

LEGITIMATION PACKET FAQ

Why should children be legitimated?

The law encourages the fathers of children to legally recognize them. The legitimization process is a way for them to do this. It gives the father and the child certain rights. Legitimization means that a child may inherit from the father and the father may inherit from the child.

How does a man go about filing for legitimization in the superior or state court?

The first step is for the father to file a petition in “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 legitimization in the county in which the adoption petition is filed.” (OCGA 19-7-22). The mother of the child must be named as a party, served with a copy of the petition, and given an opportunity to be heard.

The father has no absolute right to legitimate a child. The Court will consider the best interest of the minor in determining whether the legitimization should be awarded. Sometimes a Court will deny a legitimization petition if the Court believes that it has been filed to harass or interfere with the life of the mother.

What effect does a legitimization have?

The Court will pass an order declaring the child legitimate and capable of inheriting from the father just as if the child had been born during a marriage.

At the time of the legitimization, the Judge will determine the duty of the father to support the child. Additionally, the Court may order visitation and/or custody based on the best interests of the child. The Court may also change the child's name to that of the father but the Court has wide discretion as to whether or not it will do so.

When the father files for legitimization, may he also ask for custody?

Until July 1, 2005, the father could only get custody in a legitimization action if the mother consented. The Georgia Legislature amended the law effective July 1, 2005 to allow a father to ask for custody in a legitimization suit.

What if paternity has been established—isn't that enough for legitimization?

No, a finding in a paternity action that a person is the father of a child is not a

legitimization. Paternity establishes the identity of the biological father and it establishes the father's duty to support the child. After July 1, 2005, it can also establish custody.

O.C.G.A. § 19-7-40(a) gives the superior and state courts concurrent jurisdiction in all proceedings for the determination of paternity of children who are Georgia residents.

whose name is _____ has custody/
 guardianship of the child(ren). He/ She lives in

County, Georgia.

c) The mother or other party having custody or guardianship,
_____ (state name
and relationship to the child) resides outside the state of Georgia and cannot, after due
diligence, be found within the state.

d) A petition for adoption for the child(ren) is pending in
_____ County, Georgia. Therefore, venue is proper in that
county.

4.

Service of Process (Choose one)

a) The mother or other legal custodian or guardian has signed an
Acknowledgment of Service form.

b) The mother or other legal custodian or guardian has signed the
Defendant's Acknowledgment of Service, Affidavit of Waiver of Venue and Personal
Jurisdiction.

c) The mother or other legal custodian or guardian may be personally served
at his/her work/residence address of

_____.

d) While the mother or other legal custodian or guardian resides in Georgia,
his or whereabouts of the mother are unknown and s/he must be served by publication as
provided by O.C.G.A. § 9-11-4(f)(1)(A).

e) The mother or other legal custodian or guardian reside outside the state of
Georgia. However, his or her whereabouts are unknown and s/he must be served by
publication as provided by O.C.G.A. § 9-11-4(f)(1)(A).

5.

Mother's Consent (Choose one)

a) The mother of said child(ren) has consented in writing to the legitimation

of said child (ren) and to the legal and/or physical custody being awarded to the Plaintiff. Her consent is attached hereto as Exhibit “_____.”

b) The mother of said child(ren) has consented in writing to the legitimation of said child(ren) and to visitation by the Plaintiff

c) The mother of said child(ren) is deceased, having died on _____. A copy of her death certificate is attached hereto as Exhibit “_____.”

d) There is no other legal parent of the child(ren), and the child(ren) have no legal guardian.

e) The mother of said child(ren) is opposing the legitimation of said child(ren).

6.

Plaintiff’s desire to legitimate child(ren) and change surname(s)

This Petition is brought pursuant to O.C.G.A. § 19-7-22 to legitimate said child(ren) and to change his/her/their surname(s) from _____ to _____.

7.

Current Custody Arrangement (Choose a or b)

a) The Defendant, _____, presently has legal custody of the minor child(ren). They have lived with him/her since _____ (date).

b) The legal custodian/ legal guardian of the minor child(ren) is _____ (name), who is related to the children as follows: _____.

