

CHILD SUPPORT MODIFICATION

This packet contains forms and information on:

How to Modify a Child Support Order

Note: The Child Support Order must have been originally issued by a Superior Court and you may only file for modification if it has been two (2) years since a judge signed an Order for Child Support, unless your original Child Support Order has never been modified.

It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. **Courthouse personnel are prohibited by state law O.C.G.A. § 15-19-51 from giving legal advice.** Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.

INSTRUCTIONS FOR FILING A PETITION FOR MODIFICATION OF CHILD SUPPORT

Use this packet if all of the following are true:

- ☐ You have a Child Support Order from a Superior Court in Georgia which was signed after July 1, 1986, and it orders child support to be paid to you or by you.
- ☐ You are asking for a change in child support.
- ☐ The opposing party is a resident of Cobb County.

BASIC STEPS OF THIS PROCESS

- ☐ **STEP 1:** Fill out the *Petition for Modification of Child Support*.
- ☐ **STEP 2:** Fill out the *Verification* form to go with the *Petition*.
- ☐ **STEP 3:** Fill out the *Rule Nisi* form.
- ☐ **STEP 4:** Fill out two (2) *Summonses*.
- ☐ **STEP 5:** Fill out the *Sheriff's Entry of Service* (This form is obtained at the Sheriff's office.)
- ☐ **STEP 6:** Make a copy of the original child support order and attach it to the *Petition for Modification of Child Support*.
- ☐ **STEP 7:** Put the documents in order.
- ☐ **STEP 8:** Make two (2) copies of each document.
- ☐ **STEP 9:** File the original documents with the Clerk of Court and pay filing fees and service fees in the Clerk's Office.
- ☐ **STEP 10:** Come to Court on the date and time indicated on the *Rule Nisi* form.

DETAILED INSTRUCTIONS FOR FORM COMPLETION

Step 1: **Petition for Modification of Child Support**

- **Petitioner:** You are the Petitioner. Fill in your name on the line after "Petitioner" and on the line after "NOW COMES."
- **Respondent:** The Respondent is the opposing side. Fill in that person's full name on the line after "Respondent."
- **File Number:** Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the *Petition*.
- **Paragraph 1:** (Check **a** or **b**)
 - Check **a** if the Respondent lives in Cobb County. Fill in his/her complete address.
 - Check **b** if the Respondent lives in another state, but you live in Cobb County and your original Court Order is from a Georgia Superior Court. Fill in the state

where the Respondent lives in the first blank, and then enter his/her complete address in the other space.

- Paragraph 2:
 - In the first blank, fill in the date of the original Child Support Order.
 - In the second blank, fill in the county in Georgia where you received your Child Support Order.
 - In the third blank, fill in the Civil Action File Number from your original Child Support Order.
 - In the fourth blank, fill in which party was to receive child support under the original Child Support Order.
 - In the fifth blank, fill in the amount of the original Child Support Order. Circle whether it is weekly, biweekly, semimonthly, or monthly.
- Paragraph 3:
 - Check **a** if the child support is paid to the Petitioner (you) and write the amount in the blank.
 - Check **b** if the child support is paid to the Respondent (opposing party) and write the amount in the blank.
- Paragraph 4:
 - Check **a** if you are asking for an increase in child support paid to you.
 - Check **b** if you are asking for your child support payments to be decreased.
 - Check **c** if you are asking for an increase in payment for the needs of the children.
- Paragraph 5:
 - Check **a** if you are asking for an increase in child support paid to you. Then in the first blank, fill in how much the Respondent (opposing side) was earning at the time that the original Child Support Order was entered. In the next blank, fill in the date that his/her income increased. In the next blank, fill in the amount of the Respondent's current gross income.
 - Check **b** if you are asking for your child support payments to be decreased. Then fill in your monthly gross income.
- Paragraph 6:
 - Check **a** if it has been two years since your child support has changed.
 - Check **b** if you have never changed the original Child Support Order and you want to change that Order.
- Prayer, Paragraph a:
 - Check **1** if you are asking for an increase in child support paid to you.
 - Check **2** if you are asking for your child support payments to be decreased.
- Signature:
 - Fill in the date you finished the form and then sign your name.

Step 2:

Verification

- This document tells the Court that you swear, under oath, that what you wrote or put in the *Petition* is true and correct.
- Print or type your full name next to the word "Petitioner."
- Print or type the full name of the person disobeying the order next to the word "Respondent."
- Where it says: "I _____," print or type your full name.
- Where it says: "This ____ day of _____, 20____," fill in the current date, month, and year.
- Next to the number 2, print or type your full name where indicated and fill in your address and telephone number.
- **DO NOT SIGN THIS DOCUMENT.** You may only sign this document in front of a public notary. Public notaries are available at banks, the post office, grocery stores, or

the Cobb County Superior Court Clerk's Office.

