

## **PATERNITY PACKET**

### **What does "paternity" mean?**

Paternity is a legal word for "fatherhood". When you establish paternity, this means that you have gone through a legal process to identify a man as the biological father of a child.

### **How may the paternity of a child be established?**

Paternity of child can be established in the following ways:

- (1) The mother and father can sign a voluntary acknowledgment of paternity. This acknowledgment form is recorded in the putative father registry maintained by the Department of Human Resources. For more information about the Georgia Paternity Acknowledgement Program, call 1-866-296-8262.
- (2) The mother or the father or any other person allowed by law to start a paternity action may file a petition in the Superior Court or the State Court to establish paternity.
- (3) If the Department of Human Resources seeks to establish paternity of a child, the Office of State Administrative Hearings has the authority to decide the issue of paternity. However, the man who has been identified as the putative father can deny that he is the father of the child and demand a trial in the Superior Court.

### **Who can start an action to establish paternity?**

An legal action to establish paternity of a minor can be brought by the child, the mother of the child, a person who is alleged to be the father, any relative taking care of the child, and, in certain circumstances, the Department of Human Resources (in the name of and for the benefit of the child).

### **Where can an action to establish paternity be filed?**

If the father is a Georgia resident, the suit may be brought in the state or superior court of the county in which the father resides. If the father is a nonresident, the suit may be brought in the state or superior court where the child resides.

### **Does the mother of the child have to be a party to the legal action and does she have to be notified?**

If the mother is subject to the jurisdiction of the court where the petition for paternity has been filed, she must be a party to the law suit. If she is not subject to the court's jurisdiction, she must at least be given notice of the petition for paternity and she must be given an opportunity to be heard in the court.

**After paternity is established, does the father have any rights to the child?**

Under Georgia law, the birth mother is the only person entitled to custody of a child born out of wedlock, unless the father has gone through the process of legitimating the child. In a paternity action if the court finds that a man is the father of a child, the court can also order that the man have visitation rights with the child (if the court finds that visitation would be in the best interests of the child).

**If the father's name is on the birth certificate, does he have any rights to the child?**

Under Georgia law, the birth mother is the only person entitled to custody of a child born out of wedlock, unless the father has gone through the process of legitimating the child. This is the case even if the father's name is on the birth certificate. The father must go through legitimation to have rights to a child born out of wedlock.

**Does it matter if the father's name or social security number is on the child's birth certificate?**

If a man's name or social security number is on the child's birth certificate and someone files a petition to establish paternity, the burden of proof is on the man to prove that he is not the father.

If the birth certificate of the child does not contain any information about the father, the person or agency that filed the paternity action must prove that the man is the father.

**Can DNA testing be used to prove or disprove paternity?**

Any party to the action may make a motion for the court to order DNA testing. The court must grant the motion unless someone shows that there is good cause not to order DNA testing. The person who requests the testing is responsible for any costs of the testing.

**What is the result of a finding that the man is the father of the child in a paternity case?**

If the court finds that a man is the father of a child, the father has a duty to support the child financially. This means that the man must pay child support. The court's order may also provide that the father has the right to visit with the child (visitation privileges) if the court finds that visitation would be in the best interests of the child.

**What happens if a paternity action is brought before the child is born?**

In this situation, all legal proceedings will be stayed until after the birth **except** service of process, discovery, and the taking of depositions.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) )  
\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
) )  
) )

**COMPLAINT FOR DETERMINATION OF PATERNITY**

COMES NOW, \_\_\_\_\_, Plaintiff in the above styled action, and files this Complaint pursuant to O.C.G.A. § 19-7-40 et seq., and respectfully shows the Court the following:

1.

**Venue (Check only one: a, b, c, or d)**

a) Defendant is a resident of \_\_\_\_\_ County, Georgia, and has acknowledged service of the Complaint and Summons and has waived further service of process.

b) Defendant is a resident of \_\_\_\_\_ County, \_\_\_\_\_ (State) and has signed an **ACKNOWLEDGEMENT OF SERVICE AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**.

c) Defendant is a resident of \_\_\_\_\_ County, Georgia and may be served at  his/  her  residence/  work address of:

\_\_\_\_\_.

d) The Defendant was formerly a resident of the State of Georgia and presently is a resident of the State of \_\_\_\_\_. Defendant may be served by a second original pursuant to the Long Arm Statute, O.C.G.A. § 9-10-91(5).

Defendant may be served at the following address:

\_\_\_\_\_.

2.

**Child born or unborn (Choose a or b)**

a) The  Plaintiff/  Defendant, \_\_\_\_\_,  
is the father of the minor child known as \_\_\_\_\_,  
who was born on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

b) The  Plaintiff/  Defendant, \_\_\_\_\_,  
is the father of the child which the  Plaintiff/  Defendant is now carrying, and is due to  
be born on or around the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

3.

