer experienced in domestic relations law (family law) is best suited to advise you how to protect your rights and can create legal documents specifically tailored to your situation. Even in uncontested cases, it is best to have an attorney advise you on how to craft an agreement or proposed order.
4. **YOU MAY ESPECIALLY NEED TO HIRE AN ATTORNEY TO REPRESENT YOU IF:**
  - Someone other than the mother or father has physical custody or guardianship of the minor child(ren). \*\*If this situation applies to you, you must speak with an attorney about whether you can use this packet, and how to modify the paperwork.
  - Another man: 1) was married to the Mother at the time of the child’s conception or birth; 2) has legitimated the child; 3) is listed as the father on the child’s birth records; or 4) claims to be the child’s legal or biological father. \*\*If this situation applies to you, you must speak with an attorney about whether you can use this packet, and how to modify the paperwork.
  - You have doubts about the paternity of the child.
  - The case is contested OR an attorney represents the mother of the child(ren).
  - You want an arrangement for custody or visitation that does not exactly fit these forms.
  - You do not understand how to complete the *Child Support Worksheet* and applicable schedules. (NOT INCLUDED WITH THIS PACKET)
  - You are unable to locate the mother to have her served with this action.
  - You think you may have difficulty getting financial information from the mother.
5. **READ THESE INSTRUCTIONS AND EVERY WORD OF EACH FORM CONTAINED IN THIS PACKET.** You are making statements to the Court in these forms and missing or misreading something you submit to the Court may cause **serious and irreversible consequences** for you and your case.
6. **NORTHEASTERN JUDICIAL CIRCUIT FAMILY LAW INFORMATION CENTER (FLIC).** The following services are available to residents of Hall and Dawson Counties and individuals filing in Hall and Dawson Counties:
  - At FLIC’s main office (located in Room 459 on the top floor of the Hall County Courthouse in Gainesville, GA), *assistance is available by appointment.* Here, a FLIC staff person can check your forms for completeness, and notarize them free of charge. You will also receive a folder, instructions for filing and obtaining a Court date, and a procedural checklist.
  - Limited legal consultations are available with the FLIC attorney for people who financially qualify. All appointments with the FLIC attorney are subject to a conflict check. The FLIC attorney also travels to the Dawson County Courthouse the third Friday of every month. Call (770) 531-2463 for more information or to schedule an appointment.
  - FLIC on the web: [http://www.hallcounty.org/judicial/jud\\_FLIC&GAL.asp](http://www.hallcounty.org/judicial/jud_FLIC&GAL.asp)
7. **FINDING BASIC LEGAL INFORMATION**

“O.C.G.A.,” followed by a symbol (“§”) and number, refers to a specific section (“§”) in the Official Code of Georgia Annotated (O.C.G.A.). You can find the annotated Georgia Code in print at some libraries (including the Hall County Law Library at 117 Bradford St., SE, Gainesville, GA). The unannotated Georgia Code is

available on the Georgia General Assembly’s website at: [www.legis.state.ga.us](http://www.legis.state.ga.us).

“USCR,” followed by a number, refers to a specific rule in the Uniform Superior Court Rules (USCR). USCR 24.1 through 24.9 include several rules that apply in domestic relations cases (a legitimation is considered a domestic relations case). The Uniform Superior Court Rules are available on the Georgia Judicial Branch website at [www.georgiacourts.org](http://www.georgiacourts.org) (under “Courts” and then under “Court Rules”). A hard copy of the rules is also available in FLIC.

The Internal Operating Procedures for Domestic Relations Cases also has local procedures that apply to legitimation cases in Hall and Dawson Counties. A copy of these procedures is available online at [http://www.hallcounty.org/judicial/jud\\_FLIC&GAL.asp](http://www.hallcounty.org/judicial/jud_FLIC&GAL.asp). A COPY OF THE STANDING ORDER THAT MUST BE FILED IN THIS CASE IS INCLUDED WITH THIS PACKET.

Some other helpful websites are [www.legalaid-ga.org](http://www.legalaid-ga.org) or [www.findlaw.com](http://www.findlaw.com).

### GENERAL INFORMATION ABOUT LEGITIMATION

**How does a father legitimate his child born out of wedlock?** In the State of Georgia, other than through marriage to the mother, a father may establish a legal connection to his biological child and render his relationship with the child legitimate by:

- (1) Filing a petition for legitimation in Superior Court (by hiring a lawyer or representing himself) OR
- (2) As of July 1, 2005, signing a voluntary acknowledgment of legitimation with the mother on the form “Paternity Acknowledgment” at the birthing hospital at the time of the child’s birth or afterwards at either the vital records office in the county of the child’s birth or at the State Office of Vital Records in Atlanta.

HOWEVER:

- a. The birth certificate itself does not show whether the parents signed the voluntary acknowledgment of legitimation portion of the Paternity Acknowledgment (PA) form.
  - i. If the child was born at Northeast Georgia Medical Center in Gainesville, GA, and you are named as the father on the birth records, you may be able get a copy of the PA form at the hospital’s Birth Certificate Office with valid photo ID.
  - ii. You can request a certified copy of the *Paternity Acknowledgment* form for a \$10.00 fee from the Georgia State Office of Vital Records in Atlanta. Call (404) 679-4702 for more information.
- b. Some circumstances may make a voluntary acknowledgment of legitimation ineffective (e.g., if it was rescinded by either party) and additional restrictions apply for the use of the PA form after July 1, 2008. For example, after July 1, 2008, parents cannot use the form to legitimate the child if the child is more than one year of age.
- c. For more information about paternity acknowledgment, go to [www.ocse.dhr.georgia.gov](http://www.ocse.dhr.georgia.gov) under “Services” and then under “Paternity Establishment.” You may also call (706) 721-7001 or (866) 296-8262 for more information regarding the Georgia Paternity Acknowledgment Program.

**What is the effect of legitimation?** Legitimation establishes a legal connection between the father and child – the biological father becomes the “legal father”. This connection means the father and child can inherit from one another, the father can be granted custody and/or visitation rights, the father can be named on the child’s birth records (if he is not already named as the father), and either the father or mother may be ordered to pay child support to the other parent, among other legal implications.

**How does the father establish custody and/or visitation rights?** Legitimation alone does not automatically give the father custody and/or visitations rights, but the forms included with this packet allow the father to include claims/requests for custody and/or visitation rights. You are not required to ask for custody or visitation rights if you use this packet.

**Where should the petition be filed?**

- O.C.G.A. § 19-7-22 (a) provides: “A father of a child born out of wedlock may render his relationship with the child legitimate by petitioning the superior court of the county of the residence of the child's mother or other party having legal custody or guardianship of the child; provided, however, that if the mother or other party having legal

custody or guardianship of the child resides outside the state or cannot, after due diligence, be found within the state, the petition may be filed in the county of the father's residence or the county of the child's residence. If a petition for the adoption of the child is pending, the father shall file the petition for legitimation in the county in which the adoption petition is filed.” **NOTE: this packet does not address situations where there may be a pending juvenile court deprivation proceeding** (speak to a lawyer if there is an active juvenile court matter involving the child).

- Additional laws apply if you are asking the Court to address custody and/or visitation as part of your case. There are some circumstances where the Court can address the legitimation portion of your petition, but may not be able to decide issues of custody and/or visitation because of jurisdictional issues.
- The mother can also expressly consent in writing (*Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form included in this packet) to the case being filed in the father's county of residence.

### **BASIC STEPS FOR USING AND FILING THESE FORMS**

Your case may require different or additional steps, so please read through the entire instructions carefully.

1. **Carefully read all of these instructions at least once before filling out the forms.**
2. **Complete the legal forms, using these instructions to guide you.** Note: you can have them notarized at FLIC free of charge.
3. **If applicable, complete the *Child Support Worksheet* and appropriate schedules.** See *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet) or go to [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc) for more information about the child support laws.
4. **Make at least two complete sets of copies of all of your paperwork (once they are in final form, signed and notarized).**
5. **Have filing fees (contact Clerk of Court) and services fees (cash or money order if service is in Georgia) ready.** *for amount*
6. **File your papers with the Clerk of Courts, ask for your copies to be stamped by the Clerk and arrange for interested parties to be served** (if they have not acknowledged service in writing using the form in this packet). FLIC has Sheriff's Entry of Service forms.
7. **Using a *Rule Nisi*** (distributed by the Clerk of Courts), **obtain a Court date for your hearing from the assigned Judge's office** (bring one set of copies of your papers with you to the Judge's office).
8. **Make copies of your *Rule Nisi*** (copier located on top floor of courthouse), **file the original with the Clerk of Courts, and make sure interested parties are served with a copy.**
9. **If you and the opposing party have not executed and filed a written *Settlement Agreement*, contact the mediation office to schedule mediation.** Mediation is required in the Northeastern Judicial Circuit if you do not have a complete written agreement. Mediation should be completed at least 15 days prior to your Court date to avoid postponement of your hearing. Go to [www.adr9.com](http://www.adr9.com) or call 770 535-6909 for more information.
10. **Attend the Ninth Judicial District ADR Parenting Seminar or Complete the Co-Parenting Resolution Training for Parents.** ADR parenting seminar schedules are available online at [www.adr9.com](http://www.adr9.com) or call (770) 533-6909. You will need a \$50.00 money order, photo identification, and your case number when you attend the parenting class. There are parenting classes offered in Spanish. You will need to bring the pink certificate of completion to your final hearing to prove to the Court that you have attended the class. OR, you may complete the Co-Parenting Resolution Training for Parents (\$75 per participant plus \$14.00 shipping and handling) – go to [www.georgiachildcustody.com](http://www.georgiachildcustody.com) or call 770 642-1100 for more information. You will need proof of completion of either program when you go to Court.
11. **Make sure all relevant parties are actually served.** Have your case number ready and check with the Hall County Clerk of Courts at (770) 531-7025 to see that a return of service has been filed.
12. **Go to your hearing at the scheduled Court date and time.**
13. **After the hearing, take your final Order (if given to you by the Judge) and *Domestic Relations Case Final***

**Disposition Information Form to the Clerk of Courts for filing. You can purchase a certified copy of the Order from the Clerk of Courts.**

## I. FORMS YOU WILL NEED TO START YOUR COURT ACTION

You will need to file the following documents with the *Petition for Legitimation and/or Custody/Visitation*. Most of the forms are available in this packet or at FLIC.

THIS PACKET DOES NOT INCLUDE SOME OF THE REQUIRED FORMS FOR CASES INVOLVING CHILD SUPPORT. See *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet) or go to [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc).

- Petition for Legitimation and/or Custody/Visitation*
- Parenting Plan (if seeking custody/visitation rights)*
- Child Support Worksheet* and appropriate schedules (if applicable)
- Verification form*
- Domestic Relations Financial Affidavit*
- Domestic Relations Action Standing Order and Certificate of Service*
- Domestic Relations Case Filing Information Form*

AND, depending on your method of service (one of the 4 options below), you will also need:

If you are having the mother/interested parties served by the Hall County Sheriff's Office:

- Complete copy of all of your papers for each person served (the "service copy")
- Sheriff's Entry of Service* for each person served (3-page carbon copy form)
- Summons* for each person served (2-page carbon copy form)
- money order for each person served (*contact FLIC for amount*)

If you are having the mother/interested parties served by another county's sheriff's department:

- Complete copy of all of your papers for each person served (the "service copy")
- Sheriff's Entry of Service* for each person served (3-page carbon copy form)
- Summons* for each person served (2-page carbon copy form)
- Letter(s) for Service by Second Original*
- Money order(s) payable to appropriate county sheriff's department (confirm amount, name to use on money order, and sheriff's office address)
- Anything else the specific sheriff's office requires (it is your responsibility to contact the specific county's sheriff's office to find out what they require – see FLIC for a list of questions to ask when you call)

If the mother/interested parties have acknowledged service in writing (signed and notarized):

- Acknowledgment of Service* for each person (complete top portion of a two-part form included in this packet)

If you are serving the mother/interested parties by publication, for each person you need:

- Affidavit of Diligent Search*
- Order of Publication*
- Notice of Publication*
- \$80.00 money order payable to *The Times*

**Other forms, depending on your case:**

- Settlement Agreement* with attachments (*Child Support Addendum, Parenting Plan, etc.*) – if you and the mother can reach a written agreement, and do not wish to be ordered to go to mediation
- Affidavit of Poverty and Order on Affidavit of Poverty* (only if you are indigent and cannot afford to pay the filing & service fees) – contact FLIC for more information

## II. COMPLETING THE FORMS

### A. On ALL Forms:

- **Complete the Caption (Heading):** Fill in the name(s) of the child(ren) involved in this action under “In re (Child(ren))” and your full name as the Petitioner. If the mother is living, fill in the mother’s full name as the Respondent. Do not fill in the “Civil Action File No.” The clerk will assign a number to your case when you file your *Petition* in the Clerk’s office. Follow these instructions for the captions on all of your documents.
- **READ EVERY WORD IN EVERY PARAGRAPH.** If you do not agree with something pre-printed/stated on the form, you will need to talk to a lawyer about how to modify it.
- **Complete every paragraph and blank space as instructed on the form.** If something does not apply, write “N/A”. If an amount is zero, write “0”. Do not skip paragraphs unless the instructions on the form specifically allow you to do so.
- **Certain forms must be signed in the presence of a notary.** If there is a place for a notary seal, do not sign the form until you are in front of a notary public.

### B. Petition for Legitimation and/or Custody/Visitation (Petition):

- **Paragraph 1. Minor Child(ren):** Fill in the full, current names(s), gender, and birthdate(s) of the child(ren) you want to legitimate. Then fill in your full name again following the word “Petitioner”. Obtain copies of any relevant birth records or paternity acknowledgment forms and attached them as exhibits (label them Exhibit “A”, “B”, etc. and then write the same letters in Paragraph 1.
- **Paragraph 2. Mother:** Provide the full name of the mother, living or deceased.
- **Paragraph 3. Personal Jurisdiction and Venue:** Review each option carefully and decide which option applies. If no option applies to your situation, STOP! Talk to an attorney about whether you can file your case in Hall County. If paragraphs (c) or (d) apply, talk to an attorney about whether you SHOULD file your case in Hall County. It may be possible to file your case in Hall County, but the Court may or may not be able to award certain kinds of relief, such as custody or visitation rights or child support. For example, if you will have to serve the mother by publication, because you do not know where she lives, you will not be able to get child support.

*Note:* To obtain an order from the Judge permitting you to serve the Respondent by publication, the Judge will need to review a completed *Affidavit of Diligent Search*. You must prove to the Court that you have been diligent in trying to locate the Respondent and cannot find her. Instructions for submitting the affidavit to the Judge and the *Order of Publication* and *Notice of Publication* forms are available at FLIC.

### ➤ **Paragraph 4: Service of Process**

IMPORTANT: Before completing Paragraph 4, carefully read the notes in the box below. Then choose the appropriate option. Make sure to file any required forms with your *Petition*, depending on the option you choose.

**Choosing a Method of Service:** Service is the required formal process of notifying the Respondent that the action has been filed. There are basically three ways for service to be completed: (1) the Respondent signs the *Acknowledgment of Service*, (2) service is completed by the sheriff’s department or other approved process server, or (3) service is completed by publication (publishing a notice in *The Times*).

#### **(1) Acknowledgment of Service**

This method is the easiest and least expensive method of service, but only if the Respondent is cooperative and willing to sign an acknowledgement form in front of a notary public. You cannot sign the form for the Respondent and you cannot sign as the notary witnessing the Respondent’s signature. Also, it is not good enough for the Respondent to sign it without the signature being witnessed by a notary public.

There is a two-part form in this packet that contains an *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*. The top portion of the form (the *Acknowledgment of Service*) allows the Respondent to acknowledge service by selecting one of three options. The bottom portion of the form (the *Consent to Personal Jurisdiction and Venue*) allows the Respondent to consent to personal jurisdiction and



venue in Hall County Superior Court (if he/she resides in another county or state).

To use this method of service, you need to complete the caption (heading) on the form and have the Respondent complete and sign it in front of a notary public. Then, you file it with you *Petition*.

### **(2) Service by the Sheriff (“Personal Service”)**

This method is the usual way for service to be completed. It is sometimes called “Personal Service,” which means that the deputy sheriff or other court-approved process server hands the papers to the Respondent in person. If the Respondent will not sign an acknowledgment form, and you know an address where the Respondent can be served in Hall County, then you can make arrangements for the Hall County Sheriff’s Office to serve the papers by providing the required forms to the Clerk’s office when you file. The forms provided by the Hall Family Law Information Center do not include the special motion and order required to have a special process server appointed.

If the Respondent can be served by the Hall County Sheriff’s Office, you will need the forms entitled *Sheriff’s Entry of Service* (3-page carbon form) and *Summons* (2-page carbon form) to include with the “service copy” of your legitimation papers. These forms are available from FLIC. After you complete the forms and are ready to file, you may pay the service fee at the Clerk’s office when you file the case, and leave the “service copy” of the papers with the clerk. The clerk will forward your payment and legal documents to the Sheriff’s Office for service. If you prefer, you may take the fee and service copy directly to the Sheriff’s Office yourself (after you filed the original papers). The Civil Process Division of the Sheriff’s Office is located on the ground floor of the Hall County Courthouse.

After the Sheriff’s Office completes service, they will send the white and yellow copies of the *Sheriff’s Entry of Service* to the Clerk’s office. You will need to follow up with the Clerk’s office to make sure the Respondent was actually served. Have your case number ready and check with the Hall County Clerk of Courts at (770) 531-7025 to see that a return of service has been filed.

If the Respondent must be served in another county or state, then the Hall County Sheriff’s Office cannot serve the papers. You should contact the sheriff’s department in the proper county to find out what forms they require, how many copies of your papers, and the fee. Depending on the county, you may need a *Sheriff’s Entry of Service* (3-page carbon form), *Summons* (2-page carbon form), and a *Letter for Service by Second Original* (all forms available from FLIC). Some counties have additional requirements. **When you file your papers, you will need to inform the Clerk’s office that the other party must be served by “second original.”** Give the clerk your “service copy,” any forms that are required, and the fee.

### **(3) Service by Publication (putting a notice in the newspaper)**

This method is the method of last resort. If you *can* find the Respondent, you must use one of the other two methods of service. But, this method is your only choice if you do not know where the Respondent lives or works, and you cannot find out that information. You must prove to the Court that you have made diligent efforts to locate the Respondent and cannot find him or her.

If you have to serve the Respondent by publication, there are special limitations on your case, because the Court will not have “personal jurisdiction” over the Respondent. You will not be able to get certain kinds of relief, such as child support. However, if the Respondent later acknowledges service, gets served by the sheriff, or files an *Answer* to the legitimation petition, then your case may not be limited by the restrictions that apply to publications cases.

To serve by publication, you must prepare and file an *Affidavit of Diligent Search* (included with this packet), a *Notice of Publication* and an *Order of Publication*, signed by a judge. In the *Affidavit of Diligent Search*, you will explain to the Court the steps you took to try to find the Respondent. You must make reasonable efforts to find the Respondent before you fill out the affidavit form. Blank *Notices of Publication* and *Orders of Publication* and instructions for submitting the affidavit to the Judge for his/her review are available from FLIC. If the Court grants permission, the Judge will sign the *Order of Publication*.

If you know you must use service by publication when you prepare your *Petition*, then you should prepare the *Affidavit of Diligent Search* at that time. However, if you have already filed your case, and have tried to complete service by a different method, you can still request the Court’s permission to serve by publication. See FLIC if those circumstances apply in your case.

If the Court signs the *Order of Publication*, you must pay the cost of publication (\$80.00 money order payable to *The Times*). You may pay the fee in the Clerk of Courts office when you file your legitimation papers. Then, the *Notice of Publication* will be published in the county’s official legal newspaper (*The Times*) four times (usually four weeks in a row). The Notice gives the Respondent 60 days to file an Answer, if she or he wants to contest the case.

Meanwhile, the Court Clerk will mail a copy of the *Notice of Publication* and “service copy” to the Respondent’s last known address (which you have provided in the *Affidavit of Diligent Search*). To be on the safe side, you should also mail a set of all the papers to the last known address. Make sure you put enough postage on it, and make sure you list a return address, so the post office can return it to you if they are not able to deliver it.

You should keep clippings of the notices in the newspaper (all four publications) or obtain an Affidavit of Publication from the Times (\$10.00), stating that publication is complete. Bring these items with you to your hearing, to prove that service by publication has been completed.

You may later find out where the Respondent lives or works (before the case is over). If this circumstance applies in your case, then you should arrange for the Sheriff’s Office to serve the Respondent, or for the Respondent to acknowledge service.

