

**RESPONSE AND COUNTERCLAIM TO
COMPLAINT FOR SEPARATE MAINTENANCE
HOW TO FILE YOUR ANSWER**

Use this form if you were served with a Complaint for Separate Maintenance and are asking for a divorce.

1. Double check that you have signed all of your documents.
2. A notary is available at the Clerk's office and you should wait until you are in front of a notary before you sign these documents.
3. Make 2 copies of all your signed documents.
4. Go to the clerk of Superior Court and have the clerk stamp all 3 copies of your Answer, Verification and Certificate of Service.
5. The clerk will keep the originals. One copy is yours to keep.
6. Mail a copy of the Answer to the other side. You may send it by regular 1st class mail, U.S. Postal Service.
7. Wait for notice of a court date or request for additional information from the court or from the other side.

Courthouse Information

Gwinnett Justice and Administration Center
ATTN: Clerk of Superior Court
75 Langley Drive
Lawrenceville, GA 30046
Tel: (770) 822-8100

SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

_____,
Plaintiff,
vs. _____,
Defendant.

Civil Action
Case Number _____

**ANSWER TO COMPLAINT FOR SEPARATE MAINTENANCE
AND COUNTERCLAIM FOR DIVORCE**

ANSWER

My name is _____
and I am representing myself in this separate maintenance action. In response to each of
the numbered paragraphs of the Plaintiff's *Complaint for Separate Maintenance*, I state as
follows:

*[Check only one answer to match each paragraph of the Complaint; whenever you choose the
"partly true" answer, you must explain on the lines about what is true and what is false.]*

1. The allegations of Paragraph One are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

2. The allegations of Paragraph Two are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

3. The allegations of Paragraph Three are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

4. The allegations of Paragraph Four are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

5. The allegations of Paragraph Five are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

6. The allegations of Paragraph Six are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

7. The allegations of Paragraph Seven are: admitted as true denied as untrue
 neither admitted nor denied because I do not have enough information to know
the truth of the matter partly true and partly untrue, specifically as follows:

8. The allegations of Paragraph Eight are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

9. The allegations of Paragraph Nine are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

10. The allegations of Paragraph Ten are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

11. The allegations of Paragraph Eleven are: admitted as true denied as untrue neither admitted nor denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

12. **Defenses** - In addition to my specific responses above, I have the following affirmative defenses to this action:

COUNTERCLAIM FOR DIVORCE

13. **Subject Matter Jurisdiction:** I am the Defendant in this action and:

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

(a) I have been a resident of the State of Georgia for more than six (6) months immediately prior to filing this action.

(b) I am not a resident of the State of Georgia, but my spouse has been a resident of the State of Georgia for at least six (6) months immediately prior to filing this action.

14. **Venue:** My spouse is the Plaintiff in this action, and has consented to venue and personal jurisdiction by filing the *Complaint for Separate Maintenance*.

15. **Service:** The Plaintiff shall be served as provided under OCGA § 9-11-5(b), by delivering or mailing to the address listed on the *Summons*.

16. **Date of Marriage:**

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

(a) The Plaintiff and I were lawfully married on _____.

(b) The Plaintiff and I are married by common law because we lived together and held ourselves out as husband and wife as of _____, which date was prior to January 1, 1997.

17. **Date of Separation:** The Plaintiff and I last separated on _____, and we have remained in a true state of separation since that date.

18. **Settlement Agreement:**

[Check only if there is a signed agreement.]

The Plaintiff and I have entered into a *Settlement Agreement*, which we both want to be incorporated into the *Final Judgment and Decree for Divorce*. The *Settlement Agreement* has been signed by each of us in front of a notary public, and I am filing the *Settlement Agreement* with the Court, together with this *Answer and Counterclaim*.