Step 3: Rule Nisi

- This document is used to set a temporary hearing date. This is what you would request if you want temporary relief until the judge makes a final ruling.
- Fill in your full name as the "Petitioner" and the other person's full name as the "Respondent."
- Fill in "*Petition for Modification of Child Support*" as the type of action being brought.
- The remaining information on this document will be filled in by the Clerk of Court when you take the papers to be filed.

Step 4: Summons

- Fill out two (2) *Summons* forms.

Step 5: Sheriff's Entry of Service (This form can be obtained from the Sheriff's Office)

- This document is used by the Sheriff when s/he serves a copy of the documents on the Respondent.
- Write your address under "Petitioner's Address" on the left.
- Write the Respondent's full name and address under "Name and Address of Party to be served."
- On the right, write your full name on the line above "Petitioner" or "Plaintiff."
- On the right, write the Respondent's full name on the line above "Respondent" or "Defendant."

Step 6: Original Order

- Make a copy of the original Court Order that the opposing party disobeyed, and attach it to your *Petition for Modification*.

Step 7: Putting the Documents in Order

- Put the documents in the following order:
 - *Petition*
 - Copy of the Original Court Order for Child Support
 - *Verification*
 - *Rule Nisi*
- Make two (2) copies of all documents in the package.
- Attach a *Summons* to your original papers. Attach another *Summons* to one of your copies along with the *Sheriff's Entry of Service*.

Step 8: Filing

- Take the document package to the Cobb County Superior Court Clerk's Office to file. Have the clerk fill in the case number. Be sure to tell the clerk that you need a hearing date for your *Rule Nisi* form. Make sure this information is on all copies of your documents. Have the clerk stamp your copies. Keep a copy of the document package for your records. You may be required to pay a filing fee.
- Take one copy of the document package to the Sheriff's Office so that the Sheriff can serve it upon the opposing party. You will have to pay a service fee. Check with the Sheriff's Office for the schedule fee.

Step 9: Court Appearance

- Come to Court on the hearing date and time that is indicated on the *Rule Nisi* form. You should go to the courtroom indicated on this document, and let the case manager know that you are there. Then, wait for your case to be called by the judge.
- If you are requesting a decrease in your child support payments, you should bring copies

of your pay stubs for the last three (3) months.

- If you asking the judge for an increase in child support, then during the trial you will need to call the Respondent as a witness and ask questions about how much money s/he has now compared to how much s/he had when the original Child Support Order was issued.
- When you schedule your Final Hearing, make sure you completely fill out the Child Support Addendum and *Final Order for Child Support Modification* as completely as possible. Also complete a Child Support Worksheet. Bring these forms to your hearing and present them to the judge.

Fees are subject to change. Please check with the Clerk's Office.

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

Petitioner: _____

and

Respondent: _____

Civil Action File No.: _____

NOTICE OF CHILD SUPPORT REQUIREMENTS

You are hereby notified in accordance with O.C.G.A. § 19-6-15 and Uniform Superior Court Rule 24.2, as amended, that you must comply with the requirements here within.

The Domestic Relations Financial Affidavit (in substantially the form provided in U.S.C.R. 24.2, as amended) and child support schedules, in the form promulgated by the Georgia Child Support Commission, * shall be filed and served on the opposing party:

- (a) at least five (5) days prior to any temporary hearing;
- (b) at least five (5) days prior to any court-ordered mediation; or
- (c) either with the *Answer* or 30 days after service of the *Complaint*, whichever first occurs, if no application for a temporary award is made and the parties do not attend mediation.

Both parties shall exchange any amendments at least ten (10) days prior to a final hearing. Both parties shall submit their proposed worksheets pursuant to O.C.G.A. § 19-6-15, as amended, at the time of the hearing. No social security numbers or account numbers shall be included on any document filed with the court.

Failure to furnish financial information may subject a party to the penalties of contempt and may result in continuance of the hearings or other penalties.

Any party who intends to submit a proposed worksheet and the accompanying schedules to the Court electronically shall do so in accordance with Rule 24.2, as amended, and shall provide the opposing party a copy of the submission, either electronically or by printed copy. **Electronic submission is not a substitute for filing with the Clerk of Court.**

Signed this _____ day of _____.

[day] [month] [year]

(Sign your name here)

Pro se

Name (print or type): _____

Address: _____

Daytime Telephone Number: _____

* The requisite forms are available at <http://www.ocse.dhr.georgia.gov/portal/site/DHR-OCSE/> and <http://www.georgiacourts.org/csc/>.

NEW CHILD SUPPORT GUIDELINES EFFECTIVE JANUARY 1, 2007 FOR ALL PENDING CASES

Georgia's new child support guidelines require new paperwork in all pending cases involving child support issues. Both parties must file completed *Child Support Worksheets and Schedules* as a part of their case in addition to the *Domestic Relations Financial Affidavit*. Uniform Superior Court Rule 24.2 (enclosed) requires that you file a completed worksheet and financial affidavit with your *Complaint*.

Where can I get help completing the Worksheet and Schedules?