- **Paragraph 5. No Other Putative or Legal Fathers:** READ every statement contained in this paragraph. If any statement is untrue, STOP! Do not use this form. Speak with an attorney.
- **Paragraph 6. Legitimation:** It is important to read the entire paragraph 6 carefully, which extends into page 4 of the *Petition*. Depending on how many children are part of this action, and when they were born, and whether you signed voluntary acknowledgments of legitimation for these children (see information on page 3 of these instructions), there may be several options that apply. Again, READ EVERY WORD OF EVERY PARAGRAPH. By selecting option (a) or option (b), you are making each statement contained in subsections (1), (2) and (3) of that option to the Court. Also make sure to identify the exhibits (applicable PA forms) that apply to the children you have named in the particular option. If you know you have not signed a voluntary acknowledgment of legitimation for any child listed in your Petition, only option (c) will apply.
- **Paragraph 7. Changes to Birth Records:** Complete any options you are requesting.
- **Paragraph 8.** If you are not asking the Court to address issues of custody and/or visitation at this time, select option (a) and continue on to Paragraph 17. Otherwise, select option (b) and continue with Paragraph 9.
- **Paragraph 9. Jurisdiction for Determining Child Custody:** Review the options carefully. If neither option applies, STOP! Do not use this form. You will need to talk to an attorney. Or, if you have questions about whether your case falls into either option, you should speak with an attorney.
- **Paragraph 10. Child(ren)’s Current Residence:** In the spaces provided, give the Court the address and county where the children live now, and the names of people living with them. **However, if the children live in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER.** Instead, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county. On the last space, tell the Court how long they have been at that address. If the child(ren) is/are living with someone other than you or the Mother, STOP! You will need to talk to an attorney.
- **Paragraph 11. Child(ren)’s Past Residences and People with Whom the Child(ren) Has/Have Lived:** You must tell the Court where the children have lived within the past five (5) years. In the spaces provided, give the address(es) and tell the Court the dates the children lived at each address. **However, if the children lived in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER.** Instead, on the space for the address, list only the name of the shelter and the state where it is located. Then, in the spaces provided, list the name of each person with whom the children lived at each address during the past 5 years, and list that person’s current address. **However, if any person on the list is living in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER.** Instead, on the space for the address, list only the name of the shelter and the state where it is located.
- **Paragraph 12. Other Court Cases about the Child(ren):** Read and select the option that applies, and fill in any requested information. Examples include divorces, contempt actions, family violence cases, protective orders, termination of parental rights, legitimations, and adoptions, whether in this state or another state, past or present.

- **Paragraph 13. Other Proceedings that Could Affect Custody or Visitation in this Case:** Read and select the option that applies, and fill in any requested information. Examples include divorces, contempt actions, family violence cases, protective orders, termination of parental rights, legitimations, and adoptions, whether in this state or another state, past or present.
- **Paragraph 14. Others Claiming Custody or Visitation:** Read and select the option that applies. If option (b) applies, STOP! You will need to talk with an attorney.
- **Paragraph 15. Settlement Agreement (Optional):** check this box only if you expect the Respondent will sign a written settlement agreement that settles all issues in this case (legitimation, custody, visitation, child support, medical expenses, insurance). The parties must agree voluntarily and this document must be signed by both parties in front of a notary public. A *Settlement Agreement* is included with this packet. If applicable, you will need to make sure the agreement has any required attachments (e.g. *Parenting Plan*, *Child Support Addendum*, *Child Support Worksheet* and schedules).
- **Paragraph 16. Child Custody, Visitation and/or Parenting Time:** Read *Notes about Custody* below and then carefully review and select the option you want to apply. If you select option (b), you will need to complete the *Parenting Plan* included with this packet and reference it as an exhibit in option (b). Make sure to also label the *Parenting Plan* with the same Exhibit letter.

**Notes about Custody:** There are many ways to arrange custody. The *Petition* and *Parenting Plan* do not try to deal with all possible arrangements for custody and/or visitation. If you want the Court to order a different custody arrangement, you should talk to a lawyer. Under the law, the Court must order custody in a way that fits the “best interests of the children.” You may also want to read the definitions below from O.C.G.A. § 19-9-6.

§ 19-9-6. Definitions. As used in this article, the term:

- (1) “Joint custody” means joint legal custody, joint physical custody, or both joint legal custody and joint physical custody. In making an order for joint custody, the judge may order joint legal custody without ordering joint physical custody.
- (2) “Joint legal custody” means both parents have equal rights and responsibilities for major decisions concerning the child, including the child’s education, health care, extracurricular activities, and religious training; provided, however, that the judge may designate one parent to have sole power to make certain decisions while both parents retain equal rights and responsibilities for other decisions.
- (3) “Joint physical custody” means that physical custody is shared by the parents in such a way as to assure the child of substantially equal time and contact with both parents.
- (4) “Sole custody” means a person, including, but not limited to, a parent, has been awarded permanent custody of a child by a court order. Unless otherwise provided by court order, the person awarded sole custody of a child shall have the rights and responsibilities for major decisions concerning the child, including the child’s education, health care, extracurricular activities, and religious training, and the noncustodial parent shall have the right to visitation or parenting time. A person who has not been awarded custody of a child by court order shall not be considered as the sole legal custodian while exercising visitation rights or parenting time.

**Notes about Parenting Time/Visitation:** There are also many ways to arrange parenting time/visitation for children. Because certain arrangements might be better for certain ages of children, it is strongly recommended that you consult with an attorney or counselor to determine what schedule will be best for the children. Or, you may attend the Parenting Seminar before you fill out our paperwork to get helpful information. The law requires that the Court order parenting time/visitation in a way that fits the “best interests of the child.” If the Respondent is willing to work with you in setting a schedule, consider looking through the *Parenting Plan* together. You might also wish to look at some of the following resources. FLIC has all of these resources in print.

*Model Parenting Time Plans for Parent/Child Access* English | Spanish  
Arizona Supreme Court (go to: [www.supreme.state.az.us](http://www.supreme.state.az.us) – then click on “Divorce/Parenting Issues”)

and scroll down)

*Basic Parenting Plan Guide for Parents*

Oregon Judicial Department, State Law Family Advisory Committee, and Office of the State Court Administrator (available at: <http://www.afccnet.org/> under “Resource Center – Resources for Parents”)

*Safety Focused Parenting Plan Guide* English | Spanish

Oregon Judicial Department (available at: <http://www.afccnet.org/> under “Resource Center – Resources for Parents”)

*Protecting Your Children During Divorce – A Model Parenting Plan and Guidelines*

American Academy of Matrimonial Lawyers (available for order at: [www.aaml.org](http://www.aaml.org))

*Model Parenting Agreement*

Alaska Court System (available at: <http://www.state.ak.us/courts/forms/dr-475.pdf>)

- **Paragraph 17. Child Support:** Carefully review and select an option. If you have questions about any of these options, you should speak to an attorney. Additionally, if the option you select requires you to prepare and attach a *Child Support Worksheet* and schedules or a copy of an existing child support order or both, **DO NOT FORGET TO ATTACH THEM**. Label each exhibit with a letter and write the same letter in the space provided in the option you have selected. If you already have an existing child support order, you should attach it as an exhibit as well. Follow each paragraph’s instructions carefully.

*Note:* There are specific guidelines that the Court must follow when setting child support. The current guidelines are found in O.C.G.A. § 19-6-15. You can get more information about these laws at [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc). Also see *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet).

- **Paragraph 18. Health, Dental and Vision Insurance for the Children:** Carefully review and select an option. Within some of the options, you will need to designate which types of insurance coverage you are requesting for the child(ren). Option (e) can be selected in addition to (a) or (b).
- **Paragraph 19. Uninsured Health Care Expenses for the Children:** Review, select and complete an option (examples for option (a): “based on our pro rata child support responsibility;” or “split 50/50;” or “Respondent to pay all uninsured medical expenses”). You should make sure the split you list is consistent with the percentages you list on Line 14 of the *Child Support Worksheet* you prepare.
- **Paragraph 20. Income Deduction Order:** Review, select and complete an option. If you want the Court to enter an Income Deduction Order (“IDO”) for the purposes of having child support deducted from a paycheck, FLIC has a packet of forms to complete and present to the Court before or at your hearing. Note: If you already have a child support order enforced through OCSS, you can send a copy of the Final Order in this case to the OCSS office that is handling your case, especially if the Court has increased or decreased the amount of support or if the Court has addressed past due amounts.

*Note about the Office of Child Support Services (“OCSS”):* If you want OCSS to enforce your IDO and handle changes in the noncustodial parent’s employment, you must apply with OCSS. Call OCSS for more information: (404) 657-3862.

- **Final Paragraph. Request for Relief:** Review each item carefully and make sure you agree with the statements before signing the last page.
- **To complete the *Petition*,** sign your name in the space provided on the last page, write your address and a daytime telephone number where Court staff can reach you if necessary. **However, if you are living in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER.** To do so would violate O.C.G.A. § 19-13-23. Instead, on the space for the address, list only the name of the shelter and the state where it is located. **Also, if the Respondent does not know your address or phone number and it should be kept confidential because of family violence, do not write that address or phone number here.** Instead, you should write another address here, where you can be sure that you will receive any information that is mailed to you by the

Court or the Respondent.

### **C. Parenting Plan**

If you selected option (b) of Paragraph 16 in your *Petition*, you must complete and attach the *Parenting Plan* to your *Petition* and *Settlement Agreement*, if one is reached. Read notes about custody and/or visitation above in reference to paragraph 16 of the *Petition*. Carefully read each word of the *Parenting Plan* and be specific where the form requires it.

### **D. Child Support Worksheet and Schedules (not included with this packet)**

If you are addressing child support in your *Petition*, you will need to prepare and file a *Child Support Worksheet* and applicable schedules (not included with this packet). You can get more information about child support laws at [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc). See the *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet). If you do not have access to the Internet at home, you can use the public computer in the courthouse, or computers in the public library system to access the website. **It is strongly recommended that you seek the advice of an attorney before completing these forms, as there can be many ways to complete them.**

### **E. Verification Form**

Complete the heading and all blank spaces on this form (except for the Civil Action File No. and notary information). Make sure to write in the name of the document you are verifying in the space provided: “Petition for Legitimation and/or Custody/Visitation.” Before you sign this *Verification*, remember you will be swearing under oath that the information you have provided in the *Petition* is true and correct to the best of your knowledge and belief. Therefore, you should re-read your *Petition* one more time, from start to finish, to make sure it is all true. When your forms are ready, sign your name on the *Verification* in front of the notary public in the space provided, and check the box to indicate you are the Petitioner. The notary must complete the rest of the *Verification* form after you sign it under oath. The staff persons at the Family Law Information Center can notarize this document free of charge, but you must have proper photo identification.

### **F. Domestic Relations Financial Affidavit (DRFA)**

The *Domestic Relations Financial Affidavit* should be filed with the *Petition* if the Court will be addressing child support. This document specifies your financial circumstances. You are the “Affiant.” It is important, as with all of your documents, that you be truthful about the information you are providing. Complete every space on the financial affidavit unless it is specified as optional. If a question is not applicable to your situation, put “N/A” on the line. If the amount is zero, put “0” on the line. Do not leave lines blank.

*Note:* Complete Paragraph 2 of the financial affidavit, “Summary of Affiant’s Income and Needs,” after you have completed pages 2-6. You will bring totals over from the other pages.

*Note:* Take care to be consistent with your financial numbers/figures on the *Domestic Relations Financial Affidavit* and the *Child Support Worksheet* you prepare. It can also be helpful to multiply weekly figures by 4.35 to get more accurate monthly figures (since a month is more than four exact weeks). Or if you have an expense that can be calculated for the year, divide that figure by 12 for a monthly average. Examples: “Affiant’s gifts” (i.e., gifts you give other people for special holidays) or car registration fees.

### **G. Domestic Relations Action Standing Order (DRASO) and Certificate of Service**

As of April 16, 2008, you must include this Order with your paperwork when you file and make sure a copy of it is included in the copies for the Respondent. It is included with this packet. The main part of the Order is five pages, but attached to it are blank exhibits of the DRFA and Parenting Plan. The only part of this Order you, as the Petitioner, are required to complete before filing it, is the caption/heading on the very first page. **DO NOT COMPLETE THE BLANK EXHIBITS.** After the opposing party is served with a full copy of your paperwork, she can simply pull the exhibits from the copy and complete and file them with the Court as required by the rules. **YOU AND THE OPPOSING PARTY ARE EXPECTED TO READ AND FOLLOW THIS ORDER, AS IT IS A SIGNED ORDER.**

The *Certificate of Service* should be completed by you and filed with all of your other paperwork. Designate on the form how you have or will be getting a copy of the DRASO to the Respondent. If you are serving by publication, you can simply change the wording on the form to show you are serving by publication, but you must still include a copy of the Order and its exhibits in your originals and copies.

#### **H. Settlement Agreement, Parenting Plan, Child Support Addendum, Child Support Worksheet and schedules**

You are not required to complete this step before filing your legitimation papers, but if you do not have a complete, written agreement, you are required to go to mediation as explained in the *DRASO* (see above).

If you and the opposing party have reached or can reach an agreement about **all** questions of legitimation, custody, visitation, child support, insurance, you may use the *Settlement Agreement* with this packet to formalize your agreement in writing.

When you use the *Settlement Agreement* in this packet, you **must** attach the agreed upon *Parenting Plan* as an exhibit to the *Settlement Agreement*, unless you have opted to share equal rights because you and the Mother are living together. Make sure to label it as an exhibit.

You must also complete the *Child Support Addendum* and attach it to the agreement if you are addressing issues of child support. To complete the *Child Support Addendum*, you must have already prepared the *Child Support Worksheet* and schedules mentioned above. Some of the numbers you will need to include on the addendum are pulled directly from the *Child Support Worksheet*.

You should have all exhibits attached to the *Settlement Agreement* **before** you or the opposing party signs anything. If you do not complete these additional forms, and they are required by the circumstances of your case, **then the Settlement Agreement is not complete.**

***Important notes about settlement agreements:*** Generally, if two parties execute an agreement because they want to settle all of the issues in their case, and it is not executed under fraud, duress, accident, or mistake, the agreement **is a contract which is binding on both parties.** If the agreement is considered by the Court to be a valid agreement, it may be incorporated into the Final Order. The Court is not bound to accept your agreement, but if the judge is satisfied with your agreement, she will likely incorporate it into the final decree, binding both of you to the agreement. Therefore, once you and the opposing party have executed the agreement, if you want to make any changes to it, you will both have to agree to those changes in writing, unless you can prove it is not a valid agreement.

In short, **DO NOT** execute the *Settlement Agreement* with this packet if it is incomplete, or you and the opposing party have agreed to something verbally that is not included in the agreement. **DO** contact an attorney if you have any questions at all about an agreement proposed to you by the opposing party or if you are unclear about any of the terms included in it. It is **STRONGLY** recommended that you talk with an attorney before signing any agreement.

Additionally, the *Settlement Agreement* included with this packet is just one sample of an agreement you might reach with the opposing party. It does not cover every possible scenario that might come up in the future between you and the opposing party with respect to the children. If you can hire an attorney to represent you, he or she will be able to help craft an agreement that is tailored to your precise needs.

If you execute an agreement with the opposing party, and later believe the agreement is not valid, you will need to contact an attorney to find out what options might be available to you.

#### **I. Two-part Acknowledgment of Service and Consent to Personal Jurisdiction and Venue form**

The two-part *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form is an optional form the opposing party may complete and sign in front of a notary (and return to you for filing with the Court). The top portion of the form, if completed by the **opposing party** and dated, signed and notarized, means you will not have to pay to have her personally served. If the case is uncontested and the opposing party is not a resident of Hall County or in the State of Georgia and she completes **both parts** of the form and signs it in front of a notary and returns it to you, she is consenting to the Hall County Court hearing the case and the Court will be able to grant relief that may not otherwise have been available (example: order child support).

If you decide to get the *Settlement Agreement* (with all of its attachments) ready to send to the opposing party for her review and signature, you can also send her the “service copy” of all of your other completed and notarized paperwork (*Petition*, *DRFA*, *DRASO*, etc.) and the two-part *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* form. **You may want to visit FLIC to get your paperwork in order before sending it the opposing party.**

If the opposing party sends the *Settlement Agreement* and two-part *Acknowledgment of Service and Consent to Personal Jurisdiction and Venue* back to you, completed, signed and notarized, you can include them with your original *Petition*, etc. when you file.

### J. Other Forms in the Packet

- *Affidavit of Diligent Search* – You do not need this form unless you are asking the Court to allow you to serve the Respondent by publication. Fill in your complete name as the Petitioner and the opposing party’s name as the Respondent. Put the last address you have for the Respondent in the space provided. Then, write all of your efforts to locate the Respondent (e.g., looking online at [www.whitepages.com](http://www.whitepages.com) or other web-based search tools, talking with relatives and friends of Respondent, talking to Respondent’s last known employer, etc.). As with any other document, you must be truthful about the information you are providing to the Court and **you must be diligent in your efforts to locate the Respondent**. You will also need to obtain a form *Notice of Publication* and form *Order of Publication* from FLIC.
- *Domestic Relations Case Filing Information Form* – Fill in your complete name as the Petitioner and the opposing party’s complete name as the Respondent. Check the box for “Pro se.” Check the box for “Other Domestic Relations Specify.” Then specify the action as “Legitimation”. Leave the rest of the form blank.
- *Pro Se Mediation Referral Form* – If you do not have a *Settlement Agreement* signed and notarized by both parties when you file, and you are not filing by publication, you are required to attend mediation. Complete the form and fax it to that office. Note – if you are having the opposing party served, you may want to wait until you are sure she has been served with the papers before faxing your mediation referral form. **Also, do not disclose any contact information on the form you wish to be kept confidential, but you will need to provide the mediation office with some way of contacting you (e.g., P.O. Box). You MUST follow up with the mediation office to make sure mediation is actually scheduled and occurs within the time frame required.**

**Note: if you live in a shelter for victims of family violence, you should contact the Mediation Office directly at (770) 535-6909, rather than completing the Pro Se Mediation Referral Form.**

- *Domestic Relations Case Final Disposition Information Form* (included with this packet) – You will not need this form until the day of your final hearing (so keep it with your folder and complete it after the hearing).

### III. Getting your fees ready

The Court filing fee for a legitimation action is \$         (cash or money order only). If the Hall County Sheriff’s Office is going to serve the papers, there is a service fee of \$        . You should bring cash or money orders for these amounts with you when you bring your papers to the Clerk’s office to file your case.

*Handwritten note:* contact Clerk of Court or FLIC for updated amount

**Note:** If you have a very low income, and feel you cannot afford to pay these fees, you can ask the Court to waive the fees. FLIC has *Poverty Affidavits* available and can explain the process for applying.

**IMPORTANT:** if you live in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER on the *Poverty Affidavit*. Instead, on the space for the address, list only the name of the shelter and the state where it is located. Do not even fill in the name of the county.

If the Court approves your request, you will file the *Poverty Affidavit* and *Order on Poverty Affidavit* (signed by a judge) with the other papers when you file your legitimation action at the Clerk’s office. A judge must sign the Order approving your *Poverty Affidavit*, before the filing of your case will be completed by the Clerk’s office staff. If the judge signs the order of approval, both the filing fee and the service fee are waived. If the judge does not approve your *Poverty Affidavit*, you must still file the order and pay the fees before your case will proceed.

If you are serving the Respondent by publication (because you do not know where she can be found for service), there is a publication fee charged by the newspaper that publishes the notice. Even if the judge approves your *Poverty Affidavit*, you will have to pay this fee. You will need an \$80.00 money order, payable to *The Times*.

If you are having the opposing party served in another county, you will need to find out from that Sheriff’s office whether they will accept an *Order on Poverty Affidavit* from a Hall County Superior Court Judge. If not, you will need to pay the service fee required in that county/state or inquire with them how you might get the fee waived. See “Choosing a Method for Service” above in the instructions.

#### IV. Getting your paperwork together and visiting FLIC on the fourth floor of the Courthouse in Room 459

After you have finished filling out all the papers you need to start your case, you may either sign all of them (in front of a notary public when required) before coming to FLIC, or wait until you meet with a FLIC staff person and have them notarized free of charge. If you decide to have your papers notarized before coming to the Courthouse, you may want to sort the papers and making copies as described below.

The Center is open to walk-ins on a first-come, first-served, basis from 10:00 a.m. to 2:00 p.m., Monday through Thursday. The FLIC staff person available during these hours will check your forms for completeness, notarize documents free of charge, and provide you with a folder and procedural checklist.

One-time consultations with the FLIC attorney are available if you are unable to visit FLIC during regular walk-in hours or if you have general legal questions regarding your legitimation. Consultations are subject to a conflict check and income qualification. You may call (770) 531-2463 for more information and to schedule an appointment.

At FLIC, you can pick up the following forms if you are having the Respondent served: *Summons*, *Sheriff's Entry of Service*, and *Letter for Service by Second Original* (if the Respondent will be served in another county or state). If the Respondent has already signed an *Acknowledgment of Service*, but indicated on the form that he/she does not waive further notice, you will need to ask for a *Certificate of Service* from FLIC and follow the instructions on the next page for how to use it.