19. **Minor Children:**

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

<u>Name of child</u>	<u>Sex</u>	<u>Year of Birth</u>	<u>Lives with (mother, father, other)</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

20. **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): _____

21. **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>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

22. **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>
_____	_____
_____	_____

23. **Other Court Cases About Children:**

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

(a) I have never participated as a party or a witness or in any other capacity in any other litigation concerning the custody of or visitation with the minor children in this or any other state.

(b) I have participated in other litigation concerning the custody of the minor children in Georgia or another state. The court, case number and date of any order concerning custody or visitation under the other litigation are as follows:

24. **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:

25. **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:

26. **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 Respondent and I should share joint legal custody but I should have primary physical custody and the Respondent should have visitation.
- (c) The Respondent and I should share joint legal custody but the Respondent should have primary physical custody and I should have visitation.
- (d) Other custody arrangement:

27. **Child Support:**

[Check only one of these, either (a) or (b).]

- The Plaintiff has income or is capable of earning sufficient money to support the minor children.
- I have income or am capable of earning sufficient money to support the minor children.

28. **Health Insurance for Children:** *[Check only one of these, either (a), (b), (c) or (d).]*

- (a) The Plaintiff should be ordered to maintain a policy for medical, dental and

hospitalization insurance for the minor children.

(b) I already provide health insurance for the children, and the Plaintiff should be required to reimburse me for a fair share of the cost each month.

(c) I am not asking the Court to address this issue in this case.

29. **Other Medical Expenses for Children:**

[Check only one of these: (a), (b) or (c).]

(a) The Plaintiff should be responsible for all expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.

(b) The Plaintiff and I should share the cost of expenses incurred for the children's medical, dental and hospital care, that are not covered by insurance.

(c) I am not asking the Court to address this issue in this case.

30. **Life Insurance to Support Children:**

[Check only one of these, either (a) or (b).]

(a) The children depend on the Plaintiff for support, and therefore the Plaintiff should maintain a policy of insurance on the Plaintiff's life, with a face amount of \$ _____, for the benefit of the minor children. The Plaintiff should maintain the policy for so long as at least one of the children is a minor or is otherwise entitled to child support.

(b) I am not asking the Court to address this issue in this case.

31. **Alimony:**

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

(a) I am financially dependent on the Plaintiff and need the Court to order the Plaintiff to pay alimony for my support.

(b) I am not asking for alimony.

32. **Marital Property:**

[Check only one of the following, either (a), (b) or (c). Do not include complete account numbers.]

(a) The Plaintiff and I have already divided our marital property, and we are both satisfied with the division.

- (b) The Plaintiff and I have not obtained any property during our marriage.
- (c) The Plaintiff and I have obtained the following property during our marriage, and I am asking for a fair division of this property:
 - House located at _____
 - Other real estate, located at _____
 - Mobile home (model: _____, year: _____)
 - Pension (mine, worth \$ _____; Plaintiff's, worth \$ _____)
 - Motor vehicles listed here:
 - Model/year: _____
 - Model/year: _____
 - Model/year: _____
 - Furniture:
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Counterclaim*
 - Bank accounts and/or other investments worth _____
 - Other property:
 - Listed here: _____
 - _____
 - Listed on separate paper attached to this *Counterclaim*

33. **Joint or Marital Debts:**

[Check only one of the following, either (a) or (b). Do not include complete account numbers.]

- (a) The Plaintiff and I do not have any outstanding joint or marital debts.
- (b) The Plaintiff and I have the following outstanding joint or marital debts, and responsibility for paying them should be as listed below:

<u>Creditor</u>	<u>Balance</u>	<u>Who Should Pay</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Listed on separate paper attached to this *Counterclaim*.

34. **Restraining Order Where Violence Has Occurred:**

[Read instructions carefully and check only if applicable.]

There is a history of physical violence by the Plaintiff toward me, and I am afraid that the Plaintiff will engage in further acts of violence or harassment toward me unless the Court enters a temporary and permanent restraining order.

