

HALL COUNTY ANSWER TO PETITION FOR LEGITIMATION AND/OR CUSTODY & COUNTERCLAIM FOR CHILD SUPPORT

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.

Use these forms at your own risk

In no event will the Court Administrator, Clerk of Court, Family Law Information Center (FLIC) staff 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 In addition, due to the changing nature of the law, the information in these instructions and forms may be or become outdated.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) or rules mentioned in this packet to make sure the forms are current. **Obtain the services of an attorney to protect your legal rights.**

Family Law Information Center

The Northeastern Judicial Circuit Family Law Information Center (FLIC) provides limited review assistance to individuals filing in or living in Hall and Dawson Counties who plan to represent themselves in divorce or legitimation cases. Limited attorney consultations are also available for qualifying individuals. Call FLIC for more information about services offered.

Website:	www.nejc.org/programs/family_law_information_center.php
Scheduling hours:	9:00 a.m. to 2:00 p.m., Monday through Thursday
Location:	Hall County Courthouse, 3 rd floor
Phone:	770 531-2463
Email:	nejcflic@hallcounty.org
Appointments:	Submit request by email, phone or in person drop-off (using Appointment Request Form included with this packet)

Will this packet work for you?

This packet is designed for **answering** the Hall County Petition for Legitimation and/or Custody (used by unrepresented parties) and **counterclaiming** for child support (meaning you also want to proceed with a child support action and make certain claims against the Petitioner). If you were served with something other than the Hall County Petition for Legitimation and/or Custody, seek the advice of an attorney.

If you have been served with the Hall County Petition for Legitimation and/or Custody, it is important to file a written answer to respond to the allegations contained in the Petition. Even if the allegations are not true, if you do not respond to the Petition, you are telling the Court you do not contest the allegations and you are waiving your right to be notified of any Court dates.

Knowing how to best complete an answer and counterclaim is extremely complicated. Answering something incorrectly or inadequately can put your rights and the direction of your case at risk. Please read each form very carefully.

This packet also does not cover every legal issue that may come up in a legitimation, custody or child support action. There may be better ways to address certain issues. Whether your case is contested or uncontested, to protect your legal rights, speak with an attorney experienced in domestic relations (family law) before signing or filing any documents. **The instructions in this packet are no substitute for the advice and help of a lawyer.** You may especially need to hire an attorney to represent you if:

- The case is contested OR an attorney represents the other party.
- You or your children are victims of family violence by the other party.
- You want an arrangement for custody/parenting time that does not exactly fit these forms.
- You do not understand how to complete the *Child Support Worksheet* and applicable schedules.
- You do not understand how to prepare the *Parenting Plan*.
- You were married to someone else at the time of conception or birth.
- You think you may have difficulty getting financial information from the other party.

Timing

If you are personally served (the Petition is/was delivered by the sheriff) you have thirty (30) days to file your answer with the Clerk of Superior Court to avoid the risk of the Court proceeding without notice to you or jeopardizing your legal rights. If you were served by publication because the other party could not locate you or accomplish having you personally served (and a legal notice was published in the newspaper), the published notice requires filing an answer in writing within 60 days from the date of the Order for publication.

Basic steps for filing the Answer and Counterclaim in this packet:

- STEP 1: Have the Petition and its exhibits (the paperwork you received from the Petitioner) on hand when completing the forms. You will respond to each numbered paragraph in the Petition with each numbered paragraph in the Answer portion of the packet.
- STEP 2: If you wish to counterclaim for child support (meaning you also want to request support and make certain claims against the Petitioner), you will also complete each paragraph in the Counterclaim portion of the packet.*
- STEP 3: If timing allows, consider taking the required parenting course **BEFORE** you complete your forms (visit FLIC's website or contact FLIC for approved parenting courses). It is a requirement to complete the class within 30 days of filing or service. It is always best to consult with a lawyer before submitting a custody proposal. You may also choose to consult with a professional knowledgeable about the impact on children in custody decisions.
- STEP 4: Fill out the following forms and place them in the following order:
 - Answer to Petition for Legitimation and/or Custody and Counterclaim for Child Support (you are the "Respondent" and the other party is the "Petitioner" – use full names in the headings on all of your forms; write the civil action file number in all headings, using the same number as the one that appears in the heading of the Petition)
 - Parenting Plan (required in almost all cases involving custody or parenting time, even when you and the other party have an agreement – see next page; this form is NOT required if you are objecting to the legitimation or the Court making a custody or parenting time determination, though the Court may later require it)
 - Child Support Worksheet and schedules (required in almost all cases involving minor children, even when you and the other party have an agreement - see next page)
 - Verification (sign in the presence of a notary)
 - Domestic Relations Financial Affidavit (sign in the presence of a notary) if you **or the Petitioner** have raised child support as an issue in the case (this form is very complicated; the Family Law Information Center has basic instructions for completing this form)
 - Certificate of Service (this form explains how you will deliver a copy of your Answer and other forms to the Petitioner – use the address the Petitioner provided in his/her Summons)
- STEP 5: Make **TWO** complete sets of copies, stapling the copies only (leave the originals UNSTAPLED)
- STEP 6: Take the forms to the Clerk of Courts. Ask for the copies of all your documents to be stamped.
- STEP 7: Mail or hand deliver to the Petitioner one stamped copy of the completed forms at the address you provided in the Certificate of Service.
- STEP 8: Attend the required parenting class if you did not do so in Step 3.
- STEP 9: Attend mediation if it was not waived in your case. You may use the mediation referral form included in this packet to set up mediation if your spouse has not already done so.
- STEP 10: Come to Court prepared on the date of any hearing(s) (as indicated on the form Rule Nisi(s) you received from the Petitioner).

There may be many other steps that apply in your case (with significant consequences if they are not followed). Listed above are just the basic steps for filing and serving the Answer and Counterclaim included in this packet.

***If you or the child(ren) live in a shelter for victims of family violence, DO NOT LIST THE ADDRESS OF THE SHELTER on these forms.** 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.

Completing the Georgia Child Support Worksheet

- A Child Support Worksheet is required in every case involving child custody with very limited exceptions. It is NOT included with this packet.
- Even if you have an agreement with the other party as to an amount of child support, the worksheet is still required as part of that agreement.
- You will need to complete a worksheet, print it and include it with your Counterclaim as an exhibit when you file.

Completing the worksheet can be very challenging and it is best to have a lawyer assist you in preparing it. **Completing it incorrectly can have a significant impact in your case and on the amount of support.** If you cannot afford to hire a lawyer:

- Free legal consultations are available with the Family Law Information Center lawyer for individuals who qualify (contact FLIC for more information about qualifying requirements). There may be additional free resources through various non-profit organizations.
- To complete the worksheet yourself, the calculator is available on the Georgia Commission on Child Support website at:

<https://csconlinecalc.georgiacourts.gov/>

Completing the Parenting Plan

- Like the Child Support Worksheet, a Parenting Plan is required in every case involving child custody with very limited exceptions. You are not required to complete the Parenting Plan if you are objecting to the legitimation or to the Court making any kind of child custody or parenting time determination, though the Court may later require it.
- Even if you have an agreement with the other party as to a specific schedule or flexibility in your arrangement, a Parenting Plan is still required as part of that agreement.
- You will need to complete a Parenting Plan and include it with your Counterclaim as an exhibit when you file.

Completing the Parenting Plan can be very challenging. It is always best to consult with a lawyer before completing and submitting a custody proposal. You may also choose to consult with a professional knowledgeable about the impact on children in custody decisions.

- Free legal consultations are available with the Family Law Information Center lawyer for individuals who qualify (contact FLIC for more information about qualifying requirements).
- FLIC has a number of sample Parenting Plans available as examples, but they are no substitute for creating a plan that best fits your child(ren)'s specific needs.

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

In re (Child(ren)):

_____)	
_____)	
_____,)	CIVIL ACTION FILE
Petitioner,)	NO. _____
)	
v.)	
)	
_____,)	
Respondent.)	

**ANSWER TO PETITION FOR LEGITIMATION AND/OR CUSTODY AND
COUNTERCLAIM FOR CHILD SUPPORT**

ANSWER

My name is _____, and I am representing myself in this action. In response to each of the numbered paragraphs of the Petitioner's *Petition for Legitimation and/or Custody*, I state the following:

[Check only one answer to match each paragraph of the Petition. If you choose the "partly true" answer, you must explain on the lines what is true and what is untrue.]