#### V. Making copies

After you visit FLIC (you will now have a folder, procedural checklist, and certain other service forms if you are having the Respondent served), if your forms are complete and signed, sort them into the following order:

- *Poverty Affidavit* and *Order on Poverty Affidavit* (if applicable)
- *Affidavit of Diligent Search*, *Order of Publication*, and *Notice of Publication* (if applicable)
- *Petition for Legitimation and/or Custody* and exhibits (Paternity Acknowledgment forms, birth certificates, etc.)
- *Parenting Plan* as an exhibit to the *Petition* (if applicable)
- *Child Support Worksheet* and relevant schedules as an exhibit to the *Petition* (if applicable)
- *Verification*
- *Domestic Relations Financial Affidavit*
- *Domestic Relations Action Standing Order* and *Certificate of Service*
- Two-part form: *Acknowledgment of Service* and *Consent to Personal Jurisdiction and Venue*
- *Settlement Agreement* with required exhibits

Make two complete sets of copies of all the above papers you are going to file (there is a copier in one of the rooms in the main hall on the top floor of the Courthouse). Then, separate them into three packets: (1) all of the originals (to be filed in the Clerk of Court's office for the Court) – **do not staple this set together**, (2) one set of copies for the opposing party (called the "service copy"), and (3) one set of copies for you to keep for your records (and to show the Judge's office when you ask for a Court date). Even if you are serving the Respondent by publication, make a "service copy" for the Clerk's office to send to his/her last known address.

Put the *Domestic Case Relations Case Filing Information Form* on top of your set of originals. Any forms that you will be filing or presenting to the Court later (such as an *Income Deduction Order* or the *Domestic Relations Case Final Disposition Information Form*), may be kept in your folder.

#### VI. Filing your action in the Clerk's office

Take all 3 sets of forms (with the originals set on top), along with your cash or money orders, to the Superior Court Clerk's office (Civil Division). It is located on the ground floor of the courthouse. Give all 3 sets to the clerk, along with any fees. If your paperwork is in order, the clerk will keep the originals for the Court's file. After the fees have been paid, or the *Poverty Affidavit* has been approved by the judge, the clerk will write your case number (Civil Action File No.) on the top page of both sets of copies, stamp them with the date & time stamp, and return one set of copies to you (two copies will be returned to you if the opposing party has already executed the *Acknowledgment of Service*). He/she will also tell you where to go to get a court date (which Judge's office) and give you a form entitled *Rule Nisi*.

#### VII. Obtaining a Court date

The offices of the Superior Court Judges are located on the top floor of the Courthouse. After leaving the Clerk's



office, go back upstairs to the Judge’s office and ask the calendar clerk in the office for a final hearing date. He/she may ask to see a copy of your paperwork before giving you a date (using the *Rule Nisi*).

#### VIII. Making copies of the Court date (*Rule Nisi*)

You will need to make two copies of your *Rule Nisi* before returning to the Clerk’s office. You may use the copier on the top floor of the courthouse. In addition, if the Respondent signed the *Acknowledgment of Service* but indicated on the form that he/she does not waive further notice, you will need to complete a *Certificate of Service* form (if you have not already done so), certifying to the Judge that you will immediately serve the Respondent with a copy of the *Rule Nisi* (either in person or by U.S. Mail). Once the *Certificate of Service* is complete, make two copies of it. Place the original signed *Certificate of Service* behind the original *Rule Nisi* (you will file this set in the Clerk’s office). Place one of the copies of the *Certificate of Service* behind the Respondent’s copy of the *Rule Nisi* (you will immediately deliver this set to the Respondent – via mail or by hand). Keep the second copy of the *Certificate of Service* with your copy of the *Rule Nisi* for your records.

#### IV. Filing your Court date

Take the original *Rule Nisi* (and original *Certificate of Service*, if applicable) back to the Clerk’s office for filing. If you are having the Respondent served, give one of the copies of the *Rule Nisi* to the Clerk as well.

#### X. Steps you must take before your final hearing date

- Attend mandatory mediation with the opposing party if you do not have a *Settlement Agreement*, signed by and notarized for both parties, and you are not obtaining your legitimation by publication (in the newspaper).** Mediation is required under the Internal Operating Procedures for Domestic Relations Cases (a copy of these procedures is available online at [www.hallcountycourts.com](http://www.hallcountycourts.com) under “Superior Court”). At a minimum, you should bring copies of all paperwork you filed in your case with you to mediation, particularly the *Domestic Relations Financial Affidavit*, *Child Support Worksheet* and applicable schedules.

To schedule mediation, call the 9th Judicial Administrative District Office of Dispute Resolution (“Mediation Office”) at (770) 535-6909, or complete the *Pro Se Mediation Referral Form* (included with this packet and available at FLIC). It is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place. You should complete mediation at least 15 days prior to your final hearing. If you do not think you will be able to pay the required mediation fees (\$150 - \$200 per hour, depending on the mediator), you must complete a *Fee Reduction Request* and submit it to mediation office at least 10 days prior to your scheduled mediation. Contact the Mediation Office for a *Fee Reduction Request* or you may download the form from [www.adr9.com](http://www.adr9.com).

\*\*\*\*If you have scheduled mediation but later decide to complete the *Settlement Agreement* with the opposing party, you may wish to set up an appointment with the FLIC attorney to make sure the agreement is complete. If the Mediation Office has already started the process of setting up mediation for you and the opposing party, you will need to let them know in advance you intend to complete a *Settlement Agreement*. If you do not show up for a scheduled mediation without notifying the mediation office, you will be charged for the mediation.

\*\*\*\*If you have obtained a protective or restraining order against the opposing party and fear attending mediation may pose a safety risk to you, you can set up an appointment with the FLIC attorney to find out about obtaining an *Order Waiving Mediation*. You should also contact the Mediation Office to learn more about the mediation process when domestic violence has been an issue between the parties.

- Attend the Ninth Judicial District ADR Parenting Seminar or Complete the Co-Parenting Resolution Training for Parents.** ADR parenting seminar schedules are available online at [www.adr9.com](http://www.adr9.com) or call (770) 533-6909. You will need a \$50.00 money order, photo identification, and your case number (if you have one) when you attend the parenting class. There are parenting classes offered in Spanish. You will need to bring the pink certificate of completion to your final hearing to prove to the Court that you have attended the class. OR, you may complete the Co-Parenting Resolution Training for Parents (\$75 per participant plus \$14.00 shipping and handling) – go to [www.georgiachildcustody.com](http://www.georgiachildcustody.com) or call 770 642-1100 for more information.
- Follow up with the Clerk of Courts at (770) 531-7025 to make sure the opposing party has actually been served with the legitimation papers, and that proof has been received by the Clerk’s office.**

#### XI. FORMS YOU WILL NEED AT THE FINAL HEARING TO FINISH YOUR CASE

- Domestic Relations Case Final Disposition Information Form* (included with this packet)
- Form Income Deduction Order* (if applicable – available from FLIC)

### **XIII. GENERAL INFORMATION ABOUT HEARINGS**

#### **Temporary Hearing**

A temporary hearing is not required. However, if your case will not be ready for a final hearing (because you do not have a signed agreement and do not expect to have one soon), there may be issues that need to be decided on a temporary basis before the final hearing. In that situation, you may ask the Court to schedule a temporary hearing. Temporary issues may include temporary custody and/or visitation or child support, or other matters, while the case is pending.

To schedule a temporary hearing, you should complete a *Rule Nisi Scheduling Temporary Hearing* form (available in FLIC) and make an extra copy of your *Domestic Relations Financial Affidavit*. If you know you want a temporary hearing when you file your case, you can bring the *Rule Nisi Scheduling Temporary Hearing* and extra copy of the *Domestic Relations Financial Affidavit* with you to the Judge’s office after you file your legitimation papers (when you are asking for a final Court date).

As with the *Rule Nisi* used to schedule your final Court date, you will need to make copies of the *Rule Nisi Scheduling Temporary Hearing* and *Domestic Relations Financial Affidavit* and make sure the Respondent receives them. If you are just now filing your legitimation papers, make copies of these two forms in the copy room (as you are doing with the *Rule Nisi* – explained above) and bring them to the Clerk to include with the “service copy.” If the Sheriff has already served the Respondent, or the Respondent has acknowledged service, you must mail or personally deliver copies of the forms to the Respondent, using a *Certificate of Service* form (see above), showing the Court that the Respondent was properly served. Under Uniform Superior Court Rule 24.2, the *Rule Nisi Scheduling Temporary Hearing* (showing when and where the temporary hearing will take place) must be served on the Respondent at least fifteen (15) days before the temporary hearing, unless otherwise ordered by the Court.

#### **Final Hearing**

The final hearing cannot take place until after the Respondent has been provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9 of the “Georgia Civil Practice Act.” Generally, the Respondent will have 30 days to respond after she has been personally served, but this time may be extended as permitted by law. Even if it is possible to schedule a hearing after 30 days, you may not receive a hearing that soon. It will depend on space availability on the particular Judge’s calendar.

#### **Preparing for a Hearing**

Before the hearing date, whether temporary or final, you must prepare your case to be presented to the Court. You are your main witness. You must also gather your other evidence (such as documents and photographs), and you must arrange for any other witnesses you want to have testify at the hearing. You must also prepare the proper documents to be provided to the Judge at the hearing.

At temporary hearings, the parties involved and one additional witness for each side may give oral testimony. Additional witnesses must testify by deposition or affidavit unless otherwise ordered by the court. Any affidavit shall be served on the opposing side at least 24 hours prior to hearing. (See USCR 24.5.)

At the final hearing, Affidavits are not proper evidence. Your witnesses (if any) must testify in person at the hearing.

FLIC has some materials you can read that might help you prepare for the hearings. You should also talk to a lawyer to learn more about how to present your case.

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

**In re (Child(ren)):**

_____	)	
_____	)	
_____,	)	<b>CIVIL ACTION FILE</b>
<b>Petitioner,</b>	)	<b>NO. _____</b>
	)	
<b>v.</b>	)	
	)	
_____,	)	
<b>Respondent.</b>	)	

**PETITION FOR LEGITIMATION  
AND/OR CUSTODY/VISITATION**

The Petitioner, \_\_\_\_\_, files this action and respectfully shows the Court the following information in support of his *Petition*:

**1.**

**Minor Child(ren):** My paternity of the following minor child(ren) has been established by a court or by operation of law based on the child(ren)'s birth certificate(s) or by signing a voluntary Paternity Acknowledgment (PA) form which has not been rescinded to the best of my knowledge, information and belief, or, if paternity has not been legally established, I state I am the natural father of the following child(ren) involved in this action:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____
_____	_____	_____

Copies of any existing birth certificates, PA forms or court orders establishing paternity are attached as Exhibit(s) "\_\_\_\_\_".

**2.**

**Mother:** The mother of the child(ren) is [*full name*]: \_\_\_\_\_.

**3.**

**Personal Jurisdiction and Venue:** [*Check and complete only one of the following options, (a) through (e).*]

- (a) The Respondent mother of the child(ren) resides in Hall County, Georgia, making venue proper, and she is subject to the personal jurisdiction of this Court.
- (b) The Respondent mother is a resident of Georgia in \_\_\_\_\_ County, and the  child(ren) and/or  I live in Hall County. I expect the Respondent will consent to venue in Hall County by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*. The Respondent is subject to the personal jurisdiction of this Court.

- (c) The Respondent mother is not a resident of the State of Georgia, but the  child(ren) and/or  I reside in Hall County, Georgia, making venue in Hall County proper, and:

[To complete this Section (c), check and complete one of the options below, (i), (ii), or (iii).]

- (i) The Respondent was formerly a resident of the State of Georgia and currently resides in the State of \_\_\_\_\_ . The Respondent is subject to the personal jurisdiction of the Court under Georgia's Long Arm Statute, O.C.G.A. § 9-10-91(5).
- (ii) The Respondent has never resided in the State of Georgia and currently resides in the State of \_\_\_\_\_ .
- (iii) I expect the Respondent will consent to the jurisdiction of this Court by executing a *Consent to Personal Jurisdiction and Venue*. If such consent is obtained, I will be filing the signed form with this *Petition*.
- (d) The whereabouts of the Respondent mother are unknown and the  child(ren) and/or  I reside in Hall County, Georgia. I am filing my *Affidavit of Diligent Search* with this *Petition*.
- (e) The mother of the child is deceased and the child(ren) and I reside in Hall County, Georgia.

#### 4.

**Service of Process:** [Check and complete only one of the following options, (a) or (b).]

- (a) The Respondent is the mother of the minor child(ren) and: [Check and complete only one of the following options, (i), (ii) or (iii).]
- (i) I expect she will acknowledge service and waive process by signing an *Acknowledgment of Service*. If she acknowledges service, I will be filing the signed form with this *Petition*.
- (ii) She shall be served as provided by law at the following  work  residential address in \_\_\_\_\_ County:  
\_\_\_\_\_.
- (iii) Her whereabouts are unknown to me. I am filing my *Affidavit of Diligent Search* with this *Petition*. She shall be served by publication as provided under O.C.G.A. § 9-11-4(e)(1). To the best of my knowledge, her last known address is:  
\_\_\_\_\_.
- (b) The mother of the minor child(ren) is deceased.

### I. LEGITIMATION

#### 5.

**No Other Putative or Legal Fathers:** [Review and check the box if you agree with all of the statements(a) through (d) that follow it. If one or more statements is untrue, do not check the box and do not use this form. You will need to speak with an attorney.]

- To the best of my knowledge, information and belief, for each child named in this *Petition*:
- (a) The child's mother was not married to another man at the time of the child's conception or birth;
- (b) The child's mother has not signed a voluntary acknowledgment of legitimation with another man;
- (c) No other man is shown as the father on the child's birth certificate; and
- (d) No other man is or claims to be the child's legal and/or biological father.

6.

**Legitimation:** [If only one child is the subject of this action, choose only one of the following options, (a), (b) or (c). If more than one child is involved, and more than one option applies, you may choose and complete all options that apply. Review each option carefully to determine whether it applies.]

- (a) I have legitimated the following child(ren) by voluntary acknowledgment of legitimation between the dates of July 1, 2005 and July 1, 2008 pursuant to O.C.G.A. § 19-7-22(g)(2):

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (a), I state the following: [Read paragraphs 1, 2 and 3 below carefully.]

- (1) The mother and I freely and voluntarily consented and agreed in writing, by completing the legitimation section in a voluntary acknowledgment of paternity (PA form), that my relationship with the child shall be considered legitimate for all purposes under the law pursuant to O.C.G.A. § 19-7-22(g)(2), and copies of any applicable PA form(s) are attached to this *Petition* as Exhibit(s) “\_\_\_\_\_”; and
- (2) To the best of my knowledge, information and belief, neither party has rescinded any said acknowledgment pursuant to O.C.G.A. § 19-7-46.1 and no other order adjudicating paternity to the contrary has been entered; and
- (3) If the Court finds that the legitimacy of the child has not been legally established, I believe legitimation is in the child’s bests interests and ask the Court enter an order legitimating my relationship with the child, so that the child will have full rights as my child, and I will have full rights as the father/parent of the child.

**AND/OR**

- (b) I have legitimated the following child(ren) by voluntary acknowledgment of legitimation after July 1, 2008 pursuant to O.C.G.A. § 19-7-22(g)(2) and/or § 19-7-21.1 and each child was less than one year of age at the time of said acknowledgment:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (b), I state the following: [Read paragraphs 1, 2 and 3 below carefully.]

- (1) The mother and I freely and voluntarily consented and agreed in writing, by completing the “Acknowledgment of Legitimation” section in a voluntary acknowledgment of paternity (PA form), that my relationship with the child shall be considered legitimate for all purposes under the law pursuant to O.C.G.A. § 19-7-21.1, and copies of any applicable PA form(s) are attached to this *Petition* as Exhibit(s) “\_\_\_\_\_”; and
- (2) To the best of my knowledge, information and belief, neither party has rescinded any said acknowledgment pursuant to O.C.G.A. § 19-7-46.1 and no other order adjudicating paternity to the contrary has been entered; and
- (3) If the Court finds that the legitimacy of the child has not been legally established, I believe legitimation is in the child’s bests interests and ask the Court enter an order legitimating my relationship with the child, so the child will have full rights as my child, and I will have full rights as the father/parent of the child.

**AND/OR [CONTINUED ON NEXT PAGE]**

- (c) I am the natural father of the following minor child(ren) and wish to legitimate my relationship with the child(ren) as provided in O.C.G.A. §19-7-22:

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

For each child listed in this subsection (c): I believe legitimation is in the child’s best interests and ask the Court enter an order legitimating my relationship with the child, so the child will have full rights as my child, and I will have full rights as the father/parent of the child.

**7.**

**Changes to Birth Records:** *[Check and complete all options that apply below.]*

- (a) I am asking that the Georgia State Office of Vital Records be ordered and directed to amend and reissue the birth certificate of each child listed below to indicate that Petitioner, *[full name]*

\_\_\_\_\_, is the father of the child(ren):

Current Name of Child	Male / Female	Birth Year
_____	_____	_____
_____	_____	_____

- (b) I am asking that the Georgia State Office of Vital Records be ordered and directed to amend and reissue the birth certificate of each child listed below to reflect a change in his/her last name to my/Petitioner’s last name:

Current FULL Name of Child	New FULL Name of Child
_____	_____
_____	_____

- (c) No changes are necessary on the birth record(s) of the child(ren) named in this *Petition*.

**II. CHILD CUSTODY, VISITATION AND/OR PARENTING TIME**

**8.**

- (a) I am not asking the Court to address custody, visitation and/or parenting time at this time and, therefore, paragraphs 9 through 16 below do not apply in this case. *[You may strike through paragraphs 9 through 16 below.]*
- (b) I am asking the Court to address custody, visitation and/or parenting time at this time and, therefore, paragraphs 9 through 16 below apply in this case. *[Make sure to complete paragraphs 9 through 16 below.]*

**9.**

**Jurisdiction for Determining Child Custody:** *[You must choose and complete one of the options below, (a) or (b). If neither option applies, do not use this form. Note: There are other circumstances which make Georgia the proper State for determining custody. This petition only addresses two options. You will need to speak to an attorney if neither option applies or you have questions about whether an option applies.]*

- (a) The child(ren) has/have lived in Georgia with a parent for at least six consecutive months immediately before the start of this action.
- (b) The child(ren) is/are absent from the State of Georgia, but the following facts support a determination that Georgia was the “Home state” (as defined by O.C.G.A. § 19-9-41) of the child(ren) within six months before the start of this proceeding **and** a parent continues to live in this state:

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

10.

**Child(ren)'s Current Residence:**

The minor child(ren) currently live(s) at: [address] \_\_\_\_\_  
in \_\_\_\_\_ County, with the following person(s) who take(s) care of the child(ren): [Father / Mother / Both Parties] \_\_\_\_\_. [If someone other than the mother is the legal guardian of the child(ren) or has physical custody of the child(ren), do not use this form. You will need to speak with an attorney.]

11.

**Child(ren)'s Previous Residences and People with Whom the Child(ren) Has/Have Lived:**

During the past five years, the child(ren) has/have lived at the following address(es) with the following people: [Start with the most recent address and go back five (5) years. Attach additional paper if necessary and check the box below.]

**Child(ren)'s most recent previous address** (other than the address listed above in Paragraph 10):

\_\_\_\_\_

The child(ren) lived here from \_\_\_\_\_ to \_\_\_\_\_ with the following people:  
Name(s): \_\_\_\_\_ Person's current address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Next most recent address** (if applicable):

\_\_\_\_\_

The child(ren) lived here from \_\_\_\_\_ to \_\_\_\_\_ with the following people:  
Name(s): \_\_\_\_\_ Person's current address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional paper is attached regarding the child(ren)'s residences in the past five years.

12.

**Other Court Cases about the Child(ren):** [Check only one of the following options, (a) or (b).]

- (a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with our minor child(ren) in this state or any other state.
- (b) I have participated in other litigation concerning the custody of our minor child(ren) in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13.

**Other Proceedings that Could Affect Custody or Visitation in this Case:**

[Check and complete only one of the following options, (a) or (b).]

- (a) I do not have any information of any proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, and adoptions in Georgia or any other state.
- (b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in

Georgia or another state. The court, the case number and the nature of the proceeding are as follows:

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**14.**

**Others Claiming Custody or Visitation:** [*Check and complete only one of the following options, (a) or (b). If someone other than the mother is the legal guardian of the child(ren) or has physical custody of the child(ren), do not use this form. You will need to speak with an attorney.*]

- (a) I do not know of any person who is not a party to this case, who has physical custody of the child(ren) or who claims to have custody or visitation rights with respect to the child(ren).
  - (b) I know of someone who is not a party to this case, who has physical custody of the child(ren), temporary legal guardianship of the child(ren), or who claims to have custody or visitation rights with respect to the child(ren). The names and current addresses of the person(s) are:
- 
- 

**15.**

**Settlement Agreement:**

[*Check this option only if you expect to file a complete written agreement executed by you and the opposing party in this action.*]

- I expect the Respondent and I will enter into a *Settlement Agreement* that resolves all issues involved in this action. If it is signed by each of us in front of a notary public, it will be filed with this *Petition* and I ask that it be incorporated into the Court's final order.