35. **Restore Former or Maiden Name:***[Check only if applicable.]*

My former or maiden name is _____
and I am asking the Court to restore that name to me.

36. **Grounds for Divorce:**

[Check the ones that you can prove at trial.]

My grounds for divorce from the Plaintiff are:

(a) **Our marriage is irretrievably broken.** The Plaintiff and I can no longer live together and there is no hope that we will get back together.

(b) **Cruel treatment** - The Plaintiff committed the following acts of cruel treatment toward me: _____

(c) **Adultery** - The Plaintiff has had sexual intercourse with someone else during our marriage.

(d) **Desertion** - The Plaintiff has intentionally and continually deserted me for at least a year.

(e) **Other grounds** from list in OCGA § 19-5-3, as explained here:

FOR THESE REASONS, I REQUEST THE FOLLOWING RELIEF:

[Check **all** that apply.]

- (a) That I be granted a total divorce from the Plaintiff;
- (b) That the *Settlement Agreement* signed by the parties be incorporated into the *Final Judgment and Decree of Divorce*.
- (c) That the custody and visitation for the children be ordered according to Paragraph 26;
- (d) That child support, health insurance, medical expenses and life insurance for the support of the children be ordered according to Paragraphs 27, 28, 29 and 30;
- (e) That the Plaintiff be ordered to pay me alimony for my support;
- (f) That our marital property be divided according to Paragraph 27;
- (g) That our joint and marital debts be divided according to Paragraph 28;
- (h) That the Plaintiff be temporarily and permanently restrained from harassing me or committing any acts of violence toward me;
- (i) That my former or maiden name be restored according to Paragraph 30;
- (j) That a Rule Nisi be scheduled by the Court, to decide on the relief I have requested;
- (k) That the Court order the parties to participate in mediation, to try to resolve this matter;
and
- (l) That the Court order any and all other relief that the Court finds appropriate.

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address
: _____

City, State ZIP

Phone: _____

Email: _____

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,
v.

Civil Action
File No.: _____

Defendant.

VERIFICATION

The Defendant personally appeared before the undersigned officer duly authorized to administer oaths, and did swear or affirm that he/she read the foregoing *Answer and Counterclaim* and that the information contained therein is true and correct.

Signature, Defendant *Pro se*

SWORN AND AFFIRMED before me this

____ day of _____ 20____.

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

v. Plaintiff,

Defendant.

Civil Action
File No.: _____

CERTIFICATE OF SERVICE

This certifies that I sent copies of the foregoing *Answer and Counterclaim* to the opposing party by first class mail certified mail, return receipt requested. They were addressed to the opposing party or their attorney as follows:

Opposing Party/Attorney's Name

Address

Address Line 2

City, State, ZIP

Dated: _____

Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____

PERMANENT PARENTING PLAN
*****IMPORTANT NOTE ABOUT THIS FORM*****

FREQUENTLY ASKED QUESTIONS

We are not fighting over the children: do I have to complete a Parenting Plan at all?

Yes. Each parent is required to submit their own separate proposal for child custody and visitation, **or** a Parenting Plan signed by both parents which indicates their agreement.

What is the purpose of a Parenting Plan?

The Parenting Plan will help both parents anticipate and prepare for different aspects of child custody and visitation for the purpose of preventing future disputes. Parents are encouraged to reach mutual agreements concerning time-sharing with the children. However, the Parenting Plan is designed to govern the time-sharing arrangement in the event both parents are unable to reach a mutual agreement.

The scheduling seems very strict: do we have to live by the Parenting Plan schedule?

No. Both parents are free to agree to time sharing arrangements which are in the best interests of the children. The Parenting Plan is put in place for those situations when the parents cannot mutually agree.

What is “joint custody”?

Joint **legal custody** is shared decision making, access to health and education records. In most standard Parenting Plans, both parents share legal custody.

