

IN THE SUPERIOR COURTS OF ATHENS-CLARKE AND OCONEE COUNTIES
WESTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

DOCKET INITIALS

BEVERLY LOGAN, CLERK
CLARKE COUNTY, GEORGIA

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FILED IN
CLERK'S OFFICE
SUPERIOR/STATE COURT

In re: Change in Georgia Child Support Law, effective January 1, 2007

Notice of Child Support Requirements and Standing Order

Effective January 1, 2007, Georgia child support law changed from a flat percentage to an income shares model. The new law applies to any action (pending as of January 1, 2007 or filed thereafter) in which a temporary or permanent child support order is sought or entered. The new law and rule governing child support determinations are located in the Official Code of Georgia Annotated (O.C.G.A.) at § 5-6-34 (appeals); § 7-4-12.1 (interest); § 19-5-12(c) (form of judgment); § 19-6-15 (child support guidelines); § 19-7-2 (parental obligation to child); and Uniform Superior Court Rule 24.2, as amended December 6, 2006 (hereinafter "USCR 24.2").

This Notice of Child Support Requirements and Standing Order has been drafted to aid in the implementation of the new child support law in the Western Judicial Circuit and is effective until further order.

The new child support law requires parties (or their attorneys) to file certain worksheets and schedules for use in determining the amount of child support owed.¹ See O.C.G.A. § 19-6-15. The Georgia Child Support Commission has developed the statutorily required worksheets, schedules, software, and a calculator for use in calculating child support obligations and orders in accordance with the new child support law. See O.C.G.A. § 19-6-53(6), (7). Only the worksheets and schedules developed by the Georgia Child Support Commission will satisfy the requirements of the new child support law. The schedules, worksheets, software, and calculator may be found by accessing any one of the websites listed in footnote 2 of this Order.²

In any contested or non-contested action, pending as of January 1, 2007 or filed thereafter, for which a party seeks the entry of a temporary or permanent child support order, the worksheets and schedules (and a party's financial affidavit specifying financial circumstances) must be filed, served, and submitted in accordance with Uniform Superior Court Rule 24.2, which provides in relevant part:

At the time of filing of any action for temporary or permanent child support, alimony, equitable division of property, modification of child support or alimony or attorneys fees, the filing party shall file with the

¹ Parties without attorneys (also known as "pro se" parties) are required to comply with the filing and other requirements of the new child support law.

² The required schedules, worksheets, software, calculator are available at the following websites: www.ocse.dhr.georgia.gov/portal/site/DHR-OCSE/; www.georgiacourts.org/csc/; and www.judgestevejones.us. (Persons without home/office internet access are encouraged to visit local libraries in order to view these websites.)

Clerk of Court **the affidavit specifying his or her financial circumstances in the form set forth...[in USCR 24.2]**³ and in cases involving child support, the **schedules**^{4 5} required by O.C.G.A. § 19-6-15 and shall **serve** the [**financial affidavit and schedules**] upon the opposing party.

In **protective order actions** filed under O.C.G.A. § 19-13-1, et. seq. and in other emergency actions, the affidavit and schedules may be filed and served on or before the date of the hearing or at such other time as the Court orders, and shall not be required at the time of the filing of the action.

....

The **opposing party shall serve...[his/her financial affidavit]** and the **schedules**...and shall file with the Clerk of Court and exchange this information with the opposing party:

- (a) at least **five days** prior to any **temporary hearing**;
- (b) at least **five days** prior to any court ordered **mediation**; or
- (c) **with his or her answer or thirty days after service of the complaint**, whichever first occurs, if no application for a temporary award is made and the parties do not participate in mediation prior to trial.

Any **amendments** to the affidavits or schedules shall be exchanged at least 10 days prior to hearing or trial.

Each party shall submit the **proposed worksheet** required by O.C.G.A. § 19-6-15...at the time of hearing or trial. (emphasis added).⁶

³ USCR 24.2 (and the financial affidavit form) may be viewed in its entirety and printed at: www.judgestevecjones.us and http://www.georgiacourts.org/courts/superior/rules/rule_24.html.