**16.**

**Child Custody, Visitation and/or Parenting Time:** [*Check and complete only one of the following options, (a), (b), (c) or (d).*]

- (a) As the parties (Mother and Father) live together with the minor child(ren), I request and believe it is the best interests of the child(ren) that the Court enter an order granting Father joint physical custody of the child(ren) with the Mother, as if the child(ren) was/were born to the Parties in lawful wedlock, and that legal custody (decision-making authority) be granted as follows: [*Check and complete only one of the following options.*]
  - (i) Mother and Father to have joint legal custody of the child(ren) with equal rights regarding decision-making, as if the child(ren) was/were born to the parties in lawful wedlock.
  - (ii) Mother and Father to have joint legal custody of the child(ren) with [*Mother / Father*]  
\_\_\_\_\_ to make the final decision in the event the parties cannot agree on a particular issue.
- (b) Petitioner and Respondent should have the custody, visitation and/or parenting time arrangement set forth in the *Parenting Plan* attached to this *Petition* as Exhibit "\_\_\_\_\_". It is hereby incorporated by reference. I believe this custody, visitation and/or parenting time arrangement is in the best interests of the child(ren). [**MAKE SURE TO COMPLETE THE PARENTING PLAN.** ]
- (c) The child(ren) should be in the full (sole) custody of Father/Petitioner and Respondent should have no visitation with the child(ren) for the following reasons:  

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- (d) The child(ren) should be in the full (sole) custody of Father/Petitioner as the mother of the child(ren) is deceased.



### III. CHILD SUPPORT, INSURANCE AND UNINSURED EXPENSES

#### 17.

**Child Support:** [Check and complete only one of the options below, (a), (b) or (c).]

- (a) There is a child support order currently in effect concerning the minor child(ren) in this case. A copy of the order is attached to this *Petition* as Exhibit “\_\_\_”.

[Check and complete only one of the following options, (i) or (ii).]

- (i) I do not believe a change in the existing child support order is necessary or appropriate.
- (ii) I believe a change in the existing child support order is necessary or appropriate as follows:

[Check and complete only one of the following options, (1) or (2).]

- (1) I am asking the Court to enter an order providing I am no longer obligated to pay support to Respondent for the minor child(ren), including, if applicable, any accrued arrearages and interest. I am asking the Court to determine child support based on the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “\_\_\_”. [MAKE SURE TO COMPLETE THESE FORMS. They are NOT INCLUDED with the packet. Go to: [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc).]
- (2) I request a modification of the existing child support order consistent with the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “\_\_\_” for the following reason(s): [Check either or both options, if applicable and MAKE SURE TO COMPLETE THESE FORMS. They are NOT INCLUDED with the packet. Go to: [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc).]
- (A) There has been a substantial change in my income and financial status; and/or
- (B) There has been a substantial change in Respondent mother’s income and financial status.
- (b) There are no child support orders currently in effect concerning the minor child(ren) in this case. I am asking the Court to determine child support based on the *Child Support Worksheet* and applicable schedules attached to this *Petition* as Exhibit “\_\_\_”. [MAKE SURE TO COMPLETE THESE FORMS. They are NOT INCLUDED with the packet. Go to: [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc).]
- (c) There are no child support orders currently in effect concerning the minor child(ren) in this case and I am not asking for a determination of support for the following reason: [Check only one of the following options.]
- (i) This case involves service by publication.
- (ii) The mother of the child(ren) is deceased.
- (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a court order granting me joint physical and legal custody of the child(ren) with Mother.

#### 18.

**Health, Dental and Vision Insurance for the Child(ren):**

[Check and complete only one of the options, (a) through (d) below. **You may also select option (e) if it applies**]

- (a) The following insurance for the child(ren) is available at a reasonable cost to the Respondent through [examples: employer, PeachCare] \_\_\_\_\_, and she should be ordered to obtain such insurance coverage for the minor child(ren):  Health (medical, mental health and hospitalization);  Dental; and/or  Vision. So long as it remains available to the Respondent, she should maintain it for the benefit of the minor child(ren) until each child reaches the age of 18, dies, marries, or otherwise becomes emancipated; except that if a child becomes 18 years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continues until the child has graduated from secondary school or reaches the age of 20, whichever occurs first.
- (b) I already provide or will provide  Health (medical, mental health and hospitalization)  Dental and/or  Vision insurance for the child(ren) involved in this action through [examples: employer, PeachCare] \_\_\_\_\_.

- (c) Insurance is not available (other than Medicaid) to either party at a reasonable cost. [The following sentence is optional; you may complete it or strike through it]. If the following insurance coverage later becomes available to either party:  Health (medical, mental health and hospitalization);  Dental; and/or  Vision, then he/she shall obtain that coverage and the cost of maintaining the insurance (the child(ren)'s share) shall be split equally (50/50) between the parties.
- (d) I am not asking the Court to address the issue of health, dental and vision insurance for the following reason: *[Check only one of the following options.]*
  - (i) This case involves service by publication.
  - (ii) The mother of the child(ren) is deceased.
  - (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a Court order granting me joint physical and legal custody of the child(ren) with Mother.
- (e) *[Optional]* If insurance for the minor child(ren) later becomes unavailable to the party designated above in option (a) or (b) of this Paragraph 18, then the other party shall obtain the following types of insurance coverage if it is available to him/her:  Health (medical, mental health and hospitalization);  Dental; and/or  Vision. The cost of maintaining the new insurance (the child(ren)'s share) should be split equally (50/50) between the parties.

**19.**

**Uninsured Health Care Expenses for the Child(ren):** *[Check only one of the options below, (a) or (b).]*

- (a) The cost of uninsured medical expenses (including, but not limited to, co-payments, deductibles, and other costs reasonably necessary for orthodontia, dental treatment, asthma treatment, physical therapy, vision care, and any acute or chronic medical or health problem or mental health illness, including counseling or other medical or mental health expenses not covered by insurance) incurred for the child(ren) should be allocated between the parties as follows:  
\_\_\_\_\_.
- (b) I am not asking the Court to address the issue of health, dental and vision insurance for the following reason: *[Check only one of the following options.]*
  - (i) This case involves service by publication.
  - (ii) The mother of the child(ren) is deceased.
  - (iii) The parties (Mother and Father) live together with the minor child(ren) and I have asked for a Court order granting me joint physical and legal custody of the child(ren) with Mother.

**20.**

**Income Deduction Order:** *[You must check and complete only one of the following paragraphs: (a) or (b).]*

- (a) I am asking the Court to enter an Income Deduction Order, under O.C.G.A. § 19-6-32, for payment of the child support. I am asking that the Income Deduction Order take effect: *[Check only one of the following options, (i) or (ii).]*
  - (i) Immediately upon entry by the Court.
  - (ii) Upon accrual of a delinquency equal to one month's support, in which case the Income Deduction Order may be enforced by serving a "Notice of Delinquency," as provided in O.C.G.A. § 19-6-32(f).
- (b) I am not asking the Court to enter an Income Deduction Order because: *[Check only one of the following options, (i), (ii), (iii) or (iv).]*
  - (i) The parent obligated to pay support is self-employed or it is not feasible for income to be deducted through an employer.
  - (ii) It is not immediately necessary.
  - (iii) This case involves service by publication.
  - (iv) Support payments are already being deducted for the minor child(ren) pursuant to an existing support order.

**THEREFORE, the Petitioner asks:**

- (a) That process issue and Respondent mother be served with a copy of this *Petition* as provided by law;
- (b) That the Court enter an Order legitimating or declaring legitimate my relationship(s) with the child(ren) named in this *Petition*, so the child(ren) shall be recognized as my legitimate child(ren), and so we shall be capable of inheriting from each other in the same manner as if the child(ren) was/were born in lawful wedlock;
- (c) That any *Settlement Agreement* executed by the parties and filed with this *Petition* be incorporated into the Final Order of the Court;
- (d) That a hearing be scheduled on this matter;
- (e) That the Court enter an Order granting the relief I have requested in this *Petition*;
- (f) That the Court order any and all other relief the Court finds appropriate.

\_\_\_\_\_  
Petitioner, Pro se [*signature above*]

Name [*printed*]: \_\_\_\_\_

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

\_\_\_\_\_  
Phone: (    ) \_\_\_\_\_

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

In re (Child(ren)):

\_\_\_\_\_)  
\_\_\_\_\_)

\_\_\_\_\_, )  
Petitioner, )

vs. )

\_\_\_\_\_, )  
Respondent. )

Civil Action

Case Number \_\_\_\_\_

**PARENTING PLAN**

Mother (name): \_\_\_\_\_

Father (name): \_\_\_\_\_

This plan  is a new plan.  
 modifies an existing *Parenting Plan* dated \_\_\_\_\_.  
 modifies an existing Order dated \_\_\_\_\_.

Minor Child's Name	Birth Year

**I. Custody and Decision Making:**

**A. Legal Custody shall be (choose one:)**

with the Mother – Unless otherwise specified below in Section I.D., Mother shall have the rights and responsibilities for major decisions concerning the child(ren), including the child(ren)'s education, health care, extracurricular activities, and religious training.

with the Father – Unless otherwise specified below in Section I.D., Father shall have the rights and responsibilities for major decisions concerning the child(ren), including the child(ren)'s education, health care, extracurricular activities, and religious training.

Joint – Unless otherwise specified below in Section I.D., both parents shall have equal rights and responsibilities for major decisions concerning the child(ren), including the child(ren)'s education, health care, extracurricular activities, and religious training. The parties shall consult each other and try to reach a joint decision on all major issues concerning the child(ren).

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

**B. Physical Custody**

For each of the children named below the primary physical custodian shall be:

Name of Child	Birth Year			
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
		<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint

**(IMPORTANT: WHEN JOINT PHYSICAL CUSTODY IS CHOSEN, THE DETAILED PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) ON PAGE 3 MUST SHOW THAT PHYSICAL CUSTODY IS SHARED BY THE PARENTS IN SUCH A WAY AS TO ASSURE THE CHILD(REN) OF SUBSTANTIALLY EQUAL TIME AND CONTACT WITH BOTH PARENTS.)**

**C. Day-To-Day Decisions**

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

**D. Major Decisions** (optional – if not complete, the parties shall follow the terms of Section I.A. above)

Major decisions regarding each child shall be made as follows:

- Educational decisions                     mother         father         joint
- Non-emergency health care             mother         father         joint
- Religious upbringing                     mother         father         joint
- Extracurricular activities               mother         father         joint
- \_\_\_\_\_                                       mother         father         joint
- \_\_\_\_\_                                       mother         father         joint

**E. Disagreements**

Where parents have elected joint decision making in Section I.D. above, please explain how any disagreements in decision-making will be resolved.

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For any major decision regarding the child(ren) not specified in this *Parenting Plan*, if the parties have joint legal custody (pursuant to Section I.A. above) and are not able to reach a joint decision concerning the issue, then: (choose one)

- mother shall make the final decision on the issue.
- father shall make the final decision on the issue.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

## II. Parenting Time/Visitation Schedule

This parenting time/visitation schedule begins:

( ) \_\_\_\_\_ OR ( ) date of the Court's Order  
(day and time)

### A. Regular Schedule

During the term of this parenting plan, the Mother and Father shall have at a minimum the following rights of parenting time/visitation (check and complete only one option below):

( ) **1. Same Schedule Every Week.** (The parties follow the same schedule every week.)

Example: Mother shall have the child(ren) each week: on Tuesday and Thursday from 4:30 p.m. to 7:30 p.m. and from Saturday at 4:30 p.m. until Sunday at 4:30 p.m. The other parent shall have the child for the remainder of the time each week.

(Mother / Father) \_\_\_\_\_ shall have the child(ren) each week:

\_\_\_\_\_  
\_\_\_\_\_.

The other parent shall have the child(ren) for the remainder of the time each week.

( ) **2. Four-Week Schedule.** (The parties follow a schedule that repeats every four weeks.)

Example: Father shall have the child(ren) at the following times (to be repeated every four weeks):  
WEEK ONE: from Wed. at 5:30 p.m. to Thurs. at 8:00 a.m., and from Fri. at 5:30 p.m. to Sun. at 6:00 p.m.;  
WEEK TWO: from Wed. at 5:30 p.m. to Thurs. at 8:00 a.m.;  
WEEK THREE: from Wed. at 5:30 p.m. to Thurs. at 8:00 a.m., and from Fri. at 5:30 p.m. to Sun. at 6:00 p.m.;  
WEEK FOUR: from Wed. at 5:30 p.m. to Thurs. at 8:00 a.m..  
The other parent shall have the child the remainder of the time in each four-week period.

(Mother / Father) \_\_\_\_\_ shall have the child(ren) at the following times (to be repeated every four weeks):

WEEK ONE: \_\_\_\_\_;  
\_\_\_\_\_;

WEEK TWO: \_\_\_\_\_;  
\_\_\_\_\_;

WEEK THREE: \_\_\_\_\_;  
\_\_\_\_\_;

WEEK FOUR: \_\_\_\_\_;  
\_\_\_\_\_.

The other parent shall have the child(ren) for the remainder of the time in each four-week period.

( ) **3. Long-Distance/Yearly Schedule.** (The parties follow a schedule that repeats every year.)

(Mother / Father) \_\_\_\_\_ shall have the child(ren) at the following times each year:

\_\_\_\_\_  
\_\_\_\_\_.

The other parent shall have the child(ren) for the remainder of the time each year.

Mother's initials \_\_\_\_\_

3 of 8

Father's initials \_\_\_\_\_

**B. Vacation Periods**

**Thanksgiving**

The Regular Schedule shall apply unless other arrangements are set forth here:

\_\_\_\_\_ beginning \_\_\_\_\_.

**Winter Vacation**

The ( ) mother ( ) father shall have the child(ren) for the first period from the day and time school is dismissed until December \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in ( ) odd numbered years ( ) even numbered years ( ) every year. The other parent will have the child(ren) for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. Unless otherwise indicated, the parties shall alternate the first and second periods each year.

Other agreement of the parents:

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

**Summer Vacation**

Define summer vacation period: \_\_\_\_\_

The Regular Schedule shall apply unless other arrangements are set forth here:

\_\_\_\_\_ beginning \_\_\_\_\_.

**Spring Vacation (if applicable)**

Define: \_\_\_\_\_

The Regular Schedule shall apply unless other arrangements are set forth here:

\_\_\_\_\_ beginning \_\_\_\_\_.

**Fall Vacation (if applicable)**

Define: \_\_\_\_\_

The Regular Schedule shall apply unless other arrangements are set forth here:

\_\_\_\_\_ beginning \_\_\_\_\_.

**C. Holidays and Special Days (optional)**

Holidays and Special Days completed below shall have priority over Vacation Periods and the Regular Schedule. (Write the beginning and end of each holiday and indicate if the child(ren) will be with the parent during that time in ODD or EVEN numbered years or EVERY year.

Note: you may write that a holiday stretches over a period of days.)

	<b>Beginning (Day and Time) and End (Day and Time)</b>	<b>MOTHER</b>	<b>FATHER</b>
Martin Luther King Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Presidents' Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Mother's Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Memorial Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Father's Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
July Fourth	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Labor Day	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Halloween	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Mother's Birthday	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Father's Birthday	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Religious Holidays:	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
_____	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
_____	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
Other:	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
_____			
Other:	From ___ a.m./p.m. on _____ to ___ a.m./p.m. on _____	_____	_____
_____			

**Child(ren)'s Birthday(s)** Check if applicable:

( ) Each parent shall have at least \_\_\_\_\_ hours with the child(ren) on each child's birthday. If the parents cannot agree on the time(s) for such visitation, then the parent who is not regularly scheduled to have the child(ren) with him or her on the birthday in question shall be entitled to visit with the child(ren) from \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m. on that day.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_



**D. Other extended periods of time during school, etc. (optional; refer to the school schedule)** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. Coordination of Parenting Schedules (optional)**

Check if applicable:

( ) When the child(ren) is/are with a parent for an extended parenting time/visitation period (such as summer), the other parent shall be entitled to visit with the child(ren) during the extended period, as follows:  
\_\_\_\_\_  
\_\_\_\_\_

**F. Transportation Arrangements, Notice and Parenting Time Limitations**

For visitation, the place of meeting for the exchange of the child(ren) shall be:  
\_\_\_\_\_  
\_\_\_\_\_

The \_\_\_\_\_ will be responsible for transportation of the child at the beginning of visitation.

The \_\_\_\_\_ will be responsible for transportation of the child at the conclusion of visitation.

Transportation costs will be allocated as follows:  
\_\_\_\_\_

Check if applicable:

( ) The \_\_\_\_\_ shall notify the other parent at least 24 hours in advance of any scheduled drop-off/pick-up time if he/she does not intend to exercise that visitation opportunity.

( ) The \_\_\_\_\_ shall give the other parent written notice \_\_\_\_ day(s) in advance of any scheduled visitation if he/she wishes to exercise the right of visitation.

( ) The \_\_\_\_\_ shall arrive to pick up the child(ren) no later than \_\_\_\_ minutes after the scheduled drop-off/pick-up time, or he/she shall lose that visitation opportunity. The parent with primary physical custody agrees to make the child(ren) available at the agreed-upon drop-off/pick-up time.

( ) The parties agree that neither party shall consume alcohol or illegal drugs, overuse prescribed medication, or mix prescribed medication with alcohol when he/she has physical custody of the child, or allow anyone else to do any of these things in the presence of the child.

( ) The following limitations apply to the \_\_\_\_\_'s time with the children:  
\_\_\_\_\_

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

Other provisions: \_\_\_\_\_

**G. Contacting the child**

When the child or children are in the physical custody of one parent, the other parent will have the right to contact the child or children as follows:

Telephone

Other: \_\_\_\_\_

Limitations on contact:  
\_\_\_\_\_

**H. Supervision of Parenting Time (if applicable)**

Check here if supervised visitation is applicable.

Supervised parenting time shall apply at all times the \_\_\_\_\_ is exercising his/her visitation as follows:

Place: \_\_\_\_\_ or if checked here , at a location approved by the person/organization supervising the visitation.

Person/Organization supervising: \_\_\_\_\_ or if checked here , by a visitation supervisor from a local sheriff's department (deputy) or from any agency or organization which maintains a list of approved visitation supervisors.

Responsibility for cost:

mother       father       both equally

Check if applicable:

If the \_\_\_\_\_ does not arrive within \_\_\_\_\_ minutes after the scheduled visitation is set to begin, he/she shall lose that visitation opportunity and pay any costs associated with the missed visit.

**I. Communication Provisions**

Please check:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number. A parent changing residence must give at least 30 days notice of the change and provide the full address of the new residence.

Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

**III. Access to Records and Information**

**Rights of the Parents**

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child(ren)'s records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. The specific legal and physical custody arrangement set forth in Section I. above does not affect a parent's right to equal access to these records.

Limitations on access rights: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Other Information Sharing Provisions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**IV. Modification of Plan or Disagreements**

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order. Custody shall only be modified by court order.

Should the parents disagree about this *Parenting Plan* or wish to modify it, they must make a good faith effort to resolve the issue between them.

**V. Special Considerations**

Please attach an addendum detailing any special circumstances of which the Court should be aware (e.g., health issues, educational issues, etc.)

\_\_\_\_\_

\_\_\_\_\_

**VI. Recognitions**

Unless otherwise specified in this *Parenting Plan*, the party/ies submitting this plan recognize(s):

1. That a close and continuing parent-child relationship and continuity in each child's life is in the child's best interest.
2. Each child's needs will change and grow as the child matures and this *Parenting Plan* demonstrates a good faith effort to take these changing needs into account so that the need for future modifications to the *Parenting Plan* is minimized.
3. The parent with physical custody will make the day-to-day decisions and emergency decisions while the child is residing with such parent.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

(Use this signature page when *Parenting Plan* is approved by both parties and/or Judge)

( ) We, the parties, knowingly and voluntarily agree to the terms of this *Parenting Plan*. This information has been furnished by both parties to meet the requirements of OCGA Section 19-9-1. We agree on the terms of this *Parenting Plan* and affirm the accuracy of the information provided, as shown by our signatures below.

\_\_\_\_\_  
Father's Signature

\_\_\_\_\_  
Mother's Signature

( ) This *Parenting Plan* has been prepared by the Judge.

**ORDER**

The Court has reviewed the foregoing *Parenting Plan*, and it is hereby made the order of this Court.

This Order entered on \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
JUDGE  
\_\_\_\_\_ COUNTY SUPERIOR COURT

REMEMBER TO PREPARE AND  
ATTACH CHILD SUPPORT FORMS  
(NOT INCLUDED WITH THIS PACKET)

- See paragraph 17 of your *Petition* and your *Instructions*.
- Depending on your situation, your forms may not be complete without the child support forms.
- See *Basic Instructions for Accessing the Child Support Calculator on the Computer* (last page of this packet).