**Plaintiff's identity**

a) The Plaintiff is the mother of the minor child known as  
\_\_\_\_\_, who was born on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_ OR who is expected to be born on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_. The Plaintiff resides at the following address:  
\_\_\_\_\_.

b) The Plaintiff is a relative of the child in whose care the child has been  
placed, more specifically \_\_\_\_\_.  
The Plaintiff resides at the following address: \_\_\_\_\_.

c) The Plaintiff is one who is alleged to be the father, more specifically  
\_\_\_\_\_.  
The Plaintiff resides at the following address: \_\_\_\_\_.

d) The Plaintiff is the child, \_\_\_\_\_.  
The Plaintiff resides at the following address: \_\_\_\_\_.

4.

**Child's residence**

The said minor child resides at the following address:  
\_\_\_\_\_.

5.

**Child custody**

- The Plaintiff is entitled to the custody of said Child.

6.

**Right to child support**

- That Plaintiff is entitled to child support from Defendant for the support, education, and maintenance of said minor Child.

7.

**Guardian ad litem**

- A guardian ad litem should be appointed, if in the Court's discretion the Court deems it necessary, to represent the interests of the child.

8.

**Child named as party**

- If the Court deems necessary, the child should be made a party to this action.

9.

**Fees of Attorney and Guardian ad litem**

- The Plaintiff is needs an attorney to represent  him/  her in bringing this action and is entitled to reasonable attorney's fees and other expenses of this proceeding payable by Defendant. Defendant should be required to pay reasonable counsel fees for said attorney as the Court deems appropriate. Furthermore, Defendant should be required to pay fees of the guardian ad litem if the Court sees fit to appoint such a Guardian.

10.

**Paternity testing**

- In the event  Plaintiff/  Defendant disputes paternity of the child, the Court should order the making of blood and/or genetic tests as soon as possible to establish paternity.

11.

**Costs of Litigation**

- Plaintiff asks that Defendant be required to bear the costs of this action.

12.

**Child Support Amount**

Please go to <http://www.georgiacourts.org/csc/> to complete and print out the Child Support Worksheet. Your papers will NOT be accepted for filing without these worksheets and schedules.

- The  Plaintiff/  Defendant asks that the  Plaintiff/  Defendant \_\_\_\_\_ be required to pay to the  Plaintiff/  Defendant, as support of the minor child(ren), the sum of \$ \_\_\_\_\_ \* per  week/  bi-weekly/  month, starting on \_\_\_\_\_, and continuing per  week/  bi-weekly/  month thereafter until each respective child reaches the age of eighteen (18), or so long as the child is enrolled in and attending secondary school (not to exceed age twenty (20)), marries, dies, or becomes otherwise emancipated. The child support obligation shall be reduced as follows as each child becomes emancipated:  
\_\_\_\_\_  
\_\_\_\_\_

\*This amount was derived from line 13 of the Child Support Worksheet, which is attached hereto as Exhibit 1.

13.

**Child Support Method of Payment (Check a, b or c)**

- a) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff at the following address: \_\_\_\_\_.
- b) Plaintiff asks that all payments of child support shall be paid directly to the Plaintiff by the Defendant’s employer via an income deduction order. The Plaintiff’s address is: \_\_\_\_\_.
- c) Plaintiff asks that all payments of child support shall be paid to Georgia Child Support Enforcement pursuant to an Income Deduction Order.

14.

**Health Insurance**

The Plaintiff asks that \_\_\_\_\_ be required to maintain a policy of medical, dental, and hospitalization insurance for the benefit of the minor child(ren) for so long as the child support obligation set forth herein exists. The Plaintiff asks that costs not covered under the insurance policy shall be divided as follows:

---

The Plaintiff asks that \_\_\_\_\_ shall provide  him /  her with an insurance identification card or such other acceptable proof of insurance coverage and shall cooperate with the Plaintiff in submitting claims under the policy.