⁴ It is important to note that schedules and worksheets are not the same documents. O.C.G.A. § 19-6-15 does not specifically require the worksheet to be filed at the time of the initial filing of the action. As stated in USCR 24.2, worksheets are to be filed at the time of hearing or trial; however, the Superior Court Judges of this Circuit will permit the worksheets to be filed (as well as electronically submitted pursuant to the language found on page 3 of this Order) at earlier dates. In addition, the worksheet shall be attached to the final court order or judgment. See O.C.G.A. § 19-6-15(m)(1).

⁵ Said schedules shall be completed in substantial form (inclusive of the sections regarding the opposing party) to the best of the filing party's knowledge and belief. After receipt of additional information, a party must amend (his/her schedules) pursuant to the "amendments" provisions of USCR 24.2.

⁶ The above constitutes an excerpt of USCR 24.2 relating to filing, submission, and service of worksheets, financial affidavits, and schedules. USCR 24.2 contains additional requirements/provisions which have not been set out in this Order. As stated above, USCR 24.2 may be viewed in its entirety at: www.judgestevecjones.us and http://www.georgiacourts.org/courts/superior/rules/rule_24.html.

In an effort to provide additional clarity, a “Checklist for Child Support Cases” has been attached hereto as Exhibit A.

The Clerk of Court is not authorized to reject filings which do not comply with the new child support law; however, a party’s failure to file (and/or furnish to the opposing party) the previously mentioned worksheets, schedules, and financial information may subject a party to a determination of support based on available information, placement of the case on a child support peremptory calendar, continuance of a scheduled hearing, and/or other sanctions.

No social security numbers or account numbers shall be included in any document filed with the court.

The previously mentioned software and websites (listed in footnote 2) also provide the option of electronic submission of worksheets and schedules to the assigned Superior Court Judge; however, **electronic submission is not a substitute for filing with the Clerk of Court.** A party may submit a worksheet and accompanying schedules to the assigned Superior Court Judge electronically (utilizing the previously referenced websites) in accordance with the filing, service, and submission provisions of USCR 24.2, as amended. Alternatively, a party may submit worksheets and schedules to the assigned Superior Court Judge by email attachment to the appropriate email address listed in footnote 7.⁷ A party may also submit a virus-free disk to the assigned Superior Court Judge containing his/her proposed completed worksheet and schedules at/or before the hearing or trial. For each submission option chosen, **the party should only include the worksheet and/or schedule. The party should NOT add any comments about the case to his/her submission.** The submitting party shall also provide the opposing party with a copy (printed or electronic) of the submission.

At the hearing or trial, the law requires a level of proof which can best be met with reliable evidence of income, such as tax returns for prior years, check stubs, or other information for determining current ability to pay child support. See O.C.G.A. § 19-6-15(f)(4)(A). In cases in which a party is subject to a preexisting child support order for a different child (who is not the subject of the current litigation), the party should bring a copy of the preexisting order, as well as documentation showing payment pursuant to a preexisting order. Such documentation shall include, but is not limited to: payment history from a court clerk or Child Support Enforcement database, canceled checks, or other written proof of payments paid directly to the other parent. See O.C.G.A. § 19-6-15(f)(5)(B).

In cases in which there is a consent/negotiated agreement of a final order, judgment, or decree, a completed, sworn/notarized Child Support Order Addendum shall be submitted to the Court, as well as all of the required worksheets and schedules.^{8 9} In

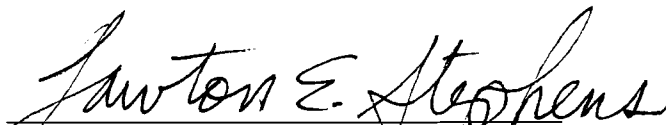
⁷ Honorable Lawton E. Stephens: [JudgeStephensChildSupport@co.clarke.ga.us]
Honorable Steve C. Jones: [JudgeJonesChildSupport@co.clarke.ga.us]
Honorable David R. Sweat: [JudgeSweatChildSupport@co.clarke.ga.us]


⁸ Parties are not required to file the Child Support Order Addendum with consent/negotiated agreements of temporary orders and contempt orders (for which there is no new child support determination).

