

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

<div style="border-bottom: 1px solid black; height: 1.2em; margin-bottom: 10px;"></div> <div style="text-align: center; padding: 10px 0;">Petitioner,</div> <div style="text-align: center; padding: 10px 0;">v.</div> <div style="border-bottom: 1px solid black; height: 1.2em; margin-top: 10px;"></div> <div style="text-align: center; padding: 10px 0;">Respondent.</div>	<div style="padding: 10px 0;">Civil Action File No.: <div style="border-bottom: 1px solid black; width: 150px; display: inline-block;"></div></div>
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PETITION FOR MODIFICATION OF CUSTODY
☐ **AND CHILD SUPPORT**

My name is _____
I am representing myself in this modification petition. In support of my case, I state as follows:

1. **Jurisdiction and Venue**
[Check only one of the following, either (a), (b) or (c).]
 - ☐ (a) The Respondent is a resident of Gwinnett County, Georgia and is subject to the jurisdiction of this Court.
 - ☐ (b) The Respondent lives in Georgia, outside of Gwinnett County, but I live in Gwinnett County. The Respondent has acknowledged service of process and consented to the jurisdiction and venue of this Court.
 - ☐ (c) The Respondent 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 Gwinnett, County, Georgia, OCGA § 19-9-62(a).

2. **Service of Process:** The Respondent 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 Respondent has acknowledged service of process. I am filing the *Acknowledgment of Service* (which has been signed by the Respondent) with this *Petition*.

☐ (b) The Respondent may be served by the Sheriff's Department at the Respondent's ☐ residence ☐ work address, which is:

☐ (b-1) [Check only if the Respondent lives outside Gwinnett County.] The Respondent resides outside of Gwinnett 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 Respondent resides.

3. **Minor Children:**

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

Name of child	Sex	Year of Birth	Lives with (Plaintiff, Defendant, other)
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>	<hr/>

4. **Children's Current Residence:**

Child(ren)'s current address:

City, State ZIP

County:

The child(ren) has/have lived at this address since approximately (month and year):

5. **Children's Past Residences:**

During the past five years, the child(ren) has/have lived at the following addresses:

Dates at Address	Address
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. **People With Whom Children Have Lived:**

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

Name of Person	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 are as follows:

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 current addresses of the person(s) are as follows:

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 Respondent has consented to the modification of custody. I am filing the *Consent* (which has been signed by the Respondent) with this Petition.
- ☐ (b) The minor children want to live to me and have signed an *Affidavit of Custody Election*. I am filing the *Affidavit* with this petition.
- ☐ (c) The Respondent 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 Respondent is unable to care for the children because:

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), or (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:

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

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

- ☐ 12. 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.

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

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 Respondent 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 Respondent 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: _____

Petitioner *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

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STATE OF GEORGIA

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VERIFICATION

I am the Petitioner filing this action. I swear or affirm that I have read the *Petition for Modification of Custody and Child Support* and that the facts contained within my *Complaint* are true and correct.

Petitioner *[signature]*

SWORN AND AFFIRMED before me this

____ day of _____ 20____.

NOTARY PUBLIC