WHEREFORE, Plaintiff prays the following:

**[Check all items of relief that you want from the Judge.]**

(a) That process issue and Defendant be served with a copy of Plaintiff's Summons and Complaint to Establish Paternity;

(b) that paternity of \_\_\_\_\_ be established, declaring \_\_\_\_\_ to be the father of said minor child;

(c) that Plaintiff be awarded custody of said minor Child;

(d) that Plaintiff be awarded child support from Defendant for the support, education, and maintenance of said minor child;

(e) that Plaintiff be awarded reasonable attorney's fees and litigation expenses associated with this proceeding, pursuant to O.C.G.A. section 19-7-50;

(f) that the minor child be made a party to this action and a Guardian Ad Litem be appointed to represent the child, pursuant to O.C.G.A. § 19-7-44, and that Defendant be required to pay any fees associated with the appointment of the Guardian Ad Litem;

(g) that blood tests be required as provided by O.C.G.A. section 19-7-45;

(h) That any hearing or trial in this matter be held in closed Court without admittance of any person other than those necessary to the action or proceeding, pursuant to O.C.G.A. section 19-7-53, to protect the privacy of the minor child and the parties;

(i) that the Plaintiff have a trial by jury;

(j) that the Judge issue an order changing the surname of the child to \_\_\_\_\_.

(k) that the Judge issue an order directing the Georgia Department of Vital Records to issue a new birth certificate;

(l) That a rule nisi issue requiring Defendant to show cause, if any Defendant can, on a day certain why the prayers of this Complaint should not be granted;

(m) That the Court award such additional relief as the Court may deem proper under O.C.G.A. § 19-7-40 et seq.

---

Plaintiff *pro se*

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

Telephone Number(s): \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) )  
\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
)  
)  
)

**VERIFICATION**

Personally appeared before the undersigned officer, duly authorized to administer oaths in the state of Georgia, \_\_\_\_\_, who after being duly sworn, deposes and states that she is the Plaintiff in the above-styled action and verifies that the facts contained in the within and foregoing Petition to Establish Paternity are true and correct to the best of her information, knowledge, and belief.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_,  
Plaintiff *pro se*

Sworn and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Georgia

My Commission Expires \_\_\_\_\_.

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_, ) Civil Action File No. \_\_\_\_\_  
Defendant )  
)  
)  
)

**ACKNOWLEDGEMENT OF SERVICE AND SUMMONS**

The undersigned Defendant hereby acknowledges service of the above Summons and Complaint for Determination of Paternity and states that (s)he has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_,  
Defendant *pro se*

Sworn to and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_,  
Notary Public, State of Georgia  
My Commission Expires \_\_\_\_\_.

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	)	
_____,	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
_____,	)	
Defendant	)	
	)	
	)	
	)	

**DEFENDANT’S ACKNOWLEDGEMENT OF SERVICE  
AFFIDAVIT OF WAIVER OF VENUE AND PERSONAL JURISDICTION**

I, \_\_\_\_\_, the named Defendant in the above-styled case, after being duly sworn do hereby depose and say that I am a resident of \_\_\_\_\_ County, \_\_\_\_\_ (state), and that the Plaintiff in the above-styled case is a resident of \_\_\_\_\_ County, Georgia. I affirm that I have received a copy of said Petition/Complaint, and I hereby waive any and all further notice, service, and issuance of process.

After being duly informed that I have a constitutional right to a trial by judge or jury on the above matter in the county of my residence, and with that knowledge, I hereby expressly waive my right to venue in the county of my residence, and consent to venue and personal jurisdiction in the county of this superior court.

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_,  
Affiant

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

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.



IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
)  
)  
)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served the foregoing **Complaint to Establish Paternity** upon the following  counsel for party OR  party (if no counsel of record) by delivering or causing to be delivered by hand a copy of same as follows:

[Name and address of counsel of record, or of parties if no counsel of record.]

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

This \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Plaintiff *pro se*

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) )  
\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
) )  
) )

**DOMESTIC RELATIONS FINANCIAL AFFIDAVIT OF PLAINTIFF**

1. AFFIANT'S NAME: \_\_\_\_\_ Age \_\_\_\_\_  
Spouse's Name: \_\_\_\_\_ Age \_\_\_\_\_  
Date of Marriage: \_\_\_\_\_ Date of Separation \_\_\_\_\_

Names and birth dates of children for whom support is to be determined in this action:

Name	Date of Birth	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and birth dates of affiant's other children:

Name	Date of Birth	<u>Resides with</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

**2. SUMMARY OF AFFIANT'S INCOME AND NEEDS**

(a) Gross monthly income (from item 3A) \$ \_\_\_\_\_  
(b) Net monthly income (from item 3C) \$ \_\_\_\_\_

(c) Average monthly expenses (item 5A)	\$ _____
Monthly payments to creditors	+ _____
Total monthly expenses and payments to creditors (item 5C)	_____

(subsections (d) & (e) deleted)

3. A. AFFIANT'S GROSS MONTHLY INCOME (complete this section or attach Child Support Schedule A)

(All income must be entered based on monthly average regardless of date of receipt.)