Joint **physical custody** is where the child(ren) spend(s) equal periods of time with the parents. The following Parenting Plan is not designed to illustrate joint (or 50/50) physical custody. Rather, this plan is designed to indicate which parent the child(ren) live(s) with the majority of the time (“primary physical custodian”), and which parent will have the right to exercise parenting time/visitation (“Secondary Physical Custodian” or “SPC”).

GWINNETT COUNTY SUPERIOR COURT
STATE OF GEORGIA

Plaintiff,

v.

Civil Action

File No.:

Defendant.

PERMANENT PARENTING PLAN

- The parties have agreed to the terms of this plan and this information has been furnished by both parties to meet the requirements of OCGA Section 19-9-1. The parties agree on the terms of the plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this order.
- This plan has been prepared by the judge.

This Plan:

- is a new plan.
- modifies an existing Parenting Plan dated _____

**1.
MINOR CHILDREN**

The parties share the following minor child(ren):

Name of Child	Year of Birth

**2.
PHYSICAL CUSTODY**

The Primary Physical Custodian ("PPC") is: _____

The Secondary Physical Custodian ("SPC") is: _____

PPC's Initials

SPC's Initials

Both parties shall share joint physical custody. A detailed schedule is attached as Exhibit "A".
WHERE JOINT PHYSICAL CUSTODY IS PROPOSED BY THE PARENTS OR ORDERED BY THE COURT, A DETAILED PLAN OF THE LIVING ARRANGEMENTS OF THE CHILD(REN) SHALL BE ATTACHED HERETO AND MADE A PART OF THIS PARENTING PLAN.

**3.
LEGAL CUSTODY AND DECISION MAKING**

A. Legal Custody (decision-making) shall be as follows:

with the Primary Physical Custodian
 Joint decision making as follows:

1. Day-To-Day Decisions

Each parent shall make decisions regarding the day-to-day care of a child while the child is residing with, or in the physical custody of, that parent, including any emergency decisions affecting the health or safety of a child.

2. Major Decisions

	PPC	SPC	Joint
Educational decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Non-emergency healthcare	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religious upbringing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Extracurricular activities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Disagreements

Where parents elect joint decision making in Section 1(D), directly above, please explain how disagreements for final decision-making will be resolved.

- Primary physical Custodian has final decision making authority.
- The plan detailed below, which must provide a 'tie breaker' method so that a final decision will be promptly made) as follows:

4.
WEEKDAY AND WEEKEND PARENTING TIME

A. Definitions & Times for Weekend & Weekday Parenting

For the purposes of this parenting plan, the following definitions and times apply. During the term of this parenting plan the Secondary Physical Custodian shall have at a minimum the following rights of parenting time/visitation (*choose applicable items*):

1. Weekend visitation

Weekend visitation shall begin on _____ at _____ a.m. p.m.

Weekend visitation shall end on _____ at _____ a.m. p.m.

- The first and third weekend of each month.
- The first, third, and alternate fifth weekend of each month.
- The second and fourth weekend of each month.
- The second, fourth and alternative fifth weekend of each month.
- Every other weekend starting on (date)_____.

2. Weekday visitation

Weekday visitation begins at _____ a.m. p.m. and ends:

- at _____ p.m.; *or*
- at the designated time when the child(ren) is/are to be returned to school or day care on the next morning; *or*
- Other: _____

Weekday parenting time/ visitation shall be as follows(*choose an item*):

- None.
- Every _____ (*insert day of week*) evening.
- Every other _____ (*insert day of week*) evening during the week before a non-visitation weekend.
- Every _____ (*day*) and _____ (*day*) evening.

Other: _____

B. Make-up time

In the event any parenting time/visitation set forth herein above is denied the *Secondary Physical Custodian (SPC)* because of any unforeseen emergency or illness, the *Primary Physical Custodian (PPC)* shall promptly notify SPC and the parents shall, at that time, agree to an alternate time for make up time with the child(ren) so as to insure that SPC's total number of days with the child(ren) shall not be decreased. In the event the parents cannot agree at that time as to the appropriate make-up time, then the SPC's default make-up time shall be the very next 'non-holiday' weekend/weekday thereafter.