In the Superior Court of \_\_\_\_\_ County, Georgia

In re (Child(ren)):

\_\_\_\_\_)  
 \_\_\_\_\_)  
 \_\_\_\_\_, Petitioner )  
 vs. \_\_\_\_\_ )  
 \_\_\_\_\_, Respondent )  
 \_\_\_\_\_)

Civil Action No. \_\_\_\_\_

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

1. AFFIANT'S NAME (your name): \_\_\_\_\_ Age \_\_\_\_\_

Opposing Party's Name: \_\_\_\_\_ Age \_\_\_\_\_

Names and years of birth of children for whom support is to be determined in this action:

Name	Birth Year	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and years of birth for affiant's other children:

Name	Birth Year	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A) \$ \_\_\_\_\_

(b) Net monthly income (from item 3B) \$ \_\_\_\_\_

(c) Average monthly expenses (item 5A) \$ \_\_\_\_\_

Monthly payments to creditors + \_\_\_\_\_

Total monthly expenses and payments to creditors (item 5C) \_\_\_\_\_

3. A. AFFIANT'S GROSS MONTHLY INCOME (Complete this section or attach Child Support Schedule A. All income must be entered based on monthly average regardless of date of receipt. **To convert a weekly amount to a monthly amount, multiply the weekly amount by 4.35. In calculating monthly income based on a 40 hour work week, multiply the hourly salary by 174.))**

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	\$ _____
Workers' Compensation Benefits	\$ _____
Unemployment Benefits	\$ _____
Judgments from Personal Injury or Other Civil Cases	\$ _____
Gifts (cash or other gifts that can be converted to cash)	\$ _____
Prizes/Lottery Winnings	\$ _____
Alimony and maintenance from persons not in this case	\$ _____
Assets which are used for support of family	\$ _____
Fringe Benefits (if significantly reduce living expenses)	\$ _____
Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps)	\$ _____
<b>GROSS MONTHLY INCOME (total)</b>	<b>\$ _____</b>

B. AFFIANT'S NET MONTHLY INCOME from employment  
(deducting only state and federal taxes and FICA) \$ \_\_\_\_\_  
Affiant's pay period (i.e., weekly, bi-weekly, monthly, etc.) \_\_\_\_\_  
Number of exemptions claimed \_\_\_\_\_



#### 4. ASSETS

Description	Value
Cash	\$ _____
Stocks, bonds	\$ _____
CD's/Money Market Accounts	\$ _____
Bank Accounts (list each account, but DO NOT list account numbers):	
_____	\$ _____
_____	\$ _____
_____	\$ _____
Retirement Pensions, 401K, IRA, or Profit Sharing	\$ _____
Money owed you:	\$ _____
Tax Refund owed you:	\$ _____
Real Estate:	
home:	\$ _____
debt owed:	\$ - _____
other:	\$ _____
debt owed:	\$ - _____
Automobiles/Vehicles:	
Vehicle 1:	\$ _____
debt owed:	\$ - _____
Vehicle 2:	\$ _____
debt owed:	\$ - _____
Life Insurance (net cash value):	\$ _____
Furniture/furnishings:	\$ _____
Jewelry:	\$ _____

Collectibles: \$ \_\_\_\_\_

Other Assets: \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**Total Assets:** \$ \_\_\_\_\_

If you need to explain anything further, you can write comments here:

**5. A. AVERAGE MONTHLY EXPENSES (To convert a weekly amount to a monthly amount, multiply the weekly amount by 4.35.)**

**HOUSEHOLD**

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

**CHILDREN'S EXPENSES**

Child care (total monthly cost) \$ \_\_\_\_\_

School tuition \$ \_\_\_\_\_

Tutoring \$ \_\_\_\_\_

Private lessons (e.g., music, dance) \$ \_\_\_\_\_

School supplies/expenses \$ \_\_\_\_\_

Lunch Money \$ \_\_\_\_\_

Other Educational Expenses (list)

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

Allowance \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Diapers \$ \_\_\_\_\_

Medical, dental, prescription  
(out of pocket/uncovered expenses) \$ \_\_\_\_\_

Grooming, hygiene \$ \_\_\_\_\_

Gifts from children to others \$ \_\_\_\_\_

Entertainment \$ \_\_\_\_\_

Activities (including extra-curricular,  
school, religious, cultural, etc.) \$ \_\_\_\_\_

Summer Camps \$ \_\_\_\_\_

**OTHER INSURANCE**

Health \$ \_\_\_\_\_

    Child(ren)'s portion: \$ \_\_\_\_\_

Dental \$ \_\_\_\_\_

    Child(ren)'s portion: \$ \_\_\_\_\_

Vision \$ \_\_\_\_\_

    Child(ren)'s portion: \$ \_\_\_\_\_

Life \$ \_\_\_\_\_

    Relationship of Beneficiary: \_\_\_\_\_

Disability \$ \_\_\_\_\_

Other(specify): \$ \_\_\_\_\_

**TOTAL ABOVE EXPENSES** \$ \_\_\_\_\_

**AFFIANT'S OTHER EXPENSES**

Dry cleaning/laundry \$ \_\_\_\_\_

Clothing \$ \_\_\_\_\_

Medical, dental, prescription  
(out of pocket/uncovered expenses) \$ \_\_\_\_\_

Affiant's gifts (special holidays) \$ \_\_\_\_\_

Entertainment \$ \_\_\_\_\_

Recreational Expenses (e.g.,  
fitness) \$ \_\_\_\_\_

Vacations \$ \_\_\_\_\_

Travel Expenses for Visitation \$ \_\_\_\_\_

Publications \$ \_\_\_\_\_

Dues, clubs \$ \_\_\_\_\_

Religious and charities \$ \_\_\_\_\_

Pet expenses \$ \_\_\_\_\_

Alimony paid to former spouse \$ \_\_\_\_\_

Child support paid for other  
children \$ \_\_\_\_\_

    Date of initial order: \_\_\_\_\_

Other (attach sheet) \$ \_\_\_\_\_

**B. PAYMENTS TO CREDITORS**

(Check "✓" who is to pay this debt)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

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

**C. TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

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

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

\_\_\_\_\_  
Affiant

If you need to explain anything further, you can write comments here:

IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTIES

STATE OF GEORGIA

\_\_\_\_\_  
Plaintiff  
v.  
\_\_\_\_\_  
Defendant.

/  
/  
/  
/  
/  
/

Civil Action File  
Number: \_\_\_\_\_

FILED  
HALL CO., GA.  
11 JAN -4 AM 9:42  
CHIEF CLERK  
SUPERIOR COURT  
BY *DL*

**DOMESTIC RELATIONS ACTION**  
**STANDING ORDER**

-1-

Pursuant to O.C.G.A. § 19-9-1(b) and the Implementing Order of the Court ~~filed~~ on the 31st day of December, 2010,, this Standing Order binds the parties in all domestic relations cases, their agents, servants, employees, and all other persons acting in concert with the parties.

-2-

Each party is hereby enjoined and restrained from unilaterally causing or permitting the child or children of the parties to be removed from the jurisdiction of the Court without express permission of the Court or written approval of both parties. For purposes of this paragraph, the jurisdiction of the Court shall be the State of Georgia.

-3-

Each party is hereby enjoined and restrained from doing or attempting to do or threatening to do any act which injures, maltreats, vilifies, molests, or harasses the adverse party or the child or children of the parties or the pets of the parties.

-4-

Each party is hereby enjoined and restrained from selling, damaging, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of this Court, without the permission of the Court, any of the property belonging to the parties except in the ordinary course of business or except by an emergency which has been created by the other party to the action.

-5-

Each party is hereby enjoined and restrained from disconnecting, transferring, changing or otherwise interrupting the utilities servicing the marital residence. Utilities shall be defined as electricity, gas, water, basic residential telephone (excluding long distance), or cell phone if the parties are not using a residential land line for phone service, basic internet, and basic cable.

-6-

Each party is hereby enjoined and restrained from canceling or changing auto, health, dental, vision, prescription and/or life insurance for the parties and/or the parties' child or children which is in place at the time of the filing of the action. This shall include the change of beneficiary for life insurance policies.

-7-

Each party shall complete, file and serve a **Domestic Relations Financial Affidavit (DRFA)** as required by Uniform Superior Court Rule 24.2. Failure of any party to furnish the affidavit as directed in Uniform Superior Court Rule 24.2 may subject the offending party to the penalties of contempt. A copy of the DRFA is attached hereto, as Exhibit "A".

In all actions involving child custody and/or modifications of child support, the Plaintiff shall be required to file and serve upon the Defendant a completed **Child Support Worksheet** and any applicable Schedules as required by Uniform Superior Court Rule 24.2. Said Worksheet and Schedules shall be completed in substantial form to the best of the Plaintiff's knowledge and belief. The Worksheet and Schedules are available at [www.georgiacourts.org/csc](http://www.georgiacourts.org/csc). The Defendant shall file his or her Worksheet and Schedules as required by Uniform Superior Court Rule 24.2. Failure to timely furnish the Worksheet and Schedules may subject the offending party to the penalties of contempt. All Final Judgments and Agreements furnished to the Court for approval and/or entry must comply with the drafting mandates of O.C.G.A. § 19-5-12 and 19-6-15. Pursuant to O.C.G.A. § 19-6-31, 32, and 33, the recipient of child support has the express right, without notice to the other party, at the time any child support order is entered or at any time thereafter to submit a separate Income Deduction Order for Award of Child Support to the Court for immediate entry.

This Order shall apply to all domestic relations cases filed in the Northeastern Judicial Circuit and shall be the standing order until further order or action by the judges of this Court. It is ordered that all parties shall be subject to and comply with this Order in its entirety. The terms and conditions hereof may be modified or amended by subsequent order of any judge of this Court or any judge sitting in the Court in any individual case.

**All parties are put on notice that they are to read and comply with Uniform Superior Court Rule 24.2, which is attached hereto and incorporated herein by reference as Exhibit "B". Failure to comply with Uniform Superior Court Rule 24.2 could result in the Court imposing sanctions.**

#### PARENTING SEMINAR

All parties with minor children shall successfully complete one of the approved co-parenting seminars when involved in any of the following cases; all divorce cases, all change of custody or visitation cases in which there is no written agreement at time of filing; all legitimation cases; and any other domestic relations cases as may be otherwise ordered by the court. The Plaintiff shall successfully complete the seminar within 31 days following the filing of the Complaint and the Defendant shall successfully complete the seminar within 31 days of the date of service of the Complaint on the Defendant. Information on approved seminars, dates, locations, and possible fee waivers for indigent parties is available in the office of the Clerk of the Superior Court, the Family Law Information Center, and online at [http://www.hallcounty.org/judicial/jud\\_superiorcourt.asp](http://www.hallcounty.org/judicial/jud_superiorcourt.asp).

Parties must attend the entire seminar in order to receive credit for attendance. Upon successful completion of the seminar, the parties will be awarded a certificate of attendance to present to the judge at the time of their court appearance. Each party is also required to file with the Clerk of Superior Court written verification of his or her completion of the parenting seminar.

A deputy of the Sheriffs Department in the county in which the seminar is held will provide security at each seminar immediately prior to, during and immediately after each session.

A service of equal value may be substituted for these Seminars if written verification satisfactory to the court is provided to the court by the service provider verifying attendance and the issues addressed through professional or pastoral counseling, or other similar educational program. Parties may substitute any four (4) hour Superior Court approved parenting seminar in the State of Georgia. A certificate of attendance is valid for three (3) years.

For good cause shown, the assigned judge may excuse a party from completing the Seminar in individual cases. Requests for excusals stating the reasons must be in writing, filed with a copy delivered to the judge's office *within 10 days* of the filing of the complaint in the case, or within 10 days of the date of service of the complaint on the defendant, whichever is later. Upon failure to complete the seminar as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt.

**MEDIATION**

All parties in contested domestic relations cases are Ordered to participate in mediation prior to the Final Hearing. Furthermore, the parties shall attend and complete mediation within ninety (90) days of service of the Complaint by the Plaintiff upon the Defendant. This requirement does not apply to cases filed under the Family Violence Act, O.C.G.A. § 19-13-1 et seq. Waivers for mediation may be granted in the court's discretion, particularly for a Plaintiff seeking child support or alimony in a Motion for Contempt. Forms are available in the Family Law Center (FLIC) or online. Mediation services may be obtained through the Ninth Judicial Administrative District Office of Dispute Resolution located at 501 Candler Street, Gainesville, GA 30501 (770) 535-6909.

If any party is represented by counsel but chooses to not have their counsel present or available via telephone during the mediation, then any agreement reached on any issue, shall be binding upon the parties. If a party does not have an attorney of record as of the date of mediation, then they shall have ten (10) days from the date of mediation to review the agreement with an attorney of their choice. After ten (10) days, the parties shall be bound by the agreement unless written notice has been sent to the opposing counsel or the opposing party within said time period. In the event the parties attend mediation with their attorneys, then the mediation agreement shall be binding at the time an agreement is reached. Upon failure to attend mediation as ordered, the assigned judge may take appropriate action, including holding the non-complying party in contempt. This Standing Order shall control over any inconsistent Office of Dispute Resolution instructions.

Prior to the final hearing and as soon as possible after the completion of mediation, the parties, through counsel if represented, shall certify to the court in writing that the parties have complied with the mediation requirement of this order.

**PARENTING PLAN**

Effective January 1, 2008, except when a parent seeks emergency relief for Family Violence, pursuant to O.C.G.A. § 19-13-3 or 19-13-4, in all cases in which custody of a child is at issue between the parents, the parents are required to prepare a parenting plan and submit it to the Judge and the other side prior to commencement of any hearing involving the children. All parties are put on notice that they are Ordered to read and comply with O.C.G.A. § 19-9-1 et seq. At a minimum, the parenting plan shall include the items attached hereto and incorporated herein by reference as Exhibit "C".

**CONFLICTS**

Attorneys shall attend calendars and be on time. If an attorney has a conflict, the attorney shall notify both the Court and the opposing counsel in accordance with Uniform Superior Court Rule 17.1. Upon completion of the case, calendar call, or hearing creating the conflict, the attorney shall immediately report by telephone to the Court and opposing counsel and shall then report in person to the Court, unless otherwise specifically instructed by the Court. Failure to advise of a conflict or to report as required by this Rule may result in an assessment of attorney's fees against the attorney failing to give notice or report, and may also result in a finding of contempt.

**HEARINGS**

- A. Attorneys shall advise the Court if they anticipate any domestic hearing will take more than three (3) hours to try. Such cases may be specially set for hearing.
- B. **Temporary Hearings:**
  - (1) **Scheduling:** Each judge will set temporary hearings in domestic relations cases by Rule Nisi pursuant to judicial assignment.
    - (a) **Financial Affidavits:** Uniform Superior Court Rule 24.2 requires the timely filing and service of Domestic Relations Financial Affidavits. Failure to comply with this Rule may result in the continuance of temporary hearings and sanctions being imposed upon the offending party.

(2) Other Affidavits: All Affidavits shall be served in compliance with Uniform Superior Court Rule 24.2. "Twenty-four hours" means 24 hours before the temporary hearing is scheduled to begin pursuant to the Rule Nisi.

(3) Service: "Service of Affidavits" means by legally recognized service methods (facsimile or e-mail are not legally recognized).

C. Temporary Hearings in Modification Cases: If a party requests a temporary hearing in a modification case (i.e. custody, child support, alimony, etc.) then he or she shall set forth the request in a separate Motion for Temporary Hearing and shall include specific grounds which justify consideration of a temporary change in compliance with the appropriate Code section.

D. Pretrial Hearings: In this Circuit, the Court may schedule pretrial hearings at which the attorneys and/or the parties shall appear as directed by the judge. The parties may also request a pretrial hearing.

E. Final Hearings:

(1) Each Tuesday from 8:30 a.m. to 9:30 a.m. uncontested final hearings shall be heard by a judge designated to preside over the matters. No Rule Nisi is necessary. An "uncontested final hearing" is one where service is properly made, at least forty-six (46) days have passed from the date of service or filing date of the acknowledgment of Service, and all parties have signed, with notarized signatures, a written Agreement settling each and every issue pending in the case, leaving no issues for the Court to rule upon. An uncontested final hearing may occur thirty-one days after service or filing of an Acknowledgment of Service if both parties have consented to the hearing in writing. The Court may allow, in its discretion, an uncontested final divorce to be taken upon motion and affidavit in the form attached hereto if there are no minor children and the wife is not pregnant.

F. Dawson County Cases: Venue of the actual hearing for temporary, pretrial, and final hearings in all Dawson County cases shall be determined by Rule Nisi completed by the Court. This Standing Order shall apply to Dawson County cases.

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#### ORDERS

A. Income Deduction Orders: All final child support Orders must be in conformity with O.C.G.A. § 19-5-12. Also, an Income Deduction Order shall be required in every case involving the payment of child support unless the Order includes findings that it is in the best interests of the children not to require an Income Deduction Order. All Income Deduction Orders shall comply with O.C.G.A. § 19-6-33.1 (Family Registry).

B. Preparation of Order: When any Order is submitted to the Court, it should be signed by the attorney who prepared the Order and opposing counsel. The attorney preparing the Order, as directed by the Court, shall submit the Order to opposing counsel within ten (10) business days of the hearing, as measured by the postmark date. The receiving attorney shall review and respond to the Order within ten (10) business days of the postmark date or shall make a reasonable response to the proposed Order within said time (i.e. the responding attorney has requested a transcript of the ruling and has not received it; the responding attorney is on vacation; etc.). If the responding attorney does not respond within ten business days, then the Order prepared by the preparing attorney shall be submitted to the Court with a copy of the letter written to opposing counsel indicating that opposing counsel has had ten business days to review the Order. If the preparing attorney does not prepare the Order within the required time, the receiving party may prepare the Order under the same guidelines, after making a good faith attempt to make telephone or other contact with the other attorney.

C. Rulings: All Judges shall make every effort to issue rulings within thirty days of the close of the evidence or within thirty days of receipt of any written briefs, whichever is later.

D. Divorce by Verified Petition and Affidavit: In cases where there are no minor children as a result of the marriage and where wife is not pregnant, if the parties reach a settlement of all issues arising from the divorce action, parties who are represented by counsel may have their counsel submit to the Judge, upon expiration of the requisite statutory waiting



period, an Affidavit and a Checklist in the form attached to this Order, , a copy of the Settlement Agreement executed by both parties, an Agreement to Try at first term, if applicable, and a proposed Final Judgment and Decree of Divorce. The Judge, after review of the documents and the file, may, in these limited circumstances, grant the divorce on the pleadings. A photocopy of the Northeastern Judicial Circuit Checklist For Divorce By Verification And Affidavit is attached hereto, marked "# 1 " and incorporated herein by reference thereto.

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#### VISITING JUDGES

If a case is set down for a final hearing and the local Judge to whom the case is assigned is not presiding over the final hearing, either attorney may request that the case be continued to a calendar when the assigned Judge will be presiding. Such a request should be made as soon as possible with notice to the opposing party. The Judges will endeavor to notify the attorneys of record when they will not be presiding over their final hearing days.

The parties shall not have an option of requesting that their case be removed from any temporary or pretrial calendar because a Visiting Judge is presiding. The term "Visiting Judge" shall mean any Judge other than the four elected or appointed Superior Court Judges of this circuit.

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#### APPOINTMENT OF GUARDIAN AD LITEM

On its own motion, the Court may appoint a Guardian Ad Litem, or a party may make a motion for the appointment of a Guardian Ad Litem. All requests for appointment of a Guardian Ad Litem shall be in accordance with Superior Court Uniform Rules.

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#### JURY DEMAND

In the event either party files a Demand for Jury Trial, then the parties and their attorneys shall prepare a formal Pretrial Order and may attend a pretrial conference to review said Order. The case shall be placed on the next available jury trial calendar. Attorneys and parties should be aware that domestic cases may be placed to the front of trial calendars to expedite trial. Once a Demand for Jury Trial is filed, the Demand may not be withdrawn except by written consent of both parties and approval of the Court.

In the event either party files a Demand For Jury Trial, the parties shall not have an option of requesting that their case be removed from any temporary, pretrial calendar or jury trial calendar because a Visiting Judge is presiding.. In domestic cases in which a Demand For Jury Trial is filed by one of the parties, counsel for both parties will not be allowed to request that the elected or appointed judge preside over the jury trial. A visiting judge may preside at such jury trial

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#### ASSIGNMENT OF JUDGES

In modification actions and contempt actions concerning a Divorce Decree, the assignment of such case shall be made, on the basis of the Plaintiff/Movant's name as it existed at the time of the divorce or other original action and not on the name as it exists at the time of filing the modification action. For example, if the wife has remarried since the entry of the Divorce Decree, and her current name begins with "C" but her last name at the time of the Divorce Decree began with a "B," then the modification action shall be assigned to the Judge handling the "B" cases. The caption of the modification action should reflect the name of the party at the time of the original filing (i.e. Jane Carter a/k/a Jane Brown). The modification action will go back to the Judge to whom the original proceeding was assigned who may not necessarily be the Judge who actually signed the Final Order (i.e. if the Final Order was signed by a presiding Judge on a Duty Day or the Judge to whom the case was originally assigned is no longer handling the cases with last names beginning in that letter). In that event, the case would still go back to the Judge that it was originally assigned to even if that Judge did not sign the original Order. Contempts of Temporary Orders will go to the Judge to whom the case is assigned and these will not be heard on a duty day. For Modifications of Temporary Orders, the Judge who heard the temporary hearing will hear the Modification of Temporary Order and these matters will not be heard on duty days.