Selecting, interpreting, and filling out forms all constitute legal advice. O.C.G.A. § 15-19-51 states that it is illegal for anyone but a duly licensed attorney to give legal advice; therefore, we cannot help you in completing these forms in the Law Library. Below is a list of places that will be able to help you:

Cobb County Bar Association

Lawyer Referral Hotline
(770) 424-7149
Monday-Friday
9a.m. to 4:30p.m.
www.cobbbar.org

Atlanta Legal Aid, Cobb Office

30 South Park Square
Marietta, Georgia 30090
(770) 528-2565
www.atlantalegalaid.org

Hispanic Outreach Law Project*

Provides Spanish Speaking Attorneys
(404) 377-5381

Grandparent/Relative Caregiver Project*

(404) 614-3911

Georgia Senior Legal Hotline*

(404) 657-9915

* *Services of Atlanta Legal Aid*

What if I want to complete the Worksheet & Schedules on my own? Where can I get the documents?

A Guided Electronic Worksheet is available online over the Internet through Child Support Services at <https://services.georgia.gov/dhr/cspp/do/public/SupportCalc>. Once you are there, you will select the Guided Worksheet option and click the Next button at the bottom of the screen. You will answer a series of questions about the household income and child rearing expenses for both parents. The Electronic Worksheet will automatically figure out the child support obligation of both parents. It will also fill out the Worksheet and Schedules for you. The Worksheet is long and complicated, so you may need to work on it several times. If this is the case, you may save the Worksheet online and work on it later. You will be given a confirmation number that you will enter every time you work on the Worksheet. This confirmation number is very important because it is unique to your specific worksheet. *If you lose your confirmation number, you will not have access to your saved worksheet!* Once you have completed the Worksheet, you will be given the option to submit the information for access by the Judge. In order to submit the Worksheet to the Judge electronically, you will be asked to input your Civil Action Number. Your Civil Action Number will be assigned when your case is filed.

Where can I go to get on the Internet?

Cobb County Public Libraries have free public Internet access. Local Law Libraries have free public Internet access as well, as long as you are doing legal research. Both libraries allow printing for a small fee. See the following page for a list of local libraries in your area where you can access a computer.

Important Points about Worksheets and Schedules:

- Both parents are required to file a *Child Support Worksheet and Schedules*.
- There is a difference between filing electronically submitting the *Worksheet and Schedules*. The original worksheet and schedules are filed with the Superior Court Clerk's Office. After you submit electronically, you should check with the Court to see if a hard copy is preferred, and also to make sure that the Judge's office has a copy of your confirmation number. Your confirmation number is unique to your *Worksheet and Schedules*. *If you lose your confirmation number, you will not have access to your saved worksheet!* You will have to start over again if you need to print or make changes.
- After the Worksheet is submitted electronically, it cannot be retrieved to print. Remember to print out the original Worksheet before submitting it to the Judge.
- Documents used to complete your Worksheet will need to be brought with you to Court.

Local Libraries with Computer Access

www.cobbcat.org

Central Library

266 Roswell Street
Marietta, GA 30066

Acworth Library

4569 Dallas Street
Acworth, GA 30101
(770) 917-5165

Merchant's Walk Library

1315 Johnson Ferry Road
Marietta, GA 30068
(770) 509 2730

East Marietta Library

2051 Lower Roswell Road
Marietta, GA 30068
(770) 509-2711

Gritters Library

880 Shaw Park Road
Marietta, GA 30066
(770) 528-2524

Hattie G. Wilson Library

350 Lemon Street
Marietta, GA 30060
(770) 528-2526

Kemp Memorial Library

4029 Due West Road, NW
Marietta, GA 30060
(770) 528-2527

Mountain View Regional Library

3320 Sandy Plains Road
Marietta, GA 30066
(770) 509-2725

Powder Springs Library

4262 Marietta Street
Powder Springs, GA 30127
(770) 439-3600

Sibley Library

1539 South Cobb Drive
Marietta, GA 30060
(770) 528-2520

Stratton Library

1100 Powder Springs Road
Marietta, GA 30064
(770) 528-2522

West Cobb Regional Library

1750 Dennis Kemp Lane
Kennesaw, GA 30152
(770) 528-4699

Kennesaw Library

2250 Lewis Street
Kennesaw, GA 30144
(770) 528-2529

Cobb County Law Library

12 East Park Square
Marietta, GA 30090
(770) 528-1884
www.lawlibrary.cobbcountyga.gov

Cherokee County Law Library

90 North Street
Canton, GA 30114
(678) 493-6175

Fulton County Law Library

185 Central Avenue
Atlanta, GA 30303
(404) 730-4544
www.fultoncourt.org/lawlibrary

Gwinnett County Law Library

75 Langley Drive
Lawrenceville, GA 30045
(770) 822-8575
www.gcll.org/Facility_hours.htm

Forsyth County Law Library

118 Castleberry Road, Suite 10
Cumming, GA 30040
(770) 205-4610
www.forsythco.com/departments.asp?DeptID=118

Clayton County Law Library

Harold R. Banke Justice Center
9151 Tara Boulevard, Suite 3CA01
Jonesboro, GA 302361
(770) 477-3415