1. The allegations of Paragraph One are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

2. The allegations of Paragraph Two are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

3. The allegations of Paragraph Three are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

4. The allegations of Paragraph Four are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

5. The allegations of Paragraph Five are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

6. The allegations of Paragraph Six are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

7. The allegations of Paragraph Seven are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

8. The allegations of Paragraph Eight are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

9. The allegations of Paragraph Nine are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

10. The allegations of Paragraph Ten are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

11. The allegations of Paragraph Eleven are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

12. The allegations of Paragraph Twelve are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

13. The allegations of Paragraph Thirteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

14. The allegations of Paragraph Fourteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

15. The allegations of Paragraph Fifteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

16. The allegations of Paragraph Sixteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

17. The allegations of Paragraph Seventeen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

18. The allegations of Paragraph Eighteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

19. The allegations of Paragraph Nineteen are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

20. The allegations of Paragraph Twenty are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows: _____

21. **CONSENT TO LEGITIMATION WITH TERMS** (if applicable; check only one option)

(a) I consent to the Petitioner legitimating his relationship with the child(ren) named in the *Petition* but I deny Petitioner's specific request for custody and/or parenting time as it is not in the child(ren)'s best interests. I request and believe it is in the best interests of the child(ren) that custody and/or parenting time be ordered as set forth in the *Parenting Plan* attached to this *Answer* as Exhibit "_____". It is hereby incorporated by reference. I refer to my *Counterclaim* for claims regarding child support, health, dental and vision insurance and uninsured health care expenses for the child(ren). [Complete and attach the *Parenting Plan* you have prepared.]

(b) I consent only to the Petitioner legitimating his relationship with the child(ren) named in the *Petition* and refer to my *Counterclaim* for claims regarding child support, health, dental and vision insurance and uninsured health care expenses for the child(ren).

22. **OBJECTION TO LEGITIMATION AND/OR DEFENSES** (if applicable; check any options that apply)

(a) Petitioner is not the biological father of the child(ren);

(b) Petitioner has abandoned his opportunity interest in developing a relationship with the child(ren) as follows: _____

(c) Legitimation is not in the best interests of the child(ren) for the following reasons: _____

_____ ; and/or

(d) Defenses - In addition to my specific responses above, I have the following affirmative defenses to this action: _____

COUNTERCLAIM FOR CHILD SUPPORT

1.

Venue: Petitioner has consented to venue and personal jurisdiction by filing the *Petition for Legitimation and/or Custody*.

2.

Service of Process: The Petitioner shall be served as provided by law under O.C.G.A. § 9-11-5(b) by delivering or mailing a copy of this document to the address listed on the *Summons*.

3.

Minor Child(ren): This *Counterclaim* involves the following minor child(ren), who is/are the biological child(ren) of the Petitioner:

Name of child(ren)	Sex	Birth Year	Lives with mother, father, other
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

4.

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

- (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 *Counterclaim* 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 appropriate consistent with the *Child Support Worksheet* and applicable schedules attached to this *Counterclaim* as Exhibit “_____” for the following reason(s): [Complete and attach the child support worksheet and schedules you have prepared.]

- (A) There has been a substantial change in my income and/or financial status;
- (B) There has been a substantial change in Petitioner’s income and/or financial status;
- (C) There has been a substantial change in the needs of the child(ren);
- (D) The original support order did not include all of the minor children; and/or
- (E) This case involves the first determination of custody or parenting time for the minor child(ren).

- (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 *Counterclaim* as Exhibit “_____”. [Complete and attach the child support worksheet and schedules you have prepared.]

5.

Child Support Arrearage (Past Amount Due): [*Optional – check this box only if there is an existing child support order in effect and you want the Court to address past due amounts.*]

- As of _____, 20____, the Petitioner is behind in court-ordered child support payments in the amount of \$_____. A copy of the support order is attached to this *Counterclaim* as Exhibit “____.” In addition to any child support determination, I am asking the Court to order the Petitioner to pay me this past due amount of child support.

