

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Petitioner, Civil Action
vs. Case Number _____
_____,
Respondent.

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

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

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 is a resident of _____ County, Georgia, 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, either (a) or (b).]

- (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 home work address, which is:

3. Minor Children:

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

<i>Name of Child</i>	<i>Male / Female</i>	<i>Date of Birth</i>

4. Children's Current Residence:

The minor children currently live at _____
in _____ County, _____ with the
 Petitioner Respondent _____. The
children have lived at this address since approximately _____.

5. Children's Past Residences:

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

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

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

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

<u>Name of Person</u>	<u>Person's Current Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

7. **Prior Custody Determination:** On _____, the _____ Court of _____, County in the State of _____, Civil Action File Number _____ made a custody determination awarding legal custody of the minor children to the Petitioner Respondent _____ and physical custody of the minor children to the Petitioner Respondent _____.

8. **Other Proceedings That Could Affect Custody of Visitation in This Case:**
[Check only one, 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 minor 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 minor children or who claims to have custody or visitation right with respect to the children. The names and present addresses of the person(s) are:

_____.

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. 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).]

(a) I should have legal and physical custody.

(b) The Respondent and I should share joint legal custody and I should have physical custody.

(c) _____

_____.

12. *[Check only if you are requesting a modification of child support.]* My gross monthly income is _____. The Respondent's gross monthly income is \$_____.

THEREFORE, I request the following:

[Check all that apply.]

(a) That I be awarded legal custody and physical custody of the minor children;

(b) That the Respondent and I be awarded joint legal custody, and I be awarded physical custody of the minor children;

(c) That the prior child support order be modified if the prior child custody determination is modified;

(d) _____

_____;

(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: _____

Phone: _____