The legal custodian, _____, has the following type of legal custody or guardianship: _____.

(temporary guardianship, permanent guardianship, permanent custody, etc.). S/he has had this legal custody or guardianship since _____ (date).

8.

Future Custody Arrangement

It is in the best interest(s) of the child(ren) for the custody to be as follows: _____.

9.

Visitation

It is in the best interest(s) of the child(ren) that the following visitation schedule be established:

WHEREFORE, Plaintiff demands the following:

- (a) That the name of said child be changed from _____ to _____ ;
- (b) That said child be legitimized by (his) (her) new name as the legitimate (son) (daughter) of petitioner;
- (c) That the petitioner be granted visitation rights;
- (d) That the petitioner be awarded custody as follows:

(e) If necessary, rule nisi issue directing the said _____ to appear before the Court to show cause why the relief demanded by this petition should not be granted.

Plaintiff *pro se*

Address: _____

Telephone: _____

Email: _____

Respondent's address or last known address: _____

Respondent's telephone: _____

Respondent's email: _____

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

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

VERIFICATION

Personally appeared before the undersigned officer, duly authorized to administer oaths in the state of Georgia, _____, who after being duly sworn, deposes and states that s/he is the Plaintiff in the above-styled action and verifies that the facts contained in the within and foregoing Petition for Legitimization are true and correct to the best of her information, knowledge, and belief.

This _____ day of _____, 20_____.

_____,
Plaintiff *pro se*

Sworn and subscribed before me

This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires _____.

6.

I attest that based upon my knowledge and belief, as well as the defendant's statements to me that I was the defendant's sole sexual partner.

7.

I attest that the Defendant has admitted to me that her child(ren),

_____,
is /are my biological child(ren), and the product of our sexual intercourse during our relationship.

8.

I attest that our child(ren),

currently reside(s) at _____ (address).

9.

I attest that the minor child(ren),

_____,
is/are my biological child(ren).

Affiant/Plaintiff/Father

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

Notary Public

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

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

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

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

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

This ____ day of _____, 20____.

Defendant, *pro se*

Address

Telephone

Notary Public

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

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

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

ACKNOWLEDGMENT OF SERVICE AND CONSENT TO LEGITIMATION

1.

Acknowledgement of Service

_____, the natural mother of _____, hereby acknowledges that she has received a copy of the foregoing Petition to Legitimate the said _____ and to change his/her name from _____ to _____, and she hereby waives any and all further service or notice of any nature in this proceeding.

2.

Consent to legitimation and change of name

The mother hereby consents to the judicial legitimation of:

and the change of his/her/their surname(s) from _____
to _____.

Non-interference with affection toward either parent

3.

The parties agree that the welfare of the child(ren) is of paramount importance and each agrees to foster and encourage a feeling of affection between themselves and the child(ren). Neither party shall do anything to hamper the natural development of the children's love and respect for the other party.

4.

Custody (Choose a, b, or c)

a) The Father/ Mother shall have the temporary and permanent legal and physical custody of the minor child(ren).

b) The Father and Mother shall share joint legal custody of the minor child(ren). The parties shall share decision-making concerning the children; however, the Father/ Mother shall have the right to make the final decision in the event the parties cannot agree.

Primary physical custody of the minor child (ren) shall be with the Father/
Mother as follows:

Secondary physical custody shall be with the Father/ Mother as follows:

c) The Father and Mother shall share joint legal custody and joint physical custody of the minor child (ren).

Physical custody shall be shared by the parties as follows:

The parties shall share decision making concerning the child(ren); however, in the event the parties cannot decide, the Father/ Mother shall have the final decision.

5.

Visitation

As reflected in the attached Parenting Plan, the Father/ Mother shall have the right of visitation with the minor children as follows:

6.

Child Support

Please go to csc.georgiacourts.gov and complete the Child Support Worksheet. **Your papers will NOT be accepted for filing unless you complete and attach the Child Support Worksheet.**

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

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

7.