6.

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

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

- (a) The following insurance for the child(ren) is available at a reasonable cost to the Petitioner through [*examples: employer, PeachCare*] _____, and he 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 Petitioner, he 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 continued 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; strike through it if you do not want it to apply*]. 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.

7.

Uninsured Health Care Expenses for the Child(ren): 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: _____.

8.

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, alimony (if any), and arrearage payments (if any), provided. I am asking that the Income Deduction Order take effect: [*Check either (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 asking the Court not to enter an Income Deduction Order because:
 - (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) Support payments are already being deducted for the minor child(ren) pursuant to an existing support order.

9.

Restraining Order If Violence Has Occurred: *[Check the box only if applicable.]*

- There is a history of physical violence by the Petitioner towards me, and I am afraid the Petitioner will engage in further acts of violence or harassment towards me unless the Court enters a temporary and permanent restraining order.

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

- (a) The Court deny any relief requested by Petitioner in his *Petition for Legitimation and/or Custody* unless I have expressly consented to it in my *Answer*;
- (b) The Court order custody and/or parenting time according to Paragraph 21 of my *Answer*, if applicable;
- (c) The Court enter an order granting the relief I have requested in my *Counterclaim*;
- (d) A hearing be scheduled on this matter; and
- (e) The Court order any and all other relief the Court finds appropriate.

Respondent, 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	Year of Birth

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:

	y/o/b:	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	y/o/b:	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	y/o/b:	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	y/o/b:	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	<input type="checkbox"/> Joint
	y/o/b:	<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. Specific Major Decisions (Optional – parents may be more specific about particular decisions or leave this section blank, following the terms of section I.A. on the previous page.)

Specific 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*

*Where parents have elected joint decision-making on specific issues in this section, please explain how any disagreements in decision-making will be resolved: (choose one)

- Mother shall make the final decision on the issue.
- Father shall make the final decision on the issue.
- other: _____.

E. Disagreements in General

For any major decision regarding the child(ren) not specified above, if the parties have joint legal custody (pursuant to Section I.A. on the previous page) 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.)

	Beginning (Day and Time) and End (Day and Time)	Mother	Father
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:

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 _____

7 of 8

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.

Mother's Signature

Father'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

Completing the Georgia Child Support Worksheet

A child support worksheet is required in every case involving child custody with very limited exceptions. Even if you have an agreement with the other party as to an amount of child support, the worksheet is still required as part of that agreement.

Completing the worksheet can be very challenging and it is best to have a lawyer assist you in preparing it. Completing it incorrectly can have a significant impact in your case and on the amount of support.

To complete the worksheet yourself, the Georgia Commission on Child Support has a calculator available at: <https://csconlinecalc.georgiacourts.gov/>