**3.
FALL AND WINTER HOLIDAYS AND VACATION**

The holiday parenting time/visitation schedule takes precedence over the regular parenting time/visitation schedule unless otherwise indicated below.

This schedule shall follow the annual Gwinnett County Public Schools
 _____ published calendar unless otherwise indicated.

- Holidays that fall on Friday include the following Saturday and Sunday.
- Holidays that fall on Monday include the preceding Saturday and Sunday.

A. Thanksgiving

In even-numbered years _____ shall have the Thanksgiving holiday period.

In odd-numbered years _____ shall have the Thanksgiving holiday period.

The Thanksgiving time period shall begin _____ a.m. p.m.
on Wednesday and shall end at _____ a.m. p.m. on Sunday.

Other beginning/end times for Thanksgiving break:

B. Winter Vacation

(First period begins on the date school is dismissed. The second period begins on the date chosen by the parties and ends on the day before school resumes. The same schedule applies to pre-school age children. The parents shall follow the annual Gwinnett County Public School calendar unless otherwise indicated herein.)

In even-numbered years _____ shall have the first Winter break period and shall have the second Winter Break period in odd-numbered years.

In odd-numbered years _____ shall have the first Winter break period and shall have the second Winter Break Period in even-numbered years.

First Winter Break Period

The first Winter Break period begins the day school is dismissed at _____ a.m.

p.m., and shall end _____ a.m. p.m. on December _____.

Second Winter Break Period

The second period begins from the day and time indicated above until 6:00 p.m. on the evening before school resumes. Unless otherwise indicated, the parties shall alternate the first and second periods each year.

Other agreement of the parents/order of the court:

4.
SPRING AND SUMMER VACATION PERIODS

A. Spring Break *The parents shall follow the annual Gwinnett County Public School calendar unless otherwise indicated herein.*

Consecutive days during the month(s) of March or April when the traditional school year calendar has a one week holiday period. (May include and supersede Easter Sunday in certain years.)

Other definition: _____

The spring/summer parenting time/visitation schedule takes precedence over the regular parenting time/visitation and holiday parenting time/visitation schedule unless otherwise indicated below.

Odd-numbered years

Parent who has Spring Break: _____

Begins on the day school ends at (time): _____

Ends on Sunday before school resumes at (time): _____

Even-numbered years

Parent who has Spring Break: _____

Begins on the day school ends at (time): _____

Ends on Sunday before school resumes at (time): _____

The day-to-day schedule applies for Spring Break each year

B. Summer Vacation (Define summer vacation period)

Summer break consists of the weeks during the months of June, July and August from when the traditional school ends until the beginning of the traditional school year.

Other _____

- Each parent will choose their summer vacation time every year (complete Option 1 below)
- Each parent will have summer vacation with the children at the same time every year (complete Option 2 below)
- There will be no summer vacation time; the regular schedule will apply (do not complete either Option below)

Each parent has the right to have sole and exclusive summer vacation time with the child(ren) which supersedes other weekend and other parenting time/visitation.

OPTION 1: Summer Vacation Period Chosen Annually

The plan incorporates the duty to give advance notices, effect of failure to give timely notice and summer vacation times periods to be chosen on a year to year basis.

Primary Physical Custodian

Secondary Physical Custodian

Advance notice shall be given no later than:

April _____

April _____

(Intent of this advance notice provision requires that the parents coordinate their respective vacation plans and any summer camp/extracurricular activities for any child.)

Failure to give notice:

Then SPC has first priority to select his/her weeks.

Then PPC has first priority to select his/her weeks.