Salary or Wages \$ \_\_\_\_\_  
ATTACH COPIES OF 2 MOST RECENT WAGE STATEMENTS

Commissions, Fees, Tips \$ \_\_\_\_\_

Income from self-employment, partnership, close corporations, and independent contracts (gross receipts minus ordinary and necessary expenses required to produce income)  
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ \_\_\_\_\_

Rental Income (gross receipts minus ordinary and necessary expenses required to produce income)  
ATTACH SHEET ITEMIZING YOUR CALCULATIONS \$ \_\_\_\_\_

Bonuses \$ \_\_\_\_\_

Overtime Payments \$ \_\_\_\_\_

Severance Pay \$ \_\_\_\_\_

Recurring Income from Pensions or Retirement Plans \$ \_\_\_\_\_

Interest and Dividends \$ \_\_\_\_\_

Trust Income \$ \_\_\_\_\_

Income from Annuities \$ \_\_\_\_\_

Capital Gains \$ \_\_\_\_\_

Social Security Disability or Retirement Benefits \$ \_\_\_\_\_

Workers' Compensation Benefits \$ \_\_\_\_\_

Unemployment Benefits \$ \_\_\_\_\_

Judgments from Personal Injury or Other Civil Cases \$ \_\_\_\_\_

Gifts (cash or other gifts that can be converted to cash) \$ \_\_\_\_\_  
 Prizes/Lottery Winnings \$ \_\_\_\_\_  
Alimony and maintenance from persons not in this case \$ \_\_\_\_\_  
Assets which are used for support of family \$ \_\_\_\_\_  
Fringe Benefits (if significantly reduce living expenses) \$ \_\_\_\_\_  
Any other income (do NOT include means-tested Public assistance, such as TANF or food stamps) \$ \_\_\_\_\_  
**GROSS MONTHLY INCOME** \$ \_\_\_\_\_  
(prior section B deleted)  
 B. Affiant's Net Monthly Income from employment  
 (deducting only state and federal taxes and FICA) \$ \_\_\_\_\_  
 Affiant's pay period (i.e., weekly, monthly, etc.) \_\_\_\_\_  
 Number of exemptions claimed \_\_\_\_\_

4. ASSETS

(If you claim or agree that all or part of an asset is non-marital, indicate the non-marital portion under the appropriate spouse's column and state the amount and the basis: pre-marital, gift, inheritance, source of funds, etc.).

Description	Value	Separate Asset of the Husband	Separate Asset of the Wife	<u>Basis of the Claim</u>
Cash	\$ _____	_____	_____	_____
Stocks, bonds	\$ _____	_____	_____	_____
CD's/Money Market Accounts	\$ _____	_____	_____	_____
Bank Accounts (list each account):				
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
_____	\$ _____	_____	_____	_____
<u>Retirement Pensions, 401K, IRA, or Profit Sharing</u>	\$ _____	_____	_____	_____

Money owed you: \$ \_\_\_\_\_

Tax Refund  
owed you: \$ \_\_\_\_\_

Real Estate:

home: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

other: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Automobiles/Vehicles:

Vehicle 1: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Vehicle 2: \$ \_\_\_\_\_

debt owed: \$ \_\_\_\_\_

Life Insurance  
(net cash value): \$ \_\_\_\_\_

Furniture/furnishings: \$ \_\_\_\_\_

Jewelry: \$ \_\_\_\_\_

Collectibles: \$ \_\_\_\_\_

Other Assets: \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_

**Total Assets:** \$ \_\_\_\_\_

#### 5. A. AVERAGE MONTHLY EXPENSES

##### HOUSEHOLD

Mortgage or rent payments \$ \_\_\_\_\_ Cable TV \$ \_\_\_\_\_

Property taxes \$ \_\_\_\_\_ Misc. household and grocery items \$ \_\_\_\_\_

Homeowner/Renter Insurance	\$ _____	Meals outside the home	\$ _____
Electricity	\$ _____	Other	\$ _____
Water	\$ _____	<b>AUTOMOBILE</b>	
Garbage and Sewer	\$ _____	Gasoline and oil	\$ _____
Telephone:		Repairs	\$ _____
<u>residential line:</u>	\$ _____	Auto tags and license	\$ _____
<u>cellular telephone:</u>	\$ _____	Insurance	\$ _____
Gas	\$ _____	<b><u>OTHER VEHICLES</u></b>	
		<b><u>(boats, trailers, RVs, etc.)</u></b>	
		<u>Gasoline and oil</u>	\$ _____
Repairs and maintenance:	\$ _____	<u>Repairs</u>	\$ _____
Lawn Care	\$ _____	<u>Tags and license</u>	\$ _____
Pest Control	\$ _____	<u>Insurance</u>	\$ _____