Manner of Payment of Child Support (Choose a or b)

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

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

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

8.

Health Insurance

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

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

This ____ day of _____, 20____.

MOTHER

Notary Public
My commission expires: _____

FATHER

Notary Public
My commission expires: _____

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

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

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing **Petition for Legitimation** upon the following counsel for [party] [or party if no counsel of record] by delivering [or causing to be delivered] by hand a copy of same as follows:
[Name and address of counsel of record, or of parties if no counsel of record.]

This ____ day of _____, 20____.

Plaintiff *pro se*
Address _____
Telephone Number _____

Affiant has no knowledge as to the present residence or whereabouts of the defendant.

The affiant has made the following efforts to find the Defendant:

Checking with the Defendant's friends and relatives

Names, addresses, and telephone numbers of everyone plaintiff contacted:

Contacting the Defendant's former landlord

Name, address, & telephone number of former landlord:

Checking telephone information and directories

List which directories you checked:

Attempting to have Defendant served at his/her last known address, which is listed above

Contacting Defendant or Defendant's family or friends via the internet:

Other: _____

Plaintiff *pro se*

Sworn to and subscribed before me

this _____ day of _____, 20_____.

Notary Public

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 \$ _____

3 B. AFFIANT'S NET MONTHLY INCOME
 (deducting only state and federal taxes and FICA) \$ _____

Affiant's pay period (i.e., 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: premarital, 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:
\$ _____

Jewelry:
\$ _____

Collectibles:
\$ _____

Other Assets:
\$ _____
\$ _____
\$ _____

Total Assets:
\$ _____

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 \$ _____ Garbage and Sewer \$ _____

AUTOMOBILES

Gasoline and oil \$ _____ Repairs \$ _____

Auto tags and license \$ _____ Insurance \$ _____

Other \$ _____

OTHER VEHICLES (boats, trailers, RVs, etc.)

Repairs and maintenance: \$ _____ Gasoline and oil \$ _____

Tags and license \$ _____ Insurance \$ _____

TELEPHONES

Residential line \$ _____

Cellular telephones \$ _____

Lawn Care \$ _____

Pest Control \$ _____

CHILDREN'S EXPENSES

Child care (total monthly) \$ _____

School tuition \$ _____

Tutoring \$ _____

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

School supplies/expenses \$ _____

Lunch Money \$ _____

Other Educational Expenses \$ _____

Travel Expenses for Visitation \$ _____

Allowance \$ _____

Clothing \$ _____

Diapers \$ _____

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

Child support paid for other children \$ _____

Date of initial order: _____

Gifts from children to others \$ _____

Entertainment \$ _____

Other (attach sheet) \$ _____

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

Summer Camps \$ _____

AFFIANT'S OTHER EXPENSES

Dry cleaning/laundry \$ _____

Clothing \$ _____

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

Affiant's gifts \$ _____

Entertainment \$ _____

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

Vacations \$ _____

Publications \$ _____

Dues, clubs \$ _____

Religious and charities \$ _____

Pet expenses \$ _____

Alimony paid to former spouse \$ _____

Grooming, hygiene \$ _____

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 \$ _____

B. PAYMENTS TO CREDITORS

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant

TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

C. TOTAL MONTHLY EXPENSES: \$_____

This _____ day of _____, 20_____.

Affiant

Notary Public

IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA

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

CHILD SUPPORT ORDER ADDENDUM

Instructions: All parts of this Addendum must be completed and it must be attached to all final orders and judgments determining the amount of child support. However, it is not required for orders on contempt motions.

(You must check one of the following boxes)

- () The parties have agreed to the terms of this order and this information has been furnished by both parties to meet the requirements of O.C.G.A. § 19-6-15. The parties agree on the terms of the order and affirm the accuracy of the information provided, as shown by their signatures at the end of this addendum.
- () This addendum includes findings of fact and conclusions of law and fact made by the Court, in compliance with O.C.G.A. § 19-6-15.