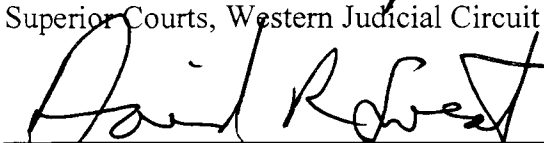
contested cases, if at the conclusion of the final hearing, the Court asks an attorney to prepare a proposed final order, the attorney shall also submit a proposed Child Support Order Addendum. The Child Support Order Addendum is attached hereto as Exhibit B.

Let a copy of this Notice and Standing Order be placed upon the minutes of the Western Judicial Circuit Superior Courts and distributed (without Exhibit B) to each attorney (or party) filing actions in which a temporary or permanent child support order is sought. In the interest of conserving paper resources, Exhibit B will be distributed by the Clerk's Office upon request and posted on the websites listed in footnote 10.¹⁰ After filing, the petitioning party (or attorney) shall also serve a copy of this Notice/Standing Order (along with Exhibit A) upon his/her opposing party, at the same time as the service of his/her Complaint/Petition.

SO ORDERED, this 2nd day of February, 2007.


Honorable Lawton E. Stephens, Chief Judge
Superior Courts, Western Judicial Circuit


Honorable Steve C. Jones, Judge
Superior Courts, Western Judicial Circuit


Honorable David R. Sweat, Judge
Superior Courts, Western Judicial Circuit

⁹ The Child Support Order Addendum requirement applies to consent/negotiated agreements/proposed orders drafted by the Child Support Enforcement Agency.

¹⁰ Exhibit B may be viewed and printed at: www.judgestevejones.us and <http://athensclarke.allclerks.us/>.

EXHIBIT A

✓ **CHECKLIST FOR CHILD SUPPORT CASES**
(not including Family Violence Ex Parte Petitions)

- Plaintiff's/Petitioner's **initial filing** should include all of the following:
 - ❑ Complaint/Petition
 - ❑ Domestic Relations Case Filing Form¹¹
 - ❑ Financial Affidavit¹²
 - ❑ Schedules^{13 14}
 - ❑ Filing Fees

- Also at the **initial filing**, Plaintiff/Petitioner should receive:
 - ❑ 2 copies of the Notice of Child Support Requirements/Standing Order
 - ❑ 2 copies of the Domestic Relations Standing Order

- **Service** by the Plaintiff/Petitioner upon the Defendant/Respondent should include all of the following:
 - ❑ Complaint/Petition
 - ❑ Financial Affidavit
 - ❑ Schedules
 - ❑ A copy of the Notice of Child Support Requirements/Standing Order
 - ❑ A copy of the Domestic Relations Standing Order

- After service, **Defendant/Respondent** should **file** with Clerk **and serve** upon the Plaintiff/Petitioner all of the following:
 - ❑ **An Answer** (within 30 days of service)
 - ❑ **Financial Affidavit** – file & serve according to the following timelines:
 - File and serve with answer or **30 days** after service of the Complaint (if a temporary hearing or court-ordered mediation has not been scheduled); **HOWEVER**
 - If a temporary hearing or court-ordered mediation has been scheduled, must file and serve at **least 5 days prior** to any temporary hearing/court-ordered mediation

¹¹ The domestic relations case filing form is available at the Clerk's Office and may be viewed and printed at: <http://athensclarke.allclerks.us/>.

¹² The requisite financial affidavit form may be viewed and printed at: www.judgestevecjones.us and http://www.georgiacourts.org/courts/superior/rules/rule_24.html.

