

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) *Summons* forms.
- STEP 5:** Fill out the *Sheriff's Entry of Service*.
- 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 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.