Application of Child Support Guidelines. The statutory requirements of O.C.G.A. § 19-6-15 have been applied in reaching the amount of child support provided under the final order in this action. The specifics are as follows:

1. Gross Income – The Father’s gross monthly income (before taxes) is _____; the Mother’s gross monthly income (before taxes) is _____.
2. Number of Children – The number of children for whom support is being provided under this order is _____.
3. Attachments – The *Child Support Worksheet* and applicable schedules are attached and made a part of this Addendum.
4. Child Support Amount – The _____ shall pay to the _____ for the support of the minor children, the sum of _____ Dollars (\$_____) per month, beginning on _____, 20____.

5. **Duration of Child Support** (check only one)

- () (a) **Beyond Age 18 for High School** – The child support shall continue monthly thereafter 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 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 monthly thereafter until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated.
- () (c) **Until Further Order** – This is not a final order, so the child support shall continue until further order of this Court.
- () (d) **Until Specific Date** – The child support shall continue monthly thereafter until _____.

6. **Deviation from Presumptive Amount** (check only one)

- () No Deviation – It has been determined that none of the Deviations allowed under O.C.G.A. § 19-6-15 applies in this case. The amount of support in Paragraph 4 above is the Presumptive Amount of Child Support shown on the attached *Child Support Worksheet*.
- () 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 Presumptive Amount of Child Support that would have been required under O.C.G.A. § 19-6-15 if the deviation had not been applied is \$_____ per month, as shown on the attached *Child Support Worksheet*. 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.

7. **Health, Dental & Vision Insurance for Children** (check and complete one)

- () (a) **Insurance Available** – The following insurance for the children involved in this action is available at a reasonable cost to the Mother through that parent’s employer or the PeachCare program.
() Health (medical, mental health and hospitalization) () Dental () Vision

So long as it remains available to that parent, the _____ shall maintain the types of insurance checked above for the benefit of the minor children, until each child reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; except 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).

- () (b) **Insurance Not Available** – Insurance (other than Medicaid) is not available at this time to either party at a reasonable cost. If health insurance for the children later becomes available to the parent who is required to pay child support for these children, then that parent must obtain the following types of insurance, unless it is then being provided by the other parent:
() Health (medical, mental health and hospitalization) () Dental () Vision.

When insurance had been obtained by either party, Paragraphs 7 (a) (1) and (2) shall apply.

8. **Uninsured Health Care Expenses** – The _____ shall pay ___% and the Father shall pay ___% of all expenses incurred for the children’s health care (including medical, dental, mental health, hospital and vision care) that are not covered by insurance. The party who incurs a health care expense for one of the children shall provide verification of the amount to the other party. The 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.
9. **Parenting Time Amounts** – The approximate number of days of parenting time per year according to the visitation order is _____ days for the Father and _____ days for the Mother.
10. **Social Security Benefits** (check and complete one)
- () (a) **Not Received** – The children do not receive Title II Social Security benefits under the account of the parent ordered to pay child support.

- () (b) **Received** – The children receive Title II Social Security benefits under the account of the parent ordered to pay child support. The benefit 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 shall not be used as a reason for decreasing the final child support order or reducing arrearages.

11. **Modification** (check and complete one)

- () (a) **Not Modification Action** – This is an initial determination of child support, not a modification action.
- () (b) **Support Not Modified** – This action is a modification action, but the order does not modify the amount of child support that was previously ordered for these children. The date of the initial support order concerning this child support case was: _____.
- () (c) **Support Amount Modified** – The order modifies the amount of child support that was previously ordered for these children. The basis for the modification is:
 - () (1) Substantial change in the income and finance status of the Father;
 - () (2) Substantial change in the income and finance status of the Mother;
 - () (3) Substantial change in the needs of the Children;
 - () (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 support was:
_____.

12. **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.

13. **Income Deduction Order** (check and complete one)

- () (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 and alimony (if any) provided. The *Income Deduction Order* shall take effect: (check only 1 or 2 below, not both)
- () (1) immediately upon entry by the Court
- () (2) 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.
- () (b) The parties agree that an *Income Deduction Order* is not immediately necessary.