The screenshot shows the homepage of the Georgia Child Support Calculator. At the top, there is a navigation bar with the Judicial Council of Georgia logo and the text 'Administrative Office of the Courts'. On the right side of the navigation bar, there are links for 'Help', 'Signup', and 'Login'. Below the navigation bar is a large blue banner with the Georgia state seal on the left and the text 'Georgia Child Support Calculator' in white. Underneath the banner is a blue bar with the word 'Welcome'. A yellow-bordered box contains the following text: 'Child Support Calculator - Getting Started: • Please 'Signup' above to use the Child Support Calculator. • After completing your Signup, click 'Login'. • Then click the Worksheet drop-down, and select 'Create' to begin a new worksheet.' Below this box is a paragraph of text: 'Georgia Child Support Commission: The Georgia Child Support Calculator has been developed and made available by the Georgia Commission on Child Support as the official calculator for Georgia's Child Support Guidelines statute found at O.C.G.A. §19-6-15. Information entered in the calculator is used to determine a presumptive amount of child support that may be deviated from to reach a final child support amount. Printable electronic forms are produced for filing with the court consisting of a Worksheet and Schedules. Begin by entering information for your Worksheet on the Basic Information Worksheet tab. Helpful instructions are included to assist as you navigate the calculator.' Below this is another blue bar with the word 'Announcements'. Underneath are three bullet points: 'IMPORTANT: CHILD SUPPORT WORKSHEETS FOLLOW THE USER ACCOUNT. If you change your email address, you may also update that new email address in your calculator user account, rather than create a new user account. Go to the "Administration" drop-down, and then to "Update User Information" and change the email address. On this same screen, you may also change your name, the security questions and answers.', 'At some point you will need to make a worksheet available to a judge. Check with the superior court clerk or judge's office to determine how the judge wants to receive the worksheet, i.e., as (1) a paper copy handed to the judge during the hearing, (2) by viewing it from your laptop while in the courtroom or (3) made available through the online calculator. If the judge wants the worksheet made available through the online calculator, go to Search Folders-Worksheet, expand the folder, identify the worksheet you want the judge to see, and in that folder click the white button labeled "Make Available To Court," and follow the instructions.', and 'The two Excel child support calculators and EZ paper worksheet were discontinued October 1, 2018. The Online Child Support Calculator, found on this web page, replaces the Excel calculators and EZ worksheet.' At the bottom of the page, there are two blue buttons: 'Getting Started Manual' and 'Scheduled Trainings'. A note below the buttons says: 'Note - Using many features of this calculator may require you to turn off your browser's pop-up blocker settings.' At the very bottom, there is a copyright notice: '© Georgia Commission on Child Support 2021'.

1. Click on the “Getting Started Manual” button for detailed instructions.
2. When you are ready to start the worksheet, click on “Signup” at the top of the page.
3. Print your worksheet once you have completed it.

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

In re (Child(ren)):

_____,
Petitioner,

v.

_____,
Respondent.

§
§
§
§
§
§
§
§
§
§

**CIVIL ACTION
FILE NO.:** _____

VERIFICATION

My name is _____. I hereby swear or affirm, before the undersigned Notary Public, I have read the Answer to Petition for Legitimation and/or Custody and Counterclaim for Child Support I am filing with this *Verification*, and the facts stated in the document are true and correct to the best of my knowledge and belief.

This the _____ day of _____, 20____.
[date] [month] [year]

Respondent
[print/type your name]: _____

Sworn to and subscribed before me this _____ day of _____, 20____.

NOTARY PUBLIC
My Commission Expires:
(Notary Seal)

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)	\$ _____
GROSS MONTHLY INCOME (total)	\$ _____

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	\$ _____	AUTOMOBILE	
Garbage and Sewer	\$ _____	Gasoline and oil (or taxi fare)	\$ _____
Telephone:		Repairs	\$ _____
residential line:	\$ _____	Auto tags and license	\$ _____
cellular telephone:	\$ _____	Insurance	\$ _____
Gas	\$ _____	OTHER VEHICLES	
		(boats, trailers, RVs, etc.)	
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 _____ COUNTY
STATE OF GEORGIA

In re (Child(ren)):

_____))
_____))
_____)) CIVIL ACTION FILE
_____)) NO. _____
Petitioner,)
_____))
v.)
_____))
Respondent.

CERTIFICATE OF SERVICE

I certify to the Court I will immediately serve a copy of each of the following documents upon the Petitioner [check all that apply]:

- Answer and Counterclaim for Child Support (with exhibits, including Parenting Plan and Child Support Worksheet, if applicable)
- Verification
- Domestic Relations Financial Affidavit
- Other: _____.

I will serve the copies [choose the person to whom service will be made]:

- a) directly to the Petitioner who is representing himself, whose address is as follows:

- b) to the attorney for the Petitioner, whose name and address are as follows:

I will serve the copies [method of service – choose one]:

- a) by mailing them via the United States Postal Service, with postage prepaid; or
- b) by hand delivering a copy.

This ____ day of _____, 20__.

Respondent, Pro se (signature)
Print name: _____
Address: _____

Phone: _____

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 _____ LEGITIMATION

_____ 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
311 Jesse Jewell Parkway, Suite 104
Gainesville, GA 30501
Phone: 770.535.6909 / Fax: 770.531.4072
www.adr9.com