

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

_____	)	
Plaintiff,	)	
	)	
	)	
<b>vs.</b>	)	
	)	
	)	<b>Civil Action No.</b> _____
_____	)	
Defendant.	)	

**PETITION FOR MODIFICATION OF CUSTODY AND CHILD SUPPORT**

COMES NOW \_\_\_\_\_, Plaintiff in the above-styled action, and files their Petition for Modification of Custody and Child Support against the Defendant, \_\_\_\_\_, as follows:

1.

**Jurisdiction and Venue:**

*[Check only one of the following, (a), (b), or (c).]*

- (a) The Defendant is a resident of DeKalb County, Georgia, and is subject to the jurisdiction of this Court.
  
- (b) The Defendant lives in Georgia, outside of DeKalb County. The Defendant has acknowledged service of process and consented to the jurisdiction and venue of this Court.
  
- (c) The Defendant is not a resident of Georgia, but this Court has exclusive, continuing jurisdiction to modify custody because a Georgia court has made a prior custody determination, and the children or a party to that case lives in DeKalb County, Georgia OCGA § 19-9-62(a)

2.

**Service of Process:** The Defendant shall be served as provided under OCGA § 9-11-4, in the following manner:

*[Check only one of the following, either (a), (b), or (c).]*

(a) The Defendant has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Defendant) with this *Complaint*.

(b) The Defendant may be served by the Sheriff's Department at the Defendant's residence/work address, which is: *(select only one)*

Residence:

Work:

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

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

*(Check only if the Defendant lives outside DeKalb County.)* The Defendant resides outside of DeKalb County, and shall therefore be served by second original, as provided under OCGA § 9-10-72. Service shall be made by the sheriff's department of the county where the Defendant resides.

(c) The Defendant's whereabouts are unknown to me. I am filing my *Affidavit of Due Diligence* with this *Complaint*, explaining what I have done to try to find them. The Defendant shall be served by publication as provided under OCGA§ 9-11-4(e)(1) for those who cannot be found within the State of Georgia

To the best of my knowledge, the Defendant's last known address is:

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

3.

The Defendant and I are the parents of \_\_\_\_\_ minor children, listed below:

<u>Name of child</u>	<u>Year of Birth</u>	<u>Lives with (Plaintiff, Defendant, Other)</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

4.

**Children’s Current Residence:**

The minor children currently live at \_\_\_\_\_  
 \_\_\_\_\_ in \_\_\_\_\_ County, with the  
 following people: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_. The children have lived at this address  
 since approximately \_\_\_\_\_.

5.

**Children’s Past Residences:**

During the past five years, the children have lived at the following addresses:

<u>Dates at Address</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6.

**People With Whom Children Have Lived:**

During the past five years, the children have lived with the following people:

Name of Person

Person's **Current** Address

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7.

**Prior Custody Determination:**

Date of order: \_\_\_\_\_

Name of Court: \_\_\_\_\_

County/District and State where order was issued: \_\_\_\_\_

Legal custody was awarded to: \_\_\_\_\_

Physical custody was awarded to: \_\_\_\_\_

A certified copy of the prior order is attached to this Petition.

8.

**Other Proceedings That Could Affect Custody or Visitation in This Case:**

*[Check only one of the following, either (a) or (b).]*

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

(b) I have information about a proceeding that could affect this case, including proceedings for enforcement and proceedings relating to family violence, protective orders, termination of parental rights, or adoptions in this or another

state. The court, the case number and the nature of the proceeding(s) are as follows:

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9.

**Others Claiming Custody or Visitation:** *[Check only one of these, either (a) or (b).]*

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

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10.

Since the date of the prior custody determination, there has been a change in circumstances which materially affects the welfare of the minor children.

***[Check all that apply.]***

- (a) The Defendant has consented to the modification of custody. I am filing the Consent (which has been signed by the Defendant) with this Petition.
- (b) The minor children want to live with me and have signed an Affidavit of Election. I am filing the Affidavit with this petition.
- (c) The Defendant was awarded physical custody of the minor children in the prior custody determination, but the minor children have been living with me since \_\_\_\_\_.

(d) The Defendant is unable to care for the children because:

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11.

**Child Custody and Visitation:** I am a fit and capable parent, and I believe that the following custody arrangement is in the best interests of the children:

*[Check only one of the following, either (a), (b), (c) or (d).]*

- (a) I should have legal and physical custody.
- (b) The Defendant and I should share joint legal custody, but I should have primary physical custody and the Defendant should have visitation.
- (c) The Defendant and I should share joint legal custody, but the Defendant should have primary physical custody and I should have visitation.
- (d) Other custody arrangement:

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12.

**Permanent Parenting Plan.** I understand I am required to prepare a Parenting Plan:

- I am filing a Parenting Plan with this Petition.
- I will file a Parenting Plan before the first hearing in this case.

13.

I am requesting a modification of child support. A Domestic Relations Financial Affidavit and Child Support Worksheet  is being filed with this Petition  will be filed before the first hearing in this case.

14.

I have not filed a Petition for Modification of custody child support within two years of the filing of this Petition.

15.

THEREFORE, I request the following [*Check all that apply.*]:

- (a) That I be awarded legal custody and physical custody of the minor child(ren);
- (b) That the Defendant and I be awarded joint legal custody, and I be awarded physical custody of the minor child(ren);
- (c) That the other custody arrangement is ordered as specified in Paragraph 11;
- (d) That the prior child support order be modified if the prior child custody determination is modified;
- (e) That a Rule Nisi be scheduled by the Court to decide on the relief I have requested;
- (f) That the Court order the parties to participate in mediation to try to resolve this matter;
- (g) That the Defendant be required to pay all costs of this action; and
- (h) That the Court order any and all other relief that the Court finds appropriate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff Pro se [signature]

Name: \_\_\_\_\_

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

City, State Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

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

\_\_\_\_\_, )  
Plaintiff, )  
 )  
 )  
vs. )  
 )  
 ) **Civil Action No.** \_\_\_\_\_  
\_\_\_\_\_, )  
Defendant. )

**VERIFICATION**

\_\_\_\_\_ appeared before the undersigned officer, who is authorized to administer oaths, and said under oath that he has read the foregoing *Petition for Modification of Custody and Child Support*, and that the facts in it are true.

\_\_\_\_\_  
Plaintiff, Pro Se (Signature)  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Subscribed and sworn to before me  
on \_\_\_\_\_, 20\_\_.

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