Parties' Consent – We knowingly and voluntarily agree on the terms of this order. Each of us affirms that the information we have provided in the Addendum is true and correct.

Father's Signature

Mother's Signature

ORDER

The Court has reviewed the foregoing Child Support Addendum, and it is hereby made the order of this Court.

This Order entered on _____, 20____.

Judge, Superior Court
Houston Judicial Circuit

II. CUSTODY AND DECISION MAKING

A. Legal Custody shall be (choose one):

- with the Mother
- with the Father
- joint

B. Primary Physical Custody:

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

CHILD	DATE OF BIRTH	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:

The parties will consult with each other and attempt to arrive at consensus on major decisions. Should they be unable to reach consensus, final decision will be made as follows:

III. PARENTING TIME/VISITATION SCHEDULES

During the term of this Parenting Plan the non-custodial parent, [or in joint custodial arrangements the ()mother or ()father], shall have at a minimum the following parenting times:

A. Weekend/ Weekday Periods:

1. Choose one of the following weekend periods:

- The weekend of the first and third Friday of each month.
- The weekend of the second and fourth Friday of each month.
- The weekend of the first, third, and fifth Friday of each month.
- Every other weekend, starting on _____.
- Other: _____.

* For purposes of this Parenting Plan, a weekend will start at _____ am/pm on _____, and end at _____ am/pm on _____.

2. Choose one of the following weekday periods:

- None
- Weekday visitation to be exercised as follows: _____
_____.

* The weekend/weekday periods of visitation will begin (choose one):

- On _____ at _____ am/pm.
- On the date of the Court's Order.

B. Major Holiday and Vacation Periods:

Choose the following periods which are applicable for the non-custodial parent's visitation. A holiday/vacation period of visitation must not interfere with the school schedule of the school where it is proposed the child will be enrolled:

() Fall Break: This visitation period will begin _____ at _____ a.m/p.m , and will end _____ at _____ a.m/p.m.

() Thanksgiving Break: This visitation period will begin _____ at _____ a.m/p.m., and will end _____ at _____ a.m/p.m.

() Christmas Break: The ()mother ()father shall have the child(ren) for the first period from _____ p.m. the day school is dismissed until December _____ at _____ a.m./p.m. in (choose one): ()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 _____ p.m. on _____. Unless otherwise indicated, the parties shall alternate the first and second periods from year to year.

() Winter Break: This visitation period will begin _____ at _____ a.m/p.m., and will end _____ at _____ a.m/p.m.

() Spring Break: This visitation period will begin _____ at _____ a.m/p.m., and will end _____ at _____ a.m/p.m.

() Summer Vacation: This visitation period will begin _____ at _____ a.m/p.m., and will end _____ at _____ a.m/p.m.

* Additional information concerning the major holiday/vacation visitation periods is as follows:

C. Other Holiday Periods (if applicable):

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

HOLIDAY	MOTHER	FATHER	START/STOP TIMES
Martin Luther King Day			
President's Day			
Mother's Day			
Memorial Day			
Father's Day			
July Fourth			
Labor Day			
Halloween			
Child(ren)'s Birthday			
Mother's Birthday			
Father's Birthday			
Religious Holidays			
Other			

D. Military Provisions (if applicable):

How the child will transition into temporary physical custody to a non-deploying parent if a military parent is deployed: _____

The manner in which the child will maintain continuing contact with a deployed parent: _____

How a deployed parent's parenting time may be delegated to his or her extended family: _____

How the parenting plan will be resumed once the deployed parent returns from deployment: _____

How the above provisions serve the best interest of the child: _____

*** Schedule Conflicts:** In the event a holiday parenting period listed in Subsection C above conflicts with a major holiday and vacation period listed in Subsection B, then (choose one):

- The Subsection C holiday period will be observed
- The Subsection B major holiday/vacation period will be uninterrupted
- Other: _____ If there is conflict between the weekend/weekday period listed in Subsection A and a holiday period listed in Subsection C, the Subsection C holiday period will take precedence.