ETHICS

All attorneys practicing in this Circuit shall follow and comply with the following aspirations:

As to clients, I will aspire:

- A. To expeditious and economical achievement of all client objectives.
- B. To fully informed client decision-making. As a professional, I should:
  - (1) Counsel clients about all forms of dispute resolution;
  - (2) Counsel clients about the value of cooperation as a means towards the productive resolution of disputes;
  - (3) Maintain the sympathetic detachment that permits objective and independent advice to clients;
  - (4) Communicate promptly and clearly with clients; and
  - (5) Reach clear agreements with clients concerning the nature of the representation.

As to opposing parties and their counsel I will aspire:

- A. To cooperate with opposing counsel in a manner consistent with the competent representation of all parties. As a professional, I should:
  - (1) Notify opposing counsel in a timely fashion of any canceled appearance;
  - (2) Grant reasonable requests for extensions or scheduling changes; and
  - (3) Consult with opposing counsel in the scheduling of appearances, meetings and depositions.
- B. To treat opposing counsel in a manner consistent with his or her professional obligations and consistent with the dignity of the search for justice. As a professional, I should:
  - (1) Not serve motions or pleadings in such a manner or at such a time as to preclude opportunity for a competent response;
  - (2) Be courteous and civil in all communications;
  - (3) Respond promptly to all requests by opposing counsel;
  - (4) Avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations;
  - (5) Prepare documents that accurately reflect the agreement of all parties; and
  - (6) Clearly identify all changes made in documents submitted by opposing counsel for review.

As to the Courts, other tribunals, and to those who assist them, I will aspire:

- A. To represent my clients in a manner consistent with the proper functioning of a fair, efficient, and humane system of justice. As a professional, I should:
  - (1) Avoid non-essential litigation and non-essential pleading in litigation;
  - (2) Explore the possibilities of settlement of all litigated matters;
  - (3) Seek non-coerced agreement between the parties on procedural and discovery matters;
  - (4) Avoid all delays not dictated by a competent presentation of a client's claims;
  - (5) Prevent misuses of court time by verifying the availability of key participants for scheduled appearances before the court and by being punctual; and
  - (6) Advise clients about the obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those who use our systems of justice.
- B. To model for others the respect due to our courts. As a professional, I should:

- (1) Act with complete honesty;
- (2) Know court rules and procedures;
- (3) Give appropriate deference to court rulings;
- (4) Avoid undue familiarity with members of the judiciary;
- (5) Avoid unfounded, unsubstantiated, or unjustified public criticism of members of the judiciary;
- (6) Show respect by attire and demeanor;
- (7) Assist the judiciary in determining the applicable law; and
- (8) Seek to understand the judiciary's obligation of informed and impartial decision-making.

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#### LOCAL PRACTICES IN ADOPTION CASES

##### A. Filing with the Clerk of Court:

- (1) Pursuant to O.C.G.A. § 19-8-14(b), the Clerk of Court shall accept a Petition for Adoption for filing if the proper filing fee is tendered with the Petition. As a courtesy to attorneys, at the attorney's request, the law clerk for the Judge to whom the case is assigned will review a Petition prior to its being filed with the Clerk, and will get back to the attorney within forty-eight (48) hours to discuss any necessary amendments or supplements to the Petition.
- (2) If the Petition is filed with the Clerk before it is reviewed by the Judge's law clerk, the Clerk of Court will forward a copy of the Petition and all attachments thereto to the Judge's office immediately. Upon prompt review of the Petition and attachments, the Judge's office will supply the Clerk of Court with a Rule Nisi within fifteen (15) days of the Petition's filing date, to ensure that the Clerk has sufficient time to forward a copy of the Petition, attachments and Rule Nisi to the Department of Human Resources as required by O.C.G.A. §19-8-14(g).

- B. Hearing Date: Pursuant to O.C.G.A. § 19-8-14, unless the Petitioner files a written request for an expedited final hearing, the Judge's office will schedule the final hearing on a date no less than forty-five (45) and no more than one hundred twenty (120) days from the date the Petition is filed with the Clerk of Court. The hearing will be held within that time period unless the Petitioner has failed to arrange for the Court to receive the report required by O.C.G.A. § 19-8-16, or has otherwise failed to provide the Court with all exhibits, surrenders, or certificates required by Title 19, Chapter 8 within that time period.

##### C. Review of Petition (After Filing):

- (1) Timely Review: Once the Clerk of Court has delivered a copy of the Petition and attachments to the Judge's office, the law clerk will promptly review the Petition for statutory compliance.

- Please note that in cases where there is no legal father of the child and the biological father has signed surrender, it is the better practice to provide the Court with a certificate from the Putative Father Registry.

- (2) Problems with Statutory Compliance:

- a. If there are issues with statutory compliance and they are not significant, the Judge's law clerk will send a letter to the attorney for the Petitioner with helpful information.
- b. If the problems are significant, the Judge may send out a letter informing the attorney for the Petitioner that the Court is appointing a special master, whose fees shall be paid by the Petitioner's attorney, to address the problems with the Petition. A copy of the order appointing a special master will be sent to the Petitioner(s).

- D. Investigations: If an investigation is ordered, the Judge's office will provide a copy of the report to the Petitioner's attorney

prior to the hearing in accordance with O.C.G.A. §19-8-16(a).

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**DOMESTIC RELATIONS CASE INITIATION FORMS**

In accordance with the Method of Case Assignment Order of the Superior Court for the Northeastern Judicial Circuit, O.C.G.A. §§ 9-11-3 and 9-11-133 and Rule 39.2.1 of the Uniform Rules of the Superior Court of Georgia, the Clerks of the Superior Court of Dawson and Hall Counties shall require the plaintiffs or petitioners in domestic relations cases to complete and file the appropriate Domestic Relations Case Filing Information Forms. Failure of a plaintiff or petitioner to abide by this requirement could result in the case of the plaintiff or petitioner being dismissed. For the purposes of this paragraph, the appropriate Domestic Relations Case Filing Information Form must be completed and filed in the following domestic relations case types:

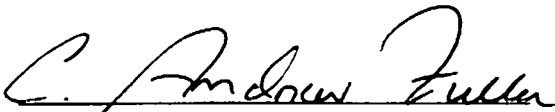
- Divorce (includes annulment) Separate Maintenance Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action Domestication of Foreign Custody Decree
- Family Violence Act Petition Modification:
  - Custody and/or Visitation
  - Child Support and/or Alimony Contempt
  - Custody and/or Visitation
  - Child Support and/or Alimony

Photocopies of the required Domestic Relations Case Filing Information Form and Domestic Relations Case Final Disposition Information Form are attached hereto, marked "# 2 and #3", and are incorporated herein by reference thereto.

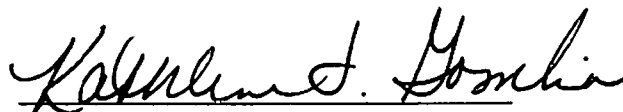
All parties are ordered to read and comply with this Standing Order for Domestic Relations Cases.

Plaintiff shall be responsible for serving the Defendant with a copy of this Order and filing proof of the service with the Clerk of Superior Court.

IT IS SO ORDERED this 31 day of December, 2010.



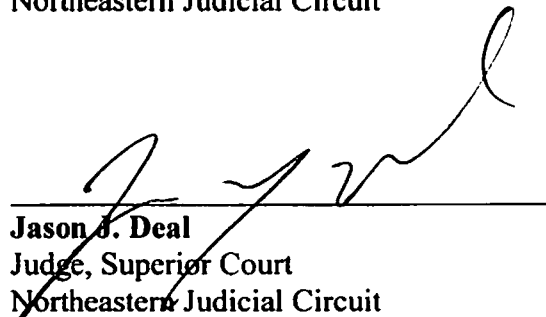
**C. Andrew Fuller**  
Chief Judge, Superior Court  
Northeastern Judicial Circuit



**Kathlene F. Gosselin**  
Judge, Superior Court  
Northeastern Judicial Circuit



**Bonnie C. Oliver**  
Judge, Superior Court  
Northeastern Judicial Circuit



**Jason J. Deal**  
Judge, Superior Court  
Northeastern Judicial Circuit

**NORTHEASTERN JUDICIAL CIRCUIT**  
**Hall and Dawson Counties**

**Standing Order**  
**For Domestic Relations Cases**

**EXHIBITS**

- A. Domestic Relations Financial Affidavit
- B. Uniform Superior Court Rule 24.2
- C. Parenting Plan

In the Superior Court of \_\_\_\_\_ County, Georgia

_____ , Petitioner	)	
	)	
vs.	)	Civil Action No. _____
	)	
_____ , Respondent	)	
	)	

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT**

1. AFFIANT'S NAME: \_\_\_\_\_ Age \_\_\_\_\_

Spouse's Name: \_\_\_\_\_ Age \_\_\_\_\_

Date of Marriage: \_\_\_\_\_ Date of Separation \_\_\_\_\_

Names and birth dates of children for whom support is to be determined in this action:

Name	Date of Birth	Resides with
_____		
_____		
_____		

Names and birth dates of affiant's other children:

Name	Date of Birth	Resides with
_____		
_____		
_____		

2. SUMMARY OF AFFIANT'S INCOME AND NEEDS

(a) Gross monthly income (from item 3A)	\$ _____
(b) Net monthly income (from item 3C)	\$ _____
(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____
Total monthly expenses and payments to creditors (item 5C)	_____

3. A. AFFIANT'S GROSS MONTHLY INCOME (Complete this section or attach Child Support Schedule A.) (All income must be entered based on monthly average regardless of date of receipt.)

Salary or 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 \$ \_\_\_\_\_

Workers' Compensation Benefits \$ \_\_\_\_\_

Unemployment Benefits \$ \_\_\_\_\_

Judgments from Personal Injury or Other Civil Cases \$ \_\_\_\_\_

Gifts (cash or other gifts that can be converted to cash) \$ \_\_\_\_\_

Prizes/Lottery Winnings \$ \_\_\_\_\_

Alimony and maintenance from persons not in this case \$ \_\_\_\_\_

Assets which are used for support of family \$ \_\_\_\_\_

Fringe Benefits (if significantly reduce living expenses) \$ \_\_\_\_\_

Any other income (do NOT include means-tested  
Public assistance, such as TANF or food stamps) \$ \_\_\_\_\_

**GROSS MONTHLY INCOME (total)** **\$ \_\_\_\_\_**

A. AFFIANT'S NET MONTHLY INCOME from employment  
(deducting only state and federal taxes and FICA) \$ \_\_\_\_\_

Affiant's pay period (i.e., weekly, bi-weekly, monthly, etc.) \_\_\_\_\_

Number of exemptions claimed \_\_\_\_\_

#### 4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	Basis of the Claim
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
Retirement Pensions, 401K, IRA, or Profit Sharing	\$ _____	_____	_____	_____
Money owed you:	\$ _____	_____	_____	_____
Tax Refund owed you:	\$ _____	_____	_____	_____
Real Estate:				
home:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
other:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Automobiles/Vehicles:				
Vehicle 1:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Vehicle 2:	\$ _____	_____	_____	_____
debt owed:	\$ _____	_____	_____	_____
Life Insurance (net cash value):	\$ _____	_____	_____	_____
Furniture/furnishings:	\$ _____	_____	_____	_____

Exhibit "A"



Jewelry:	\$ _____	_____	_____	_____
Collectibles:	\$ _____	_____	_____	_____
Other Assets:	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<b>Total Assets:</b>	\$ _____	_____	_____	_____

**5. A. AVERAGE MONTHLY EXPENSES**

**HOUSEHOLD**

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

**CHILDREN'S EXPENSES**

Child care (total monthly cost)	\$ _____
School tuition	\$ _____
Tutoring	\$ _____
Private lessons (e.g., music, dance)	\$ _____

**AFFIANT'S OTHER EXPENSES**

Dry cleaning/laundry	\$ _____
Clothing	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____

		Affiant's gifts (special holidays)	\$ _____
School supplies/expenses	\$ _____	Entertainment	\$ _____
Lunch Money	\$ _____	Recreational Expenses (e.g., fitness)	\$ _____
Other Educational Expenses (list)		Vacations	\$ _____
_____	\$ _____	Travel Expenses for Visitation	\$ _____
_____	\$ _____	Publications	\$ _____
Allowance	\$ _____	Dues, clubs	\$ _____
Clothing	\$ _____	Religious and charities	\$ _____
Diapers	\$ _____	Pet expenses	\$ _____
Medical, dental, prescription (out of pocket/uncovered expenses)	\$ _____	Alimony paid to former spouse	\$ _____
Grooming, hygiene	\$ _____	Child support paid for other children	\$ _____
Gifts from children to others	\$ _____	Date of initial order: _____	
Entertainment	\$ _____	Other (attach sheet)	\$ _____
Activities (including extra-curricular, school, religious, cultural, etc.)	\$ _____		
Summer Camps	\$ _____		
<b>OTHER INSURANCE</b>			
Health	\$ _____		
Child(ren)'s portion:		\$ _____	
Dental	\$ _____		
Child(ren)'s portion:		\$ _____	
Vision	\$ _____		
Child(ren)'s portion:		\$ _____	
Life	\$ _____		
Relationship of Beneficiary:		_____	
Disability	\$ _____		
Other(specify):	\$ _____		
<b>TOTAL ABOVE EXPENSES</b>			\$ _____

**B. PAYMENTS TO CREDITORS**

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

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

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

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

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

\_\_\_\_\_  
Affiant

## **24.2. Financial data required; scheduling and notice of temporary hearing.**

Except as noted below, at least fifteen (15) days before any temporary or final hearing in any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, the party requesting such hearing shall file with the Clerk of Court and serve upon the opposing party the affidavit specifying his or her financial circumstances in the form set forth herein. In cases involving child support, the worksheet and schedules required by O.C.G.A. § 19-6-15 and only as promulgated by the Georgia Child Support Commission, shall be completed insofar as possible and filed with the clerk and shall be served upon the opposing party contemporaneously with the filing of the affidavit required above. In emergency actions, the affidavit, worksheet and schedules may be filed and served on or before the date of the hearing or at such other time as the Court orders.

In cases filed with complete separation agreements or consent orders resolving all issues but the issue of divorce, the parties are not required to file financial affidavits, unless otherwise ordered by the Court. In cases involving child support the parties must attach to the proposed final judgment a completed worksheet and any applicable schedules. In addition, the separation agreement must include the parties' gross and adjusted incomes.

The Office of Child Support Services is exempt from filing financial affidavits.

Notice of the date of any temporary hearing shall be served upon the adverse party at least 15 days before the date of the hearing, unless otherwise ordered by the Court.

Within five (5) days of service of the affidavit and worksheet and schedules (where applicable) unless the court shortens or enlarges the time, the opposing party shall file with the clerk and serve upon the other party the affidavit specifying his or her financial circumstances in the form set forth herein and the worksheet and schedules, completed insofar as possible.

The parties shall file with the clerk and serve upon each other the affidavit and worksheet and schedules (where applicable) at least ten (10) days prior to any court-ordered mediation or other alternative dispute resolution proceeding.

In any case in which a party has previously filed and served the affidavit, worksheet and schedules and thereafter amends the affidavit or worksheet and schedules, any such amendments shall be served upon the opposing party at least 10 days prior to final hearing or trial and shall be filed with the Clerk of Court at or before trial.

On the request of either party, and upon good cause shown to the Court, the affidavits, worksheets, schedules, and any other financial information may be sealed, upon order of the Court.

No social security numbers or account numbers shall be included in any document filed with the Court pursuant to this rule. Each account shall be specified by financial institution and a partial account number. No party shall be required to include full account numbers.

Failure of any party to furnish the above financial information, in the discretion of the Court, may subject the offending party to the penalties of contempt and may result in continuance of the hearing until such time as the required financial information is furnished or such other sanctions or remedies deemed appropriate in the Court's discretion.

Notwithstanding the time limits contained in this rule, the Court may decide a matter without strict adherence to a time limitation, if the financial information was known or reasonably available to the other party, or if a continuance would result in a manifest injustice to a party.

The affidavit shall be under oath and in substantially the following form (EXHIBIT A):

Exhibit "B"

**Rule 24.10. Parenting Plans**

In all cases involving permanent custody or custody modification (except when a parent seeks emergency relief for family violence), each parent shall prepare and submit a parenting plan, or the parties may jointly submit a parenting plan, as directed by the judge.

The parenting plan should be tailored to fit the needs of each individual family but must at a minimum contain the information required by OCGA section 19-9-1 (b) and be presented in substantially the following form:

**[FORM FOLLOWS]**

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

	)	
	)	
Plaintiff,	)	Civil Action
	)	
vs.	)	Case Number _____
	)	
	)	
Defendant.	)	

**PARENTING PLAN**

( ) The parties have agreed to the terms of this plan and this information has been furnished by both parties to meet the requirements of OCGA Section 19-9-1. The parties agree on the terms of the plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this order.

( ) This plan has been prepared by the judge.

This plan ( ) is a new plan.  
 ( ) modifies an existing Parenting Plan dated \_\_\_\_\_.  
 ( ) modifies an existing Order dated \_\_\_\_\_.

Child's Name	Date of Birth

**I. Custody and Decision Making:**

**A. Legal Custody shall be (choose one):**

- ( ) with the Mother
- ( ) with the Father
- ( ) Joint

**B. Primary Physical Custodian**

For each of the children named below the primary physical custodian shall be:

	d/o/b:	( ) Mother	( ) Father	( ) Joint
	d/o/b:	( ) Mother	( ) Father	( ) Joint
	d/o/b:	( ) Mother	( ) Father	( ) Joint
	d/o/b:	( ) Mother	( ) Father	( ) Joint
	d/o/b:	( ) Mother	( ) Father	( ) Joint
	d/o/b:	( ) Mother	( ) Father	( ) Joint

WHERE JOINT PHYSICAL CUSTODY IS CHOSEN BY THE PARENTS OR ORDERED BY THE COURT, A DETAILED PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) SHALL BE ATTACHED AND MADE A PART OF THIS PARENTING PLAN.

**C. Day-To-Day Decisions**

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with that parent, including any emergency decisions affecting the health or safety of a child.

**D. Major Decisions**

Major decisions regarding each child shall be made as follows:

Educational decisions	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
Non-emergency health care	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
Religious upbringing	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
Extracurricular activities	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
_____	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
_____	<input type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint

**E. Disagreements**

Where parents have elected joint decision making in Section I.D above, please explain how any disagreements in decision-making will be resolved.

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**II. Parenting Time/Visitation Schedules**

**A. Parenting Time/Visitation**

During the term of this parenting plan the non-custodial parent shall have at a minimum the following rights of parenting time/ visitation (choose an item):

- The weekend of the first and third Friday of each month.
- The weekend of the first, third, and fifth Friday of each month.
- The weekend of the second and fourth Friday of each month.
- Every other weekend starting on \_\_\_\_\_.
- Each \_\_\_\_\_ starting at \_\_\_\_\_ a.m./p.m. and ending \_\_\_\_\_ a.m./p.m.
- Other: \_\_\_\_\_
- and weekday parenting time/ visitation on (choose an item):
  - None
  - Every Wednesday Evening
  - Every other Wednesday during the week prior to a non-visitation weekend.
  - Every \_\_\_\_\_ and \_\_\_\_\_ evening.

( ) Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

For purposes of this parenting plan, a weekend will start at \_\_\_\_\_ a.m./p.m. on [Thursday / Friday / Saturday / Other: \_\_\_\_\_ ] and end at \_\_\_\_\_ a.m./p.m. on [Sunday / Monday / Other: \_\_\_\_\_ ].

Weekday visitation will begin at \_\_\_\_\_ a.m./p.m. and will end [\_\_p.m. / when the child(ren) return(s) to school or day care the next morning / Other:\_\_\_\_\_ ].

This parenting schedule begins:

( ) \_\_\_\_\_ OR ( ) date of the Court's Order  
(day and time)

### B. Major Holidays and Vacation Periods

#### Thanksgiving

The day to day schedule shall apply unless other arrangements are set forth: \_

\_\_\_\_\_ beginning \_\_\_\_\_.

#### Winter Vacation

The ( ) mother ( ) father shall have the child(ren) for the first period from the day and time school is dismissed until December \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in ( ) odd numbered years ( ) even numbered years ( ) every year. The other parent will have the child(ren) for the second period from the day and time indicated above until 6:00 p.m. on the evening before school resumes. Unless otherwise indicated, the parties shall alternate the first and second periods each year.

Other agreement of the parents:

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

#### Summer Vacation

Define summer vacation period:

\_\_\_\_\_

The day to day schedule shall apply unless other arrangements are set forth:

\_\_\_\_\_ beginning \_\_\_\_\_.

#### Spring Vacation (if applicable)

Define: \_\_\_\_\_

The day to day schedule shall apply unless other arrangements are set forth:

\_\_\_\_\_



\_\_\_\_\_ beginning \_\_\_\_\_.

**Fall Vacation (if applicable)**

Define: \_\_\_\_\_

The day to day schedule shall apply unless other arrangements are set forth:

\_\_\_\_\_  
\_\_\_\_\_ beginning \_\_\_\_\_.