¹³ The requisite schedules, worksheets, software, calculator are available at the following websites: www.ocse.dhr.georgia.gov/portal/site/DHR-OCSE/; www.georgiacourts.org/csc/; and www.judgestevecjones.us.
(Persons without home/office internet access are encouraged to visit local libraries in order to view these websites.)

¹⁴ Said schedules shall be completed in substantial form (inclusive of the sections regarding the opposing party) to the best of the filing party's knowledge and belief. After receipt of additional information, a party must amend (his/her schedules) pursuant to the "amendments" provisions of USCR 24.2.

- **Schedules**
 - File and serve with answer or **30 days** after service of the Complaint (if a temporary hearing or court-ordered mediation has not been scheduled); HOWEVER
 - If a temporary hearing or court-ordered mediation has been scheduled, must file and serve at **least 5 days prior** to any temporary hearing/court-ordered mediation
- **AMENDMENTS** (to a financial affidavit and/or schedules)
 - Exchange with opposing party at least **10 days** prior to hearing or trial
- **HEARING/TRIAL**
 - A party should submit his/her proposed **worksheet**¹⁵ at the time of hearing/trial.
 - A party should bring reliable evidence of income to the hearing/trial.
- **ELECTRONIC SUBMISSION OF WORKSHEETS AND SCHEDULES TO ASSIGNED JUDGE** -- This is **not** a substitute for filing documents with Clerk of Court; **HOWEVER**, electronic submission may be made to the assigned judge via the following email address¹⁶:
 - **Honorable Lawton E. Stephens:**
[JudgeStephensChildSupport@co.clarke.ga.us]
 - **Honorable Steve C. Jones:** [JudgeJonesChildSupport@co.clarke.ga.us]
 - **Honorable David R. Sweat:**
[JudgeSweatChildSupport@co.clarke.ga.us]
- **NEGOTIATED CONSENT/SETTLEMENT AGREEMENTS (OF FINAL ORDERS)**¹⁷ – parties should submit to the assigned judge:
 - Settlement Agreement
 - Proposed order
 - Child Support Order Addendum¹⁸ (notarized)
 - Worksheets (completed and amended, if necessary)
 - Schedules (completed and amended, if necessary)

¹⁵ It is important to note that a “worksheet” is not the same as a “schedule.”

¹⁶ **The party should not add any comments about the case to his/her electronic submission.**

¹⁷ Not applicable to consent/negotiated agreements of temporary orders.

¹⁸ The Child Support Order Addendum is available in the Clerk’s Office upon requested and may be viewed and printed at: www.judgestevejones.us and <http://athensclarke.allclerks.us/>.

EXHIBIT B

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

Plaintiff,	,)	
)	Civil Action
vs.)	Case Number _____
)	
Defendant.	,)	

CHILD SUPPORT ORDER ADDENDUM

Instructions: All parts of this Addendum must be completed and the Addendum must be attached to all final judgments, decrees, and orders in which there is a determination of child support (inclusive of negotiated settlement and contested cases). This addendum is not required for temporary orders – or contempt orders (for which there is no new child support determination).

[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 OCGA §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.

--OR--

() This addendum includes findings of fact and conclusions of law and fact made by the Court, in compliance with OCGA §19-6-15.

Application of Child Support Guidelines. The statutory requirements of OCGA §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 is \$ _____ (before taxes).
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 *Schedule E* are attached and made a part of this addendum, along with any other applicable schedules.
4. For purposes of calculating child support, the Noncustodial parent is _____.

5. Child Support Amount - The _____ shall pay to the _____, for the support of the minor children, the sum of _____ Dollars (\$ _____) per month, beginning on _____, 20 _____.

6. **Duration of Child Support**

[You must check & complete only one of the following paragraphs.]