**CHILDREN'S EXPENSES**

**AFFIANT'S OTHER EXPENSES**

Child care ( <u>total monthly cost</u> )	\$ _____	Dry cleaning/laundry	\$ _____
School tuition	\$ _____	Clothing	\$ _____
<u>Tutoring</u>	\$ _____	<u>Medical, dental, prescription</u>	
<u>Private lessons (e.g., music, dance)</u>	\$ _____	<u>(out of pocket/uncovered expenses)</u>	\$ _____
		Affiant's gifts (special holidays)	\$ _____
School supplies/expenses	\$ _____	Entertainment	\$ _____
Lunch Money	\$ _____	<u>Recreational Expenses (e.g.,</u>	\$ _____
		<u>fitness)</u>	
<u>Other Educational Expenses (list)</u>		Vacations	\$ _____
_____	\$ _____	<u>Travel Expenses for Visitation</u>	\$ _____
_____	\$ _____	Publications	\$ _____
Allowance	\$ _____	Dues, clubs	\$ _____
Clothing	\$ _____	Religious and charities	\$ _____
Diapers	\$ _____	<u>Pet expenses</u>	\$ _____

Medical, dental, prescription (out of pocket/uncovered expenses) \$ \_\_\_\_\_ Alimony paid to former spouse \$ \_\_\_\_\_  
 Grooming, hygiene \$ \_\_\_\_\_ Child support paid for other children \$ \_\_\_\_\_  
 Gifts from children to others \$ \_\_\_\_\_ Date of initial order: \_\_\_\_\_  
 Entertainment \$ \_\_\_\_\_ Other (attach sheet) \$ \_\_\_\_\_  
 Activities (including extra-curricular, school, religious, cultural, etc.) \$ \_\_\_\_\_  
 Summer Camps \$ \_\_\_\_\_  
**OTHER INSURANCE**  
 Health \$ \_\_\_\_\_ Child(ren)'s portion: \$ \_\_\_\_\_  
 Dental \$ \_\_\_\_\_ Child(ren)'s portion: \$ \_\_\_\_\_  
 Vision \$ \_\_\_\_\_ Child(ren)'s portion: \$ \_\_\_\_\_  
 Life \$ \_\_\_\_\_ Relationship of Beneficiary: \_\_\_\_\_  
 Disability \$ \_\_\_\_\_  
 Other(specify): \$ \_\_\_\_\_  
**TOTAL ABOVE EXPENSES \$ \_\_\_\_\_**

**B. PAYMENTS TO CREDITORS**

(please check one)

To Whom:	Balance Due	Monthly Payment	Joint	Plaintiff	Defendant


TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ \_\_\_\_\_

**C. TOTAL MONTHLY EXPENSES:** \$ \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Affiant

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

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) )  
\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
) )  
) )

**MOTION FOR GENETIC TESTS**

COMES NOW \_\_\_\_\_, Plaintiff,  
and files this Motion for Genetic Tests, and shows the Court as follows:

1.

- Plaintiff has filed a Complaint for Determination of Paternity.

2.

- Plaintiff moves the Court for an Order requiring

\_\_\_\_\_ to undergo genetic tests, including Red Cell Antigen, Human Leukocyte Antigen (HLA), Red Cell Enzyme, and Serum Protein Electrophoresis and Deoxyribonucleic Acid (DNA) tests, in accordance with O.C.G.A. §19-7-45, to assist in proving or disproving the Petitioner's paternity of said child.

3.

- Plaintiff has volunteered to submit  himself/  herself for genetic testing, and through counsel, Defendant has refused to submit  himself/  herself and the minor child to genetic tests voluntarily, necessitating the filing of the instant Motion for Genetic Tests.

4.

- In the event said genetic tests prove that Plaintiff is not father of the minor child, Defendant should no longer be responsible for child support.

WHEREFORE, Plaintiff prays for the following relief:

- (a) that the Court enter an Order requiring that the genetic tests include Red Cell Antigen, Human Leukocyte Antigen (HLA), Red Cell Enzyme, and Serum Protein Electrophoresis and Deoxyribonucleic Acid (DNA) tests, in accordance with O.C.G.A. §19-7-45;
- (b) that the Court enter an Order requiring that the results of said tests be made known to all parties to this action as soon as the results are available;
- (c) that the Court grant Plaintiff any further relief as is just and proper.

\_\_\_\_\_  
Petitioner *Pro Se*

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

Telephone number(s): \_\_\_\_\_

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

) )  
\_\_\_\_\_, )  
Plaintiff, )  
v. )  
\_\_\_\_\_ ) Civil Action File No. \_\_\_\_\_  
Defendant )  
)  
)  
)

**GENETIC TESTS ORDER**

Plaintiff's Motion for Genetic Test having been read and considered, and the Court having considered Plaintiff's Brief in Support of Motion for Genetic Tests, and the full record,

**IT IS HEREBY ORDERED** as follows:

1.