**C. Other Holiday Schedule (if applicable)**

*Indicate if child(ren) will be with the parent in ODD or EVEN numbered years or indicate EVERY year:*

	MOTHER	FATHER
Martin Luther King Day	_____	_____
Presidents' Day	_____	_____
Mother's Day	_____	_____
Memorial Day	_____	_____
Father's Day	_____	_____
July Fourth	_____	_____
Labor Day	_____	_____
Halloween	_____	_____
Child(ren)'s Birthday(s)	_____	_____
Mother's Birthday	_____	_____
Father's Birthday	_____	_____
Religious Holidays:	_____	_____
_____		
_____		
_____		
Other: _____	_____	_____
	_____	_____
	_____	_____
Other: _____	_____	_____
Other: _____	_____	_____
	_____	_____

**D. Other extended periods of time during school, etc. (refer to the school schedule)**

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

**E. Start and end dates for holiday visitation**

For the purposes of this parenting plan, the holiday will start and end as follows (choose one):

- Holidays that fall on Friday will include the following Saturday and Sunday
- Holidays that fall on Monday will include the preceding Saturday and Sunday
- Other: \_\_\_\_\_

**F. Coordination of Parenting Schedules**

Check if applicable:

The holiday parenting time/visitation schedule takes precedence over the regular parenting time/visitation schedule.

When the child(ren) is/are with a parent for an extended parenting time/visitation period (such as summer), the other parent shall be entitled to visit with the child(ren) during the extended period, as follows:

\_\_\_\_\_

\_\_\_\_\_

**G. Transportation Arrangements**

For visitation, the place of meeting for the exchange of the child(ren) shall be:

\_\_\_\_\_

\_\_\_\_\_

The \_\_\_\_\_ will be responsible for transportation of the child at the beginning of visitation.

The \_\_\_\_\_ will be responsible for transportation of the child at the conclusion of visitation.

Transportation costs, if any, will be allocated as follows:

\_\_\_\_\_

\_\_\_\_\_

Other provisions: \_\_\_\_\_

**H. Contacting the child**

When the child or children are in the physical custody of one parent, the other parent will have the right to contact the child or children as follows:\_\_\_\_\_

Telephone

Other: \_\_\_\_\_

Limitations on contact:

\_\_\_\_\_

**I. Supervision of Parenting Time (if applicable)**

Check here if Applicable

Supervised parenting time shall apply during the day-to-day schedule as follows:

Place: \_\_\_\_\_

Person/Organization supervising: \_\_\_\_\_

Responsibility for cost:

mother       father       both equally

**J. Communication Provisions**

Please check:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number. A parent changing residence must give at least 30 days notice of the change and provide the full address of the new residence.

Due to prior acts of family violence, the address of the child(ren) and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation.

**III. Access to Records and Information**

**Rights of the Parents**

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child(ren)'s records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

Limitations on access rights:

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

Other Information Sharing Provisions:

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

**IV. Modification of Plan or Disagreements**

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order. Custody shall only be modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between them.

**V. Special Considerations**

Please attach an addendum detailing any special circumstances of which the Court should be  
Exhibit "C"

aware (e.g., health issues, educational issues, etc.)

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**VI. Parents' Consent**

Please review the following and initial:

1. We recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest.

Mother's Initials: \_\_\_\_\_ Father's Initials: \_\_\_\_\_

2. We recognize that our child's needs will change and grow as the child matures; we have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan are minimized.

Mother's Initials: \_\_\_\_\_ Father's Initials: \_\_\_\_\_

3. We recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child is residing with such parent.

Mother's Initials: \_\_\_\_\_ Father's Initials: \_\_\_\_\_

( ) We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

\_\_\_\_\_  
Father's Signature

\_\_\_\_\_  
Mother's Signature

**ORDER**

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court.

This Order entered on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
COUNTY SUPERIOR COURT

**NORTHEASTERN JUDICIAL CIRCUIT**  
**Hall and Dawson Counties**

**Standing Order**  
**For Domestic Relations Cases**

**OTHER FORMS**

- D. Checklist for Divorce by Verified Petition & Affidavit**
- E. Domestic Relations Case Filing Information Form**
- F. Domestic Relations Case Final Disposition Information Form**

**IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTY**

**STATE OF GEORGIA**

\_\_\_\_\_, §  
**PLAINTIFF,** §  
 \_\_\_\_\_  
**CIVIL ACTION FILE NUMBER:**  
 \_\_\_\_\_

**VS.** §

\_\_\_\_\_, §  
**DEFENDANT.**

**NORTHEASTERN JUDICIAL CIRCUIT CHECKLIST FOR  
DIVORCE BY VERIFIED PETITION AND AFFIDAVIT**

- \_\_\_\_\_ The parties have reached a written settlement agreement which has been filed with the Court.
- \_\_\_\_\_ If there has been a demand for jury trial, the demand for jury trial has been withdrawn.
- \_\_\_\_\_ An affidavit of petitioner or the respondent on counterclaim which properly sets out matters regarding jurisdiction, venue, and grounds for divorce. This affidavit must contain a statement that the petitioner/respondent is not currently pregnant.
- \_\_\_\_\_ An Agreement To Try at first term is included, if applicable. If not applicable, place N/A in the place to be checked.
- \_\_\_\_\_ As Attorney for the \_\_\_\_\_ (Plaintiff/Defendant), I state in my place that the above conditions for the granting of a Divorce By Affidavit has been complied with in full.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Address / Phone)

\_\_\_\_\_  
Attorney's Name  
Bar Number \_\_\_\_\_  
Attorney For \_\_\_\_\_

**IN THE SUPERIOR COURT OF HALL AND DAWSON COUNTY**

**STATE OF GEORGIA**

_____	§	
<b>PLAINTIFF,</b>	§	<b>CIVIL ACTION FILE NUMBER:</b>
		_____
<b>VS.</b>	§	
_____	§	
<b>DEFENDANT.</b>		

**AFFIDAVIT**

Personally appeared before the undersigned officer, an officer duly authorized by law to administer oaths, who, after being duly sworn, on oath, states that the facts contained in the following Affidavit are true and correct.

1.

Affiant is the \_\_\_\_\_ in the above-styled case and this Affidavit is given in lieu of live testimony in Superior Court.

2.

The Affiant was a resident of the State of Georgia for more than six (6) months prior to filing the above complaint. At the time the petition was filed, the opposing party was a resident of \_\_\_\_\_ County, Georgia and was subject to the jurisdiction of this Court.

3.

The Affiant was legally married on \_\_\_\_\_, to the opposing party and they separated prior to the filing of the Complaint and are presently living in a bona fide state of separation.

4.

Affiant shows that \_\_\_\_\_ and \_\_\_\_\_ entered into an agreement as to the disposition of their property and other matters and this is satisfactory to \_\_\_\_\_ and \_\_\_\_\_ and they desire it to be incorporated into the Final Decree of Divorce.

5.

Affiant shows that she is not currently pregnant, and there are no minor children as a result of this marriage. (OR) Affiant shows that the opposing party is not pregnant, and there are no minor children as a result of this marriage.

6.

Affiant shows that \_\_\_\_\_ marriage is irretrievably broken as defined by Georgia Law and that there is no chance of reconciliation. Affiant further acknowledges and understands a final decree of divorce will be entered forthwith after the execution of this affidavit unless written notice is given to Affiant's attorney prior to the entry of the final decree.

**FURTHER AFFIANT SAYETH NOT.**

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(To be executed within five (5) days prior to submission to Court for final decree.)

By: \_\_\_\_\_  
Affiant's Name  
\_\_\_\_\_  
Plaintiff or Defendant

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

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

Presented by:  
\_\_\_\_\_  
Name of Attorney  
Georgia Bar Number: \_\_\_\_\_  
Attorney Address: \_\_\_\_\_  
\_\_\_\_\_  
Attorney Telephone: \_\_\_\_\_  
Attorney for: \_\_\_\_\_



# Domestic Relations Case Filing Information Form

**Superior Court**      **County** \_\_\_\_\_      **Date Filed** \_\_\_\_\_  
MM-DD-YYYY

**Docket #** \_\_\_\_\_

**Plaintiff(s)** \_\_\_\_\_      **Defendant(s)** \_\_\_\_\_

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

**Plaintiff/Petitioner's Attorney**       **Pro Se**

\_\_\_\_\_  
Last      First      Middle I.      Suffix

**Bar #** \_\_\_\_\_

**Check Case Type (one or more)**

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

**MODIFICATION**

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

**CONTEMPT**

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FAMILY VIOLENCE**

**Additional Information - Ex Parte Relief**

Did the initial pleading include a request for relief

1. From alleged family violence?     Yes     No
2. Was ex parte relief requested?     Yes     No
3. Was ex parte relief granted?       Yes     No

# Domestic Relations Case Final Disposition Information Form

Superior Court      County \_\_\_\_\_      Date Disposed \_\_\_\_\_  
MM-DD-YYYY  
 Docket # \_\_\_\_\_

Reporting Party \_\_\_\_\_  
Last      First      Middle I.      Suffix Prefix      Maiden      Title

Name of Plaintiff/Petitioner(s) \_\_\_\_\_      Name of Defendant/Respondent(s) \_\_\_\_\_  
Last      First      Middle I.      Suffix Prefix      Maiden      Last      First      Middle I.      Suffix Prefix      Maiden

Plaintiff/Petitioner's Attorney     Pro Se      Defendant/Respondent's Attorney     Pro Se  
Last      First      Middle I.      Suffix      Last      First      Middle I.      Suffix

Bar # \_\_\_\_\_      Bar # \_\_\_\_\_

**Type of Disposition** (Check all that apply)

1.  Dismissed Without Final Order
  - A.  Voluntary (by parties)
  - B.  Involuntary (by court)
2.  Pre-Trial Settlement
3.  Judgment on the Pleadings
4.  Summary Judgment
5.  Trial
  - A.  Bench Trial
  - B.  Jury Trial
    1.  Dismissal after jury selected
    2.  Settlement during trial
    3.  Judgment on Verdict
    4.  Directed Verdict or JNOV

**ADR**

1. Was mediation utilized?       Yes     No
2. If Yes, was it (check if applicable)
  - court annexed?
  - court mandated?
3. Binding Arbitration Agreement     Yes     No  
 If Yes, what matters were subject:
  - Child Custody
  - Visitation/Parenting Time
  - Parenting Plan

**Relief Granted** (Check all that apply)

1.  Ex Parte Relief
2.  Temporary Relief
3.  Final Relief
  - a.  Divorce/Annulment/Separate Maintenance
  - b.  Child Custody
    - Parenting Plan?       Yes     No
    - Custodial Arrangement?     Yes     No
    - If Yes, check one:
      - Joint Custody
      - Joint Legal Custody
      - Joint Physical Custody
      - Sole Custody to: \_\_\_\_\_
    - 14 year old parental selection?     Yes     No
  - c.  Visitation or Parenting Time
    - Approx. Parenting Time (days per year)
    - Mother \_\_\_\_\_ Father \_\_\_\_\_
    - Parenting Time Contested?     Yes     No
  - d.  Child Support
    - Forms attached?       Yes     No
  - e.  Legitimation/Paternity
  - f.  Alimony
  - g.  Contempt
  - h.  Equitable Division
  - i.  Protective Order
    - Person       Property
    - Finding of Family Violence?
  - j.  Adoption
  - k.  Attorneys Fees?  
 If Yes, enter amount: \_\_\_\_\_  
 to whom: \_\_\_\_\_
  - l.  Other (Specify) \_\_\_\_\_
4.  Dismissed prior to granting of relief.

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

\_\_\_\_\_,  
Petitioner,  
v.  
\_\_\_\_\_,  
Respondent.

§  
§  
§  
§ CIVIL ACTION  
§ FILE NO.: \_\_\_\_\_  
§  
§  
§  
§

CERTIFICATE OF SERVICE

This is to certify that I [ ] have served [ ] will immediately serve a copy of the **DOMESTIC RELATIONS ACTION STANDING ORDER** upon the Respondent in the following manner:

*(method of service)*

- \_\_\_ a) by placing a copy in the United States Postal Service, with postage prepaid, or
- \_\_\_ b) by hand delivering a copy
- \_\_\_ c) by having it personally served with the *Petition for Divorce*

*(to whom service is made)*

- \_\_\_ a) to the Respondent who is representing him/herself, or
- \_\_\_ b) to the attorney for the Respondent

whose name and address are listed below:

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

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

\_\_\_\_\_  
Petitioner, Pro Se (*signature*)  
Print name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
\_\_\_\_\_

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

**In re (Child(ren)):**

\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_, )  
**Petitioner,** )  
\_\_\_\_\_ )  
v. )  
\_\_\_\_\_ )

**CIVIL ACTION FILE  
NO. \_\_\_\_\_**

**Respondent.**

**ACKNOWLEDGMENT OF SERVICE**

I am the Respondent in this case. I hereby acknowledge I have received a copy of the ***Petition for Legitimation and/or Custody/Visitation*** and any attached documents. [Check only one option below.]

- (a) I hereby waive any and all further notice, service, and issuance of process.
- (b) I waive formal process, but I do not waive further notice, or my right to raise any defenses I may have in this action. Should further notice be required for any reason, the notice should be mailed to me at the address provided below.
- (c) So long as any Judgment in this action incorporates the *Settlement Agreement*, signed by me on \_\_\_\_\_, 20\_\_\_\_, then I waive formal process, further notice, my right to trial and, if I am on active duty in the armed forces, I also waive my rights under the Soldiers and Sailors Civil Relief Act, 50 USC App. §521. I give my consent for the Superior Court of Hall County to hear this matter as soon as possible after thirty-one days.

**CONSENT TO PERSONAL JURISDICTION AND VENUE**

[Check and complete the paragraph below if you agree with the statement and you live in a county other than Hall County or in another state. You may strike through this paragraph if you do not want it to apply.]

- I am the Respondent in this case. I am a resident of \_\_\_\_\_ County in the State of \_\_\_\_\_. With the knowledge that I have a constitutional right to a trial by judge or jury on the above matter in the county or state of my residence, I hereby expressly waive and consent to jurisdiction and venue in the Superior Court of **Hall County**.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
[date] [month] [year]

Sworn to and subscribed before me  
on \_\_\_\_\_

\_\_\_\_\_  
Respondent, *Pro se* [Signature above]  
Name [printed]: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: (     ) \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

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

**In re (Child(ren)):**

_____	)	
_____	)	
_____,	)	<b>CIVIL ACTION FILE</b>
<b>Petitioner,</b>	)	<b>NO. _____</b>
	)	
<b>v.</b>	)	
	)	
_____,	)	
<b>Respondent.</b>	)	

**SETTLEMENT AGREEMENT**

This agreement (also referred to here as “Agreement” or “Settlement Agreement”) is between [name] \_\_\_\_\_ (also referred to in this Agreement as “Petitioner” or “Father”) and [name] \_\_\_\_\_ (also referred to in this Agreement as “Respondent” or “Mother”). Together, the Petitioner and Respondent are “the Parties”.

The Parties want to settle between themselves all issues, as applicable in this action, of legitimation, custody, visitation and/or parenting time, child support and/or insurance, relating to the minor child(ren) named below.

THEREFORE, in consideration of the mutual promises and declarations in this Agreement, the Parties agree on a full and final basis as follows:

**I. LEGITIMATION**

The Parties agree that the following child(ren) involved in this action:

<u>Name</u>	<u>Male/Female</u>	<u>Birth Year</u>
_____	_____	_____;
_____	_____	_____;
_____	_____	_____ and

shall be declared the legitimate child(ren) of Petitioner, \_\_\_\_\_, and capable of inheriting from him.

**II. STATE OFFICE OF VITAL RECORDS PROVISIONS**

*[Check and complete any options both Parties agree apply.]*

- The Parties agree the Georgia State Office of Vital Records should be ordered and directed to amend and reissue the birth certificate of the child(ren) named above to indicate that Petitioner, \_\_\_\_\_, is the father of said child(ren).

Mother’s initials \_\_\_\_\_

Father’s initials \_\_\_\_\_

- The Parties agree the surname(s) of the child(ren) should be changed to \_\_\_\_\_. The Georgia State Office of Vital Records should be ordered and directed to amend and reissue the birth certificate of the child(ren) listed below to reflect the change of the child(ren)'s name(s) as follows:

<u>Current Full Name</u>	<u>New Full Name</u>
From: _____	to _____
From: _____	to _____
From: _____	to _____

### III. CHILD CUSTODY, VISITATION AND/OR PARENTING TIME

[Check and complete only one of these options, (a) through (d).]

- (a) The Parties agree they do not wish to address issues of custody, visitation and/or parenting at this time.
- (b) As the Parties live together with the minor child(ren) named in this Agreement, the Parties agree that both Mother and Father shall have joint physical custody of the child(ren), as if the child(ren) was/were born to the Parties in lawful wedlock, and that legal custody (decision-making authority) shall be as follows: [Check and complete only one of the following options.]
  - (i) Mother and Father shall have joint legal custody of the child(ren) with equal rights regarding decision-making, as if the child(ren) was/were born to the Parties in lawful wedlock.
  - (ii) Mother and Father shall have joint legal custody of the child(ren) with [Mother / Father] \_\_\_\_\_ to make the final decision in the event the Parties cannot agree on a particular issue.
- (c) Mother and Father shall have the custody, visitation and/or parenting time arrangement set forth in the *Parenting Plan* attached to this Agreement as Exhibit "\_\_\_\_\_". It is hereby incorporated by reference. **[MAKE SURE TO COMPLETE AND ATTACH THE PARENTING PLAN.]**
- (d) The minor child(ren) shall be in the full (sole) custody of Father/Petitioner and Respondent shall have no visitation with the minor child(ren).

### IV. CHILD SUPPORT, HEALTH, DENTAL AND VISION INSURANCE, AND UNINSURED HEALTH CARE EXPENSES

[Check and complete only one of the below options, (a), (b) or (c).]

- (a) The Parties have completed the *Child Support Addendum*, *Child Support Worksheet* and appropriate schedules attached to this Agreement as Exhibit "\_\_\_\_\_". The Parties agree to the terms contained within these forms and hereby incorporate them by reference into this Agreement. **[MAKE SURE TO COMPLETE AND ATTACH THE REQUIRED FORMS.]**
- (b) As the Parties live together with the minor child(ren) named in this Agreement, the Parties are not asking the Court to address issues of child support, health, dental and vision insurance and uninsured health care expenses for the minor child(ren) at this time. The Parties acknowledge and agree it is the joint and several duty of each parent to provide for the maintenance, protection, and education of his or her child(ren) until each child reaches the age of majority, dies, marries, or becomes emancipated, whichever first occurs.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

(c) As the Parties are satisfied with the terms of a child support order currently in effect that applies to the minor child(ren) named in this Agreement (a copy of which is attached as Exhibit “\_\_\_\_\_”), the Parties are not asking the Court to address issues of child support, health, dental and vision insurance and uninsured health care expenses for the minor child(ren) at this time. [**MAKE SURE TO ATTACH A COPY OF THE ORDER.**]

**V. VOLUNTARINESS OF THE AGREEMENT**

The Parties acknowledge they have entered into this Agreement freely and voluntarily and it is not the result of any duress or any undue influence. We understand we do not have to enter into this Agreement, and we have the right to trial before a judge or jury on all issues that could be raised in this action. After considering these rights, we have decided to enter into this Agreement freely and voluntarily.

**VI. COMPLETENESS OF THE AGREEMENT**

This Agreement constitutes the entire understanding of the Parties. There are no representations or promises other than those statements expressly included in this Agreement. Each party hereby states under oath the information provided in this Agreement is accurate and complete, to the best of that party’s information, knowledge and belief.

Signed this \_\_\_ day of \_\_\_\_\_,  
20\_\_.

Signed this \_\_\_ day of \_\_\_\_\_,  
20\_\_.

\_\_\_\_\_  
(signature)  
Petitioner/Father

\_\_\_\_\_  
(signature)  
Respondent/Mother

\_\_\_\_\_ appeared  
before me on \_\_\_\_\_, 20\_\_,  
and said under oath he had read this agreement,  
understood it, and was signing it voluntarily in  
my presence.

\_\_\_\_\_ appeared  
before me on \_\_\_\_\_, 20\_\_, and  
said under oath she had read this agreement,  
understood it, and was signing it voluntarily in  
my presence.

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

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

My commission expires: \_\_\_\_\_

My commission expires: \_\_\_\_\_

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

**In re (Child(ren)):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,  
Petitioner,  
  
v.  
  
\_\_\_\_\_,  
Respondent.

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**CIVIL ACTION  
FILE NO.:** \_\_\_\_\_

**CHILD SUPPORT ADDENDUM**

*[Instructions: All parts of this addendum must be completed. This addendum may be completed by the parties or by the Court. If completed by the Court, it must be attached to all final orders and judgments determining the amount of child support.]*

*[Check the option that applies, (a) or (b).]*

- (a) *[If completed by the parties.]* The parties agree to the terms of this addendum and this information has been furnished by both parties. The parties affirm the accuracy of the information provided, as shown by their signatures at the end of this addendum.
- (b) *[If completed by the Court.]* This addendum includes findings of fact and conclusions of law and fact made by the Court.

**This addendum applies to the following minor child(ren):**

Name	Sex	Year of Birth
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**1.**

**Application of the Child Support Guidelines.** This action involves a child support determination and the statutory requirements of O.C.G.A. § 19-6-15 have been applied in reaching the amount of child support provided in this addendum.