- () (a) **Beyond Age 18 for High School** - The child support shall continue monthly thereafter until (the)/(all) child(ren) reach(es) 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 fulltime 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 of the Court, specifically,** _____.
- () (d) **Until Specific Date** - The child support shall continue monthly thereafter until _____.

7. **Deviation from Presumptive Amount**

[You must check & complete only one of the following paragraphs.]

- () (a) **No Deviation** - It has been determined that none of the Deviations allowed under OCGA §19-6-15 applies in this case, as shown by the attached *Schedule E*. The amount of support in Paragraph 4 above is the Presumptive Amount of Child Support shown on the attached *Child Support Worksheet*.
- () (b) **Deviation** - It has been determined that one or more of the Deviations allowed under OCGA §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 OCGA §19-6-15 if the deviations 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.

8. **Health, Dental & Vision Insurance for Children**

[You must check & complete all parts of only one of the following paragraphs, (a) or (b).]

- () (a) **Insurance Available** - The following insurance for the children involved in this action is available at a reasonable cost to the _____ (mother/father):

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

9. **Uninsured Health Care Expenses** - The _____ shall pay _____% and the _____ shall pay _____% of all expenses incurred for the children's health care (including medical, dental, mental health, hospital, vision care, psychological, and all other health care related expenses) 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. That 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.
10. **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.
11. **Social Security Benefits**

*[You must check & complete **only one** of the following paragraphs.]*

- () (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 benefits 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 it shall not be used as a reason for decreasing the final child support order or reducing arrearages.

12. **Modification** *[You must check & complete only one of the following paragraphs.]*

- () (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 agreement/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 agreement/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 financial status of the Father;
 - () (2) Substantial change in the income and financial 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 this child support case was:
_____ .

13. **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.

14. **Income Deduction Order**

[You must check & complete **only one** of the following paragraphs: (a), (b) or (c).]

() (a) An *Income Deduction Order* shall be entered by the Court, under OCGA § 19-6-32, for payment of the child support and alimony (if any) provided. The *Income Deduction Order* shall take effect:

[To finish (a), you must check either (1) or (2). Do not check 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 OCGA §19-6-32 (f).

() (b) The parties agree that an *Income Deduction Order* is not immediately necessary.

() (c) There is good cause not to require income deduction, because an income deduction will not serve the children’s best interests, and there has been sufficient proof of timely payment of any previously ordered support.

(for negotiated settlement cases only)

Parties’ Consent - We knowingly and voluntarily agree on the terms of this Order Addendum. We acknowledge having had the opportunity to seek advice of Counsel regarding this Child Support Order Addendum. We each affirm that the information we have provided in this Child Support Order Addendum is true and correct. We understand that this Child Support Addendum is a part of the Order to which it is attached and that we are bound thereby.

Father’s Signature

Mother’s Signature

Sworn and subscribed before me on the _____ day of _____, _____

Sworn and subscribed before me on the _____ day of _____, _____.

Notary Public [signature]
[Seal]

Notary [signature]
[Seal]

--OR--

() **Contested Hearing.**

ORDER

(for negotiated settlement cases)

The Court has reviewed the foregoing *Child Support Order Addendum* and is satisfied that the parties have complied with the provisions of O.C.G.A. § 19-6-15. The Court accepts the parties' Child Support Order Addendum and makes the agreed upon statements herein (pertaining to: a sum certain of permanent child support; initial date of preexisting order, duration; gross income; health insurance; deviations; parenting time; uninsured health care expenses; Social Security; modifications; garnishment, and income deduction) the findings of the Court in accordance with O.C.G.A. § 19-6-15(c).

This Order entered on the _____ day of _____, 20 _____.

JUDGE
Superior Courts, Western Judicial Circuit

ORDER

(for contested cases)

After a hearing in the above styled case, the Court hereby makes the completed entries (and applicable language) of the foregoing *Child Support Order Addendum* its findings of fact.

This Order entered on the _____ day of _____, 20 _____.

JUDGE
Superior Courts, Western Judicial Circuit