E. Transportation Arrangements:

* Exchanging the child(ren) between parents shall take place as follows:

* Payment of long distance transportation costs, if applicable, will be paid by (choose one):

- Mother Father Equally by both parents

* For purposes of transportation, the term long distance is defined as:

* Other transportation arrangements: (Ex: disabled parent, parent without a valid driver's license, other approved transporters, etc.):

* Should the parent picking up the child(ren) exceed a _____ minute grace period without prior notification or alerting the other parent by phone of an unavoidable breakdown or delay en route, the parenting time for that period is forfeited. * Should either party repeatedly cause delay by not having the child(ren) prepared for exchange or being late for pick-up or return, a modification of parenting time may be sought. Repeatedly causing delay is defined as:

F. Communication Access:

* When the child(ren) are in the physical custody of one parent, the other parent will have the right to contact the child(ren) as follows (check all that apply):

Unrestricted telephone access during reasonable hours and of reasonable duration.

_____ telephone calls to the child(ren) per day/week with the duration of each call not to exceed _____ minutes within the following time consideration:

The child(ren) are allowed to call either parent at any time. 8 Other agreed provisions for telephone/e-mail access:

G. Other Parenting Time Provisions/ Agreements:

* Check all that apply:

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number so that the other parent may exercise their parenting time, notify the other parent as needed, and reach the child(ren) while they are in the other parent's household.

When making child care arrangements while the child is with them, parents agree to the following (Ex: age before child(ren) will be left alone, appropriate caregivers, right of first refusal to provide care, etc.

If either parent decides to relocate more than _____ miles away from the other parent's home, the moving parent will give the other parent written notice of the intent to relocate no less than (choose one): 30 days 60 days 90 days 180 days prior to the date of moving.

Supervised parenting time shall apply as follows:

Place: _____

Person/Organization supervising: _____

Responsibility for costs: mother father both equally

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.

Parents will consult with each other prior to scheduling any activity that will impact time the other parent spends with the child(ren).

() Additional agreements:

IV. ACCESS TO RECORDS AND INFORMATION

Absent agreement to limitations or Court ordered limitations, both parties 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: _____

* Check all that apply:

() Mother () Father will notify school authorities where child(ren) are enrolled each year to list both parents to receive all notifications, reports.

() Each parent shall promptly notify the other parent of any information received through the child(ren) concerning parent meetings, reports or school activities in which the child(ren) may be engaged or interested.

() Other information sharing provisions: _____

V. 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 the Court.

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 prior to involving the Court.

VI. SPECIAL CONSIDERATIONS

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

VII. PARENTS’ CONSENT

Please review the following and initial:

A. We recognize that a close and continuing parent-child relationship and continuity in the child(ren)’s life is in the child(ren)’s best interest.

Mother’s initials _____ Father’s initials _____

B. We recognize that our child(ren)’s needs will change and grow as the child(ren) 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 is minimized.

Mother’s initials _____ Father’s initials _____

C. We recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child(ren) 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.

Mother’s Signature

Father’s Signature

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court, this ____ day of _____, 20__.

Judge, Superior Court
Houston Judicial Circuit

Exhibit “_____”

VISITATION SCHEDULE

The non-custodial parent is _____ . The
custodial parent is _____ .

The non-custodial parent shall be entitled to exercise reasonable visitation with the
minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Friday at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- C. During odd numbered years (2009, 2011, etc.,) the non-custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
 - 1. New Year’s Day
 - 2. Easter or Spring Break
 - 3. July 4th
 - 4. Halloween
 - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
 - 1. Martin Luther King’s Birthday
 - 2. Memorial Day
 - 3. Labor Day
 - 4. Thanksgiving
 - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year’s Eve.
- F. The Mother shall have the minor child on Mother’s Day.
- G. The Father shall have the minor child on Father’s Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1st) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

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

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

INCOME DEDUCTION ORDER

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

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

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

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

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

_____ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

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

SO ORDERED this _____ day of _____, 20
_____.

JUDGE, Superior Courts
Houston Judicial Circuit

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

Re: Income Deduction Order

DATE: _____

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

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

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

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

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

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

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

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

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