**2.**

**Gross Income.** The Father's gross monthly income (before taxes) is \$\_\_\_\_\_; the Mother's gross monthly income is \$\_\_\_\_\_ (before taxes).

**3.**

**Number of Children.** The number of children for whom support is provided is \_\_\_\_\_.

**4.**

**Attachments.** The *Child Support Worksheet* and Schedule E are attached and made a part of this addendum, along with any other applicable schedules.

Mother's initials \_\_\_\_\_ Father's initials \_\_\_\_\_



5.

**Parenting Time Amounts.** The approximate number of days of parenting time per year according to the custody/visitation schedule is \_\_\_\_\_ days for the Father and \_\_\_\_\_ days for the Mother.

6.

**Presumptive Amount.** The Presumptive Amount of Child Support [from Line 9 of the Child Support Worksheet] is \$\_\_\_\_\_ for the Mother and \$\_\_\_\_\_ for the Father.

7.

**Deviation from Presumptive Amount.** [Check and complete only one of the following options, (a) or (b).]

- (a) No Deviation - It has been determined that none of the Deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached Schedule E. The amount of support in Paragraph 8 of this addendum is the Presumptive Amount of Child Support from the *Child Support Worksheet*.
- (b) Deviation - It has been determined that one or more of the Deviations allowed under O.C.G.A. § 19-6-15 applies in this case, as shown by the attached Schedule E. The attached Schedule E explains the reasons for the deviation, how the application of the guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support, and how the best interest of the children who are subject to this child support determination is served by deviation from the Presumptive Amount of Child Support.

8.

**Final Child Support Award.** [From Line 13 of the Child Support Worksheet]

The [Mother / Father] \_\_\_\_\_ is obligated to pay to the [Mother / Father] \_\_\_\_\_, for the support of the minor child(ren) named in this Addendum, the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_ ) per [week / two weeks / month] \_\_\_\_\_. Unless otherwise provided in Paragraph 10 below (Split Parenting), the obligated party shall begin making these payments on \_\_\_\_\_, 20\_\_\_\_\_.

9.

**Duration of Child Support.** [Check and complete only one of the following options, (a), (b) or (c).]

- (a) Beyond Age 18 for High School - The child support shall continue thereafter as designated above (weekly, biweekly, etc.) until each child named in this Addendum reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; provided that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the child support shall continue for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.
- (b) Stops at Age 18 - The child support shall continue thereafter as designated above (weekly, biweekly, etc.) until each child named in this Addendum reaches the age of eighteen, dies, marries, or otherwise becomes emancipated.
- (c) Until Specific Date – The child support shall continue thereafter as designated above (weekly, biweekly, etc.) until \_\_\_\_\_.
- (d) [For the Court’s use with temporary orders only; If you are a party in this action, do not check this box] Until Further Order - This is not a final determination of child support, so the support shall continue until further order of the Court.

Mother’s initials \_\_\_\_\_

Father’s initials \_\_\_\_\_

10.

**Split Parenting** - A split parenting situation occurs when the parents have two or more children together, where at least one of the children spends more than 50% of the time with one parent, and at least one of the children spends more than 50% of the time with the other parent.

[Check and complete **only one** of the following paragraphs.]

- (a) Not a Split Parenting Case - This action does not involve Split Parenting.
- (b) Split Parenting Case - This action involves Split Parenting. Separate *Child Support Worksheets* have been filed for the child(ren) living with the Mother and for the child(ren) living with the Father, and a *Child Support Addendum* has been entered in this action for each parent. At this time, the Mother is obligated to pay the sum of \$\_\_\_\_\_ per [week / two weeks / month] \_\_\_\_\_ to the Father, and the Father is obligated to pay the sum of \$\_\_\_\_\_ per [week / two weeks / month] \_\_\_\_\_ to the Mother.

[To complete (b), you must check & complete only one of the following sub-paragraphs: (1), (2) or (3).]

- (1) Net Payment - For so long as both of these obligation amounts remain in effect, the [Mother / Father] \_\_\_\_\_ shall pay only the difference between the two amounts (which is \$\_\_\_\_\_) to the [Mother / Father] \_\_\_\_\_, who shall not be required to pay the child support obligation to the other parent during this time.
- (2) Zero Payment - The parents' child support obligations are equal. For so long as the amounts remain equal, neither parent shall pay any child support payment to the other parent.
- (3) Full Payment from Each Parent - Each parent shall pay the full amount of his or her child support obligation to the other parent.

11.

**Social Security Benefits.** [Check and complete only one of the following options, (a) or (b).]

- (a) Not Received - The children do not receive Title II Social Security benefits on the account of the parent ordered to pay child support.
- (b) Received - The children receive Title II Social Security benefits on the account of the parent ordered to pay child support. The benefits received by the children shall be counted as child support payments, and shall be applied against the final child support order to be paid by that parent.

(1) If the amount of benefits received is less than the amount of support ordered, the obligor shall pay the amount exceeding the Social Security benefit.

(2) If the amount of benefits received is equal to or more than the amount of support ordered, the obligor's responsibility is met and no further support shall be paid.

(3) Any Title II benefits received for the children's benefit shall be retained by the custodial parent or nonparent custodian for the children's benefit, and it shall not be used as a reason for decreasing the final child support order or reducing arrearages.

12.

**Modification.** [Check and complete **only one** of the following options.]

- (a) Not a Modification Action – This action is an initial determination of child support, not a modification action.
- (b) Support Not Modified - This action is a modification action, but the amount of support previously ordered for the child(ren) has not been modified. The date of the initial support order concerning the child(ren) is: \_\_\_\_\_.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

- (c) Support Amount Modified - The amount of child support previously ordered for the child(ren) has been modified. The basis for the modification is:
  - (1) Substantial change in the income and financial status of the Father;
  - (2) Substantial change in the income and financial status of the Mother;
  - (3) Substantial change in the needs of the child(ren);
  - (4) The noncustodial parent failed to exercise visitation provided under the prior order;
  - (5) The noncustodial parent has exercised more visitation than was provided in the prior order.

The date of the initial support order concerning the child(ren) is: \_\_\_\_\_.

**13.**

**Continuing Garnishment for Child Support** - Whenever, in violation of the terms of the order, there shall have been a failure to make the support payments, so that the amount unpaid is equal to or greater than the amount payable for one month, the payments required to be made may also be collected by the process of continuing garnishment for support.

**14.**

**Health, Dental & Vision Insurance for the Child(ren).** [You must check and complete (a) or (b).]

- (a) Insurance Available - The following insurance for the child(ren) involved in this action is available at a reasonable cost to the [Petitioner / Respondent] \_\_\_\_\_ through [examples: employer, PeachCare] \_\_\_\_\_:  Health (medical, mental health and hospitalization);  Dental; and/or  Vision.

The [Petitioner / Respondent] \_\_\_\_\_ shall maintain the types of insurance checked above for the benefit of the minor child(ren) until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; provided that if a child becomes eighteen years old while enrolled in and attending secondary school on a full-time basis, then the insurance shall be continued for the child until the child has graduated from secondary school or reaches twenty years of age, whichever occurs first.

- (1) The parent who maintains the insurance shall provide the other parent with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the other parent in submitting claims under the policy.
- (2) All money received by one of the parties for claims processed under the insurance policy shall be paid within five (5) days after the party receives the money, to the other party (if that other party paid the applicable health care service provider) or to the applicable health care provider (if the provider has not been paid by one of the parties).

- [Optional] If insurance for the minor child(ren) later becomes unavailable to the party designated above in Paragraph 14(a), then the other party shall obtain the following types of insurance coverage if it is available to him/her:  Health (medical, mental health and hospitalization);  Dental; and/or  Vision. The cost of maintaining the new insurance (the child(ren)'s share) shall be split equally (50/50) between the parties. When insurance has been obtained by either party, Paragraphs 14(a)(1) and (2) shall apply.

- (b) Insurance is not available (other than Medicaid) to either party at a reasonable cost.
  - [Optional] If the following insurance coverage later becomes available to either party:  Health (medical, mental health and hospitalization);  Dental; and/or  Vision, then he/she shall obtain that coverage and the cost of maintaining the insurance (the child(ren)'s share) shall be split equally (50/50) between the parties. When insurance has been obtained by either party, Paragraphs 14(a)(1) and (2) shall apply.

Mother's initials \_\_\_\_\_

Father's initials \_\_\_\_\_

15.

**Uninsured Health Care Expenses for the Children.**

The [Petitioner / Respondent] \_\_\_\_\_ shall pay \_\_\_\_\_% and the [Petitioner / Respondent] \_\_\_\_\_ shall pay \_\_\_\_\_ % of uninsured medical expenses (including, but not limited to, co-payments, deductibles, and other costs reasonably necessary for orthodontia, dental treatment, asthma treatment, physical therapy, vision care, and any acute or chronic medical or health problem or mental health illness, including counseling or other medical or mental health expenses not covered by insurance) incurred for the child(ren).

The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. That other party shall reimburse the incurring party (or pay the health care provider directly) for the appropriate percentage of the expense, within fifteen (15) days after receiving the verification of a particular health care expense.

16.

**Child Support Arrearage (Past Amount Due).** [Optional – check and complete this box only if there is an existing order of support in effect and past due support shall be addressed.]

- As of \_\_\_\_\_, 20\_\_\_\_, the [Petitioner / Respondent] \_\_\_\_\_ is behind in court ordered child support payments in the amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_). In addition to any child support award, the Respondent shall pay to Petitioner this past due amount of support:

[Check either option, (i) or (ii). Do not check both options.]

- (i) As follows: \_\_\_\_\_
- (ii) Pursuant to an Income Deduction Order that shall be entered by the Court.

17.

**Income Deduction Order.** [You must check and complete only one of the following options: (a), (b) or (c).]

- (a) An Income Deduction Order shall be entered by the Court, under O.C.G.A. § 19-6-32, for payment of the child support, alimony (if any), and arrearage payments (if any), provided. The Income Deduction Order shall take effect:  
[To finish (a), you must check either (i) or (ii). Do not check both.]
  - (i) Immediately upon entry by the Court.
  - (ii) Upon accrual of a delinquency equal to one month’s support. The Income Deduction Order may be enforced by serving a “Notice of Delinquency,” as provided in O.C.G.A. § 19-6-32 (f).
- (b) An Income Deduction Order shall not be entered in this case for the following reason(s):  
[To finish (b), check any options below that apply.]
  - (i) Support payments are already being deducted pursuant to an existing support order.
  - (ii) It is not immediately necessary.
  - (iii) [If completed by the Court] The Court finds that there is good cause not to require income deduction, having determined that income deduction will not serve the children’s best interests and that there has been sufficient proof of timely payment of any previously ordered support.

Mother’s initials \_\_\_\_\_

Father’s initials \_\_\_\_\_

*[If this addendum has been prepared or consented to by the parties, both parties must sign on the spaces provided below.]*

\_\_\_\_\_  
Mother's Signature

\_\_\_\_\_  
Father's Signature

Date: \_\_\_\_\_

Date: \_\_\_\_\_

*[The below portion need only be signed if this addendum has been prepared by the Court.]*

The Court having reviewed this addendum, it is hereby made the Order of the Court.

This Order entered on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE

\_\_\_\_\_ COUNTY SUPERIOR COURT

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

**In re (Child(ren)):**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_,  
Petitioner,

v.

\_\_\_\_\_,  
Respondent.

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**CIVIL ACTION  
FILE NO.:** \_\_\_\_\_

**AFFIDAVIT OF DILIGENT SEARCH**

I, \_\_\_\_\_, personally appeared before the undersigned Notary Public, and state under oath that I am the Petitioner in the above-styled action and that the last known address of Respondent is: \_\_\_\_\_

I have been unsuccessful in locating Respondent, despite the following diligent efforts to do so:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Accordingly, I request that the Court permit me to serve Respondent by publication.

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

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

\_\_\_\_\_  
**NOTARY PUBLIC**  
My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Petitioner, *Pro Se* [signature above]  
Petitioner's name [print]:

\_\_\_\_\_  
Petitioner's address: \_\_\_\_\_

\_\_\_\_\_  
Petitioner's telephone number:  
( ) \_\_\_\_\_

# Domestic Relations Case Filing Information Form

Superior Court      County \_\_\_\_\_      Date Filed \_\_\_\_\_  
MM-DD-YYYY

Docket # \_\_\_\_\_

Plaintiff(s)

Defendant(s)

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

\_\_\_\_\_  
Last      First      Middle I.      Suffix      Prefix      Maiden

Plaintiff/Petitioner's Attorney       Pro Se

\_\_\_\_\_  
Last      First      Middle I.      Suffix

Bar # \_\_\_\_\_

## Check Case Type (one or more)

- Divorce (includes annulment)
- Separate Maintenance
- Adoption
- Paternity (includes legitimation)
- Interstate Support Enforcement Action
- Domestication of Foreign Custody Decree
- Family Violence Act Petition

## MODIFICATION

- Modification - Custody and/or Visitation
- Modification - Child Support and Alimony
- Modification - Child Support
- Modification - Alimony

## CONTEMPT

- Contempt - Custody and/or Visitation
- Contempt - Child Support and Alimony
- Contempt - Child Support
- Contempt - Alimony
- Other Domestic Contempt

Other Domestic Relations Specify \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## FAMILY VIOLENCE

### Additional Information - Ex Parte Relief

Did the initial pleading include a request for relief

1. From alleged family violence?     Yes     No
2. Was ex parte relief requested?     Yes     No
3. Was ex parte relief granted?     Yes     No

# Domestic Relations Case Final Disposition Information Form

Superior Court County \_\_\_\_\_ Date Disposed \_\_\_\_\_  
MM-DD-YYYY  
Docket # \_\_\_\_\_

Reporting Party \_\_\_\_\_  
Last First Middle I. Suffix Prefix Maiden Title

Name of Plaintiff/Petitioner(s) Name of Defendant/Respondent(s)  
Last First Middle I. Suffix Prefix Maiden Last First Middle I. Suffix Prefix Maiden

Plaintiff/Petitioner's Attorney  Pro Se Defendant/Respondent's Attorney  Pro Se

Last First Middle I. Suffix Last First Middle I. Suffix

Bar # \_\_\_\_\_ Bar # \_\_\_\_\_

## Type of Disposition (Check all that apply)

1.  Dismissed Without Final Order
  - A.  Voluntary (by parties)
  - B.  Involuntary (by court)
2.  Pre-Trial Settlement
3.  Judgment on the Pleadings
4.  Summary Judgment
5.  Trial
  - A.  Bench Trial
  - B.  Jury Trial
    1.  Dismissal after jury selected
    2.  Settlement during trial
    3.  Judgment on Verdict
    4.  Directed Verdict or JNOV

## ADR

1. Was mediation utilized?  Yes  No
2. If Yes, was it (check if applicable)
  - court annexed?
  - court mandated?
3. Binding Arbitration Agreement  Yes  No  
If Yes, what matters were subject:
  - Child Custody
  - Visitation/Parenting Time
  - Parenting Plan

## Relief Granted (Check all that apply)

1.  Ex Parte Relief
2.  Temporary Relief
3.  Final Relief
  - a.  Divorce/Annulment/Separate Maintenance
  - b.  Child Custody  
Parenting Plan?  Yes  No  
Custodial Arrangement?  Yes  No  
If Yes, check one:
    - Joint Custody
    - Joint Legal Custody
    - Joint Physical Custody
    - Sole Custody to: \_\_\_\_\_  
14 year old parental selection?  Yes  No
  - c.  Visitation or Parenting Time  
Approx. Parenting Time (days per year)  
Mother \_\_\_\_\_ Father \_\_\_\_\_  
Parenting Time Contested?  Yes  No
  - d.  Child Support  
Forms attached?  Yes  No
  - e.  Legitimation/Paternity
  - f.  Alimony
  - g.  Contempt
  - h.  Equitable Division
  - i.  Protective Order
    - Person  Property
    - Finding of Family Violence?
  - j.  Adoption
  - k.  Attorneys Fees?  
If Yes, enter amount: \_\_\_\_\_  
to whom: \_\_\_\_\_
  - l.  Other (Specify) \_\_\_\_\_
4.  Dismissed prior to granting of relief.



# PRO SE MEDIATION REFERRAL FORM

This form is for self-represented parties in domestic cases (divorce, legitimation, custody, visitation, child support, etc.). You may use this form if you are the Plaintiff or Defendant. **It is your responsibility pursuant to Court Order to make sure the mediation is scheduled and takes place prior to your final hearing (contact the mediation office for timing requirements).** If it does not occur within enough time before your final hearing, your hearing may be postponed.

**Please Complete the Following Information:** Today's Date \_\_\_\_\_

Next Court Date \_\_\_\_\_ Judge \_\_\_\_\_ County \_\_\_\_\_

Case # \_\_\_\_\_ (top right corner of your legal papers)

## PLAINTIFF

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

## DEFENDANT

Name \_\_\_\_\_ Personal Phone \_\_\_\_\_ Bus. Phone \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_

Attorney (if represented) \_\_\_\_\_ Office Phone \_\_\_\_\_ Fax \_\_\_\_\_

Address of Attorney \_\_\_\_\_

**TYPE OF ADR REQUESTED:** MEDIATION

**CASE TYPE:** DOMESTIC

**TYPE OF DOMESTIC CASE** (please specify): \_\_\_\_\_ DIVORCE \_\_\_\_\_ MODIFICATION

\_\_\_\_ CUSTODY \_\_\_\_ VISITATION \_\_\_\_ CHILD SUPPORT \_\_\_\_ PROPERTY \_\_\_\_ ALIMONY \_\_\_\_ DEBTS

**OTHER COMMENTS** (specify) \_\_\_\_\_

**HAVE THERE BEEN ANY ALLEGATIONS OF DOMESTIC VIOLENCE:** \_\_\_\_\_


Yes No Unknown

\*\*\*\*Mail or fax the form to:

NINTH JUDICIAL ADMINISTRATIVE DISTRICT  
OFFICE OF DISPUTE RESOLUTION  
756 Green Street  
Gainesville, GA 30501  
Phone: 770.535.6909 / Fax: 770.531.4072  
www.adr9.com

## BASIC INSTRUCTIONS FOR ACCESSING THE CHILD SUPPORT CALCULATOR ON THE COMPUTER

These instructions are just basic instructions for accessing the Data Entry version of the child support calculator on the public courthouse computer.<sup>1</sup> These instructions do not give you all the information you may need for completing the forms, nor do they explain the law. It is strongly recommended that you seek advice or representation from an attorney before using the calculator or filing any documents with the Court.

1. Make sure the computer and monitor are turned on. NOTE: you will not be able to save your information to the public courthouse computer.
2. Using the mouse, place the cursor over the Microsoft Excel icon  at the center of the computer screen named: "Child\_Support\_Data\_Entry\_Form 9.14.09". Double click the left button on the mouse to open the program.
3. A gray "Security Warning" message box may pop up – if so, click once on "Enable Macros". **This step is very important for the program to work properly.** If a message box does not display, disregard this information and go to the next step.
4. Read through the instructions! At the bottom left-hand corner of your screen, you should see a highlighted "Start Here" tab. If you are not on the "Start Here" tab, find it and select it with your mouse to read the instructions.
5. After you have read the instructions, click the "DataEntry" tab at the bottom of the computer screen to begin. You can go back and forth between the "Start Here" tab and "DataEntry" tab as many times as needed.
6. Go through each numbered question. If you need more information about the question, you can place your cursor over the red triangle on that line and a bubble box will appear with more information. You can also go back to the "Start Here" tab. To move from question to question, it is best to use the "Tab" button on the keyboard. Or, you can click on each yellow box, using the mouse.
7. When you have gone through every question (1-55), use the tabs at the bottom of the computer screen to view the forms as they will appear when you print them, starting with the "CS Worksheet" tab.
8. The Final Child Support Amount will be displayed Line 13 of the "CS Worksheet" under the appropriate parent's column. For example, if the mother is to pay child support, her monthly obligation is shown as a rounded dollar amount under her column. NOTE: The child support obligation is NOT the difference between the two columns.
9. If you are satisfied with the amount of child support that appears on Line 13 under the appropriate parent's column, you are ready to print. If you believe you have missed something, you can revise your forms by going back to the "Data Entry" tab. NOTE: some adjustments do not work if you do not designate someone as the noncustodial parent on Line 11 of the "Data Entry" tab.
10. You do not need to print the "DataEntry" screen. You MUST print the "CS Worksheet" screen, Schedule E and any schedules that apply (look just below Line 14 on the CS Worksheet to see which schedules have been check-marked that apply. You will need to print those schedules/screens as well.)
11. To print, once you are on the page you want to print, click on the word "File" in top left hand corner of computer screen. When the menu pops up, click on "Print". Then select "OK" to print.

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<sup>1</sup> If you are at a home computer or another public computer with Microsoft Excel, you can download the calculator from <https://cscalculator.gaaoc.us/>. These instructions apply to the downloadable version with the "Data Entry Form". You can also print the Pen and Paper EZ Form Worksheet from this website, but it should not be used if either party is asking for certain deviations or adjustments.