Plaintiff, \_\_\_\_\_, Defendant, \_\_\_\_\_ ("Defendant"), and the minor child, \_\_\_\_\_ (born on or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ shall submit to genetic tests within thirty (30) days of the date of this Order.

2.

The tests shall be performed by \_\_\_\_\_ Laboratory, at the following address and phone number, \_\_\_\_\_ and shall be administered by a duly qualified licensed practicing physician, duly qualified immunologist, or other qualified person.

3.

The genetic tests to be performed on the Plaintiff, Defendant and minor child, shall include Red Cell Antigen, Human Leukocyte Antigen (HLA), Red Cell Enzyme, Serum Protein Electrophoresis and Deoxyribonucleic Acid (DNA) tests, in accordance with O.C.G.A. § 19-7-45.

4.

The genetic testing will be at the expense of the \_\_\_\_\_,  
and s/he is ordered to pay \$\_\_\_\_\_ to \_\_\_\_\_  
Laboratory within fourteen (14) days of the date of this order.

5.

This Order is enforceable by contempt. If any party refuses to submit  
himself or herself or the minor child to genetic testing as set out herein, the Court  
may dismiss Plaintiff's claim for child support from Defendant, upon motion of  
the Defendant.

6.

Nothing in this Order shall be construed to constitute a waiver by either  
party of any claim or defense of any nature in this action. Neither shall this Order  
be construed to constitute an admission by either party of any fact or claim in  
controversy. The results of said genetic tests shall be made known to all parties to  
this action, through counsel, as soon as the results are available.

**SO ORDERED** this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts □  
\_\_\_\_\_  
Judicial Circuit

Presented by:

\_\_\_\_\_  
Plaintiff *pro se*

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone number

**IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA**

	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Civil Action File No. _____
	)	
Defendant	)	
	)	
	)	

**FINAL JUDGMENT AND DECREE**

The above matter having been heard, it is therefore the judgment of this Court that \_\_\_\_\_ is hereby declared to be the child of \_\_\_\_\_ . Vital Records is directed to change the child(ren)'s surname(s) on their birth certificate(s) to the last name of their father; to add the father's name on the birth certificate; and to issue a new birth certificate.

**FURTHER ORDERED:**

The Court awards custody of the minor children to the Plaintiff mother, \_\_\_\_\_ .

The Court  does  does not award visitation to the Defendant Father pursuant to the attached schedule.

Based on the evidence presented, including the Child Support Worksheet, Schedules "A" through "E," incorporated by reference, and specifically the Child Support Worksheet and Schedule "E" attached hereto, and where applicable, Special Interrogatories also attached hereto, the Court finds as follows:

1. Children for whom support is being determined:

Child	Date of Birth

2. (a) For purposes of Calculating Child Support, the Court Orders that the Custodial Parent shall be \_\_\_\_\_.
- (b) For purposes of Calculating Child Support the Court Orders that the Non-custodial Parent shall be \_\_\_\_\_.
- (c) The Court finds that the amount of the Non-custodial Parent's parenting time as set forth in the Order of Visitation is \_\_\_\_\_ days.
3. (a) The Court finds as set on Schedule "A," the gross income of the father is \$ \_\_\_\_\_.
- (b) The Court finds as set on Schedule "A," the gross income of the Mother is \$ \_\_\_\_\_.
4. (a) The Court finds as set on the "Child Support Worksheet" and Schedule B," the Non-custodial Parent's Adjusted Income is \$ \_\_\_\_\_.
- (b) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Custodial Parent's Adjusted Income is \$ \_\_\_\_\_.
- (c) The Court finds as set on the "Child Support Worksheet" and Schedule "B," the Parties' Total Adjusted Income \$ \_\_\_\_\_.
5. The Court finds as set by the "Child Support Obligation Schedule Table" and as listed on the "Child Support Worksheet" the Basic Child Support Obligation is \$ \_\_\_\_\_.
6. (a) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Custodial Parent is: \$ \_\_\_\_\_ %
- (b) The Court finds as set on the "Child Support Worksheet," the Basic Child Support Obligation for the Non-custodial Parent is: \$ \_\_\_\_\_ %
7. The Court finds that health insurance that provides for the health care needs of the child  is/  is not reasonably available at a reasonable cost. If provided, it will be provided by \_\_\_\_\_.
8. (a) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support for the Custodial Parent is \$ \_\_\_\_\_.
- (b) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Non-custodial Parent is \$ \_\_\_\_\_.