Amount of time shall be inclusive of weekend times with that parent and shall be consecutive

A period of _____ weeks

A period of _____ weeks

- Failure to give notice by the established date means that if the parent later chooses to exercise summer vacation time, he/she must give at least 2 weeks advance notice to the other parent and is subject to the other parent's existing plans for the children
- The Secondary Physical Custodian's vacation time may not be scheduled during the first seven days following the end of the school year or during the final seven days before the beginning of the school year.

- When the child(ren) is/are with a parent for an extended parenting time/visitation period (such as more than customary vacation time during the summer), the other parent shall be entitled to visit with the child(ren) during this extended period, which is defined as a period of more than _____ weeks. In such event, then weekend visitation on the same rotating schedule as this parent would typically have during the school year when the child(ren) reside with that parent.

OPTION 2: Fixed Summer Vacation Annually

[do not complete if you selected Option 1 above

PRIMARY PHYSICAL CUSTODIAN'S SUMMER VACATION		
	Vacation Begins	Vacation Ends
Month of the Year		
Week of the Month (1st, 2nd, 3rd, 4th)		
Day of the Week		
Time of the Day		

SECONDARY PHYSICAL CUSTODIAN'S SUMMER VACATION		
	Vacation Begins	Vacation Ends
Month of the Year		
Week of the Month (1st, 2nd, 3rd, 4th)		
Day of the Week		
Time of the Day		

**5.
OTHER HOLIDAY PERIODS (if applicable)**

Indicate if child(ren) will be with the parent in ODD or EVEN numbered years or indicate EVERY year. Holiday weekends begin at _____ p.m. on the Friday before the holiday and end at _____ am pm on the holiday, unless otherwise specified. Holiday weekends supersede normal weekend parenting times but holidays are superseded by spring/summer vacation as may be applicable in a given year.

	PPC	SPC
Martin Luther King holiday weekend		
President’s Day		
Easter weekend		
Memorial Day holiday weekend		
Mother’s Day weekend		
Father’s Day weekend		
4 th of July holiday (Summer vacation supersedes.)		
Labor Day holiday weekend		
Halloween evening _____p.m. to _____p.m.		
Child’s birthday	The parent shall celebrate the child’s birthday on their respective parenting time weekend /weeknight nearest in time as they so elect.	
Father’s/Mother’s Birthday	The parent shall celebrate their own birthday with the child on their respective parenting time weekend/weeknight nearest in time as they so elect.	
Other holidays/religious days:		

Other extended periods of time during school, etc. (refer to the school schedule, if applicable.)

PPC’s Initials

SPC’s Initials

6.
TRANSPORTATION

A. Meeting Location

The parents shall exchange the children for visitation at:

- Primary Physical Custodian's residence
- Secondary Physical Custodian's residence
- Other location: _____

[Specify landmark name,
address, highway
number/exit, etc.]

B. Responsibility for Transportation

The parent responsible for transportation is [*choose only one option*]:

- Option 1: The following person is responsible for all visitation related transportation:
 - Primary Physical Custodian
 - Secondary Physical Custodian

- Option 2: Both parents are responsible for transportation for each visit as follows:

Parent responsible for transportation at the beginning of visitation: _____

Parent responsible for transportation at the end of visitation: _____

Other: _____

The Secondary Physical Custodian (SPC) shall arrive to pick up the children for visitation within 30 minutes of the scheduled time, or shall lose that visitation opportunity. In the event the PPC exceeds the grace period, the visitation for that period is forfeited unless the SPC suffers a breakdown or delay en route and the SPC promptly notifies the PPC by phone of the delay.

- If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the children while in the care of that parent.
- Each parent may designate, from time to time hereafter, a responsible adult to assist them in transporting the children.

PPC's Initials

SPC's Initials

7.
PARENTING TIME REQUIREMENTS

- Each parent shall return all the child's clothes and personal effects delivered to them by the other parent when the children are exchanged for visitation purposes.
- Each parent must notify the other parent prior to taking the children more than _____ miles away from the parent's residence overnight.
- Neither party shall have his or her girlfriend, boyfriend, or other overnight guest who is unrelated by blood or marriage spend the night when the child(ren) is/are present.
- Due to a history of alcohol and/or drug abuse by the Plaintiff Defendant, that/each parent is prohibited from consuming alcohol or illegal drugs when the child(ren) are in his or her custody.
- Neither parent will discuss past, present or future litigation with the children.

8.
COMMUNICATION REQUIREMENTS

A. Parent to Parent

Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number. A parent changing their residence must give at least 30 days advance notice of the change and provide the full address of the new residence and phone number.

Exception: Due to prior acts of family violence, the address of the children and victim of family violence shall be kept confidential. The protected parent shall promptly notify the other parent, through a third party, of any change in contact information necessary to conduct visitation. No further communication is required.

It is presumed the Secondary Physical Custodian (SPC) will exercise all available parenting/visitation times. However, if the SPC is **NOT** going to exercise a specific parenting time, or **NOT** going to exercise parenting time for a specified period of time, then the SPC shall give notice to the Primary Physical Custodian (PPC) by phone, text message or email of his/her intent to **NOT** exercise parenting times as follows:

(Check this box if the non-custodial parent shall give notice of intent to exercise parenting time): Under this alternate provision, if the non-custodial parent **IS** going to exercise a specific parenting time, then the non-custodial parent shall give notice to the primary custodial parent by phone, text message or email of his/her intent to exercise parenting times as follows:

- Weekend and weekday: at least 72 hours advance notice
- Holiday weekends and vacations: at least 7 days advance notice
- Summer vacation: at least 4 weeks advance notice
- No parenting/visitation time for a specified period (weeks, months, etc.): immediate notice.
- Other: (if applicable) _____

B. Parent to Child

When the children are in the physical custody of one parent, the other parent has the right to contact the child(ren) as follows:

- Reasonable telephone access, defined as no more than one call per day between the hours of _____ a.m. and _____ p.m.
- Reasonable text message or email
- By cell phone provided to the child(ren) at the sole expense of _____
- Other: _____

The purpose of this provision is to maintain reasonable contact with the children and shall not be used to harass, annoy, interfere or unreasonably pry into the personal life of the other parent.

Neither parent will monitor the telephone conversations their children have with the other parent.

- Neither parent will disparage, complain about, criticize, or blame the other parent or the other parent’s family members in the presence of the children, and shall instruct others to refrain from such conduct in the presence of the children.

- Neither parent shall place the children in the position of relaying messages or communications between the parents. The parents shall communicate between themselves and not through the children. Both parents acknowledge and agree that having the children act as the messenger between them is unfairly and unnecessarily stressful to the children.

9.
ACCESS TO RECORDS AND INFORMATION

Absent agreement to limitations or court ordered limitations, pursuant to O.C.G.A. § 19-9-1(b)(1)(D), both parents are entitled to access to all of the children’s records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. Designation as a Secondary Physical Custodian does not affect a parent’s right to equal access to these records.

The parents shall take the necessary action with school authorities of the schools in which the children are enrolled to:

- List both parents as a parent of the children.
- Authorize the school to release to both parents any and all information concerning the children.
- Ensure that both parents receive copies of any notices regarding the children.

10.
MODIFICATION OF PLAN OR DISAGREEMENTS

Parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order.

Custody and child support may ONLY be lawfully modified by court order.

Should the parents disagree about this parenting plan or wish to modify it, they must make a reasonable good faith effort to resolve the issue between them.

**11.
PARENT'S CONSENT**

Please review the following and initial:

- 1. We recognize that a close and continuing parent-child relationship and continuity in the child's life is in the child's best interest.

PPC's Initials: _____ SPC's Initials _____

- 2. We recognize that our child's needs will change and grow as the child matures; we have made a good faith effort to take these changing needs into account so that the need for future modifications to the parenting plan are minimized.

PPC's Initials: _____ SPC's Initials: _____

- 3. We recognize that the parent with