(c) The Court finds as set on the "Child Support Worksheet" and Schedule "D," the Presumptive Amount of Child Support due to the Custodial Parent is

\$ \_\_\_\_\_

9. The Court finds that the child receives benefits under Title II of the Federal Social Security Act on the obligor's account and the amount the child receives on a monthly basis is

\$ \_\_\_\_\_

10. The Court has considered the existence of special circumstances and as set forth on the "Child Support Worksheet" and Schedule "E," has found the following special circumstances marked with an ["X"] to be present in this case.

*Note: Refer to Schedule "E" and, where applicable, "Special Interrogatories" attached hereto for an explanation for the reasons for the deviation, how the application of the Presumptive Amount of Child Support would have been unjust and how the best interest of the child for whom support is being determined will be served by a deviation from the Presumptive Amount of Child Support.*

- |  |   |
|--|---|
| _____ A. High Income                         | _____ G. Alimony                            |
| _____ B. Low Income                          | _____ H. Mortgage                           |
| _____ C. Other Health-Related Insurance      | _____ I. Permanent Plan or Foster Care Plan |
| _____ D. Life Insurance                      | _____ J. Extraordinary Expenses             |
| _____ E. Child and Dependent Care Tax Credit | _____ K. Parenting Time                     |
| _____ F. Travel Expenses                     | _____ L. Non-Specific Deviations (Other)    |

11. (a) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Custodial Parent is \$ \_\_\_\_\_

(b) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support for the Non-custodial Parent is \$ \_\_\_\_\_

(c) The Court finds as set on the "Child Support Worksheet" the Final Amount of Child Support the Non-custodial Parent shall Pay the Custodial Parent is \$ \_\_\_\_\_

12. (a) The Court finds as set on the "Child Support Worksheet" that the Custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ \_\_\_\_\_ %

(b) The Court finds as set on the "Child Support Worksheet" that the Non-custodial Parent's allocated Uninsured Health Care Expenses based on their pro rata responsibility is \$ \_\_\_\_\_ %

The Non-custodial parent, \_\_\_\_\_, shall pay Child Support for each of the \_\_\_\_\_ minor child(ren) at \$ \_\_\_\_\_ per month, for a total of \$ \_\_\_\_\_ per month to the Custodial parent, starting \_\_\_\_\_, and continuing until each minor child reaches the age of majority, dies, marries, becomes emancipated, whichever first occurs, provided however, the Court, in the exercise of its sound discretion, directs (or does not direct) the Non-custodial Parent to continue to pay child support for a Child who has not previously married or become emancipated, who is enrolled in and attending a secondary school, and who has attained the age of majority before completing his or her secondary school education, until that child graduates from high school, or until the child attains \_\_\_\_\_ years of age (not to exceed 20 years), whichever first occurs.

**FURTHER ORDERED** that each party is hereby restrained and enjoined from molesting or harassing the other party.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts  
\_\_\_\_\_  
Judicial Circuit

## VISITATION SCHEDULE

The non-custodial parent is \_\_\_\_\_.

The custodial parent is \_\_\_\_\_.

The non-custodial parent shall be entitled to exercise reasonable visitation with the minor child with the following minimum provisions:

- A. On every 1st, 3rd, and 5th Fridays at 6:00 p.m. until the following Sunday at 6:00 p.m.;
- B. During even numbered years (2008, 2010, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. Martin Luther King's Birthday
  - 2. Memorial Day
  - 3. Labor Day
  - 4. Thanksgiving
  - 5. Second week of Christmas Vacation from 2:00 p.m. on December 25 until New Year's Eve.
- C. During odd numbered years (2009, 2011, etc.), the non-custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. New Year's Day
  - 2. Easter or Spring Break
  - 3. July 4<sup>th</sup>
  - 4. Halloween
  - 5. First Week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- D. During even numbered years (2008, 2010, etc.), the custodial parent shall have the minor child on the holidays delineated below:
  - 1. New Year's Day
  - 2. Easter or Spring Break
  - 3. July 4<sup>th</sup>
  - 4. Halloween
  - 5. First week of Christmas vacation, including Christmas Day until 2:00 p.m. on December 25.
- E. During odd numbered years (2009, 2011, etc.), the custodial parent shall have the right of visitation on the holidays delineated below:
  - 1. Martin Luther King's Birthday
  - 2. Memorial Day
  - 3. Labor Day
  - 4. Thanksgiving
  - 5. Second week of Christmas vacation from 2:00 p.m. on December 25 until New Year's Eve.
- F. The Mother shall have the minor child on Mother's Day.
- G. The Father shall have the minor child on Father's Day.
- H. The non-custodial parent shall have the right to visit with the minor child for two consecutive weeks in the summer between June 15 and August 15. During this period, the custodial parent shall have the minor child on the first (1<sup>st</sup>) weekend from 6:00 p.m. Friday until 6:00 p.m. Sunday. The non-custodial parent shall give the custodial parent a minimum of thirty (30) days written notice of the intent to exercise this visitation.
- I. Holiday visitation shall take precedence over week-end visitation.

**INCOME DEDUCTION ORDER**

The above-styled matter was heard by the court on \_\_\_\_\_, 20\_\_\_. The \_\_\_\_\_ was properly served and present and represented by counsel. This court having entered an order requiring the \_\_\_\_\_ to pay child support to the \_\_\_\_\_, this Income Deduction Order is entered pursuant to O.C.G.A. § 19-6-32(a.1)(1).

Defendant shall pay child support of \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly with the next payment due on \_\_\_\_\_, 20\_\_.

Defendant shall pay \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly with the next payment due on \_\_\_\_\_, 20\_\_.

The total amount to be withheld is \$ \_\_\_\_\_  weekly  bi-weekly  semi-monthly  monthly. This amount shall be made payable to \_\_\_\_\_ and forwarded within two (2) business days of each payment date. Payments shall be made by cash, cashier's check, or money order, personally or by mailing it to: \_\_\_\_\_.

The maximum amount to be deducted shall not exceed the amounts allowed under § 303(b) of the Consumer Credit Protection Act, 15 U. S. C. § 1673(b), as amended. This order applies to current and subsequent employers and periods of employment, and may only be contested on the grounds of mistake of fact regarding the amount of support owed pursuant to a support order, the arrearage, or the identity of the obligor. The obligor shall notify the \_\_\_\_\_ within seven (7) days of any change of address, employer or employer's address. A copy of this order shall be served on the obligor and the employer.

Other: \_\_\_\_\_

This order shall become effective immediately upon signing and shall remain in full force and effect until modified, suspended, or terminated by order of this Court.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**JUDGE**, Superior Courts  
\_\_\_\_\_  
Judicial Circuit

Notice To: Employer or any other person, private entity, Federal or State Government, or any unit of local government providing or administering income due to Defendant

Re: Income Deduction Order

DATE: \_\_\_\_\_

Attached you will find an Income Deduction Order, please read this Order carefully and follow the instructions as written. If you have any questions you should contact your attorney. Employers are required by law to deduct from income due and payable and employee the amount designated by the Court to meet support obligations. Income includes wages, salary, bonuses, commissions, compensation as an independent contractor, workers' compensation, disability benefits, annuities and retirement benefits, pensions, dividends, royalties, or any other payment to an employee. **FAILURE TO DEDUCT THE AMOUNT DESIGNATED BY THE COURT MAKES THE EMPLOYER LIABLE FOR THE AMOUNT THAT SHOULD HAVE BEEN DEDUCTED, PLUS COSTS, INTEREST AND REASONABLE ATTORNEYS' FEES.**

Payments must begin no later than the first pay period after fourteen (14) days following the postmark of the notice. You are required to forward to the person or entity specified in the Income Deduction Order within two (2) days after each payment date the amount deducted from the employee's income and a statement as to whether the amount forwarded totally or partially satisfies the periodic amount specified in the Income Deduction Order.

This deduction has priority over all other legal processes under Georgia law pertaining to the same income and the payment required by the Income Deduction Order. It is a complete defense against any claims of the employee or the employee's creditors as to the sum paid.

Employers must continue to deduct the child support amount and send it to the person or entity specified in the Income Deduction Order until further notice by the Court or until the income is no longer provided to the employee. In the event the income is no longer provided, the employer is required to notify the person or entity specified in the Income Deduction Order immediately of such and to give the employee's last known address and to provide a name and address of any new employer of this employee if known. **FAILURE TO DO THIS WILL RESULT IN A CIVIL PENALTY BEING IMPOSED, NOT TO EXCEED \$250.00 FOR THE FIRST VIOLATION OR \$500.00 FOR A SUBSEQUENT VIOLATION.**

Employers may not discharge an employee by reason of the entry of an Income Deduction Order. If an employee is discharged because of this reason, **A FINE OF NOT MORE THAN \$250.00 FOR THE FIRST VIOLATION AND \$500.00 FOR A SUBSEQUENT VIOLATION WILL BE IMPOSED AGAINST THE EMPLOYER.**

Employers should contact their attorney if more than one Income Deduction Order is received against the same employee.

Employers may send a single payment if multiple employees have Income Deduction Orders to pay to the same depository provided the amount attributed to each employee is identified.

An employer may collect up to \$25.00 against the employee's income to reimburse for the administrative costs of the first income deduction and up to \$3.00 for each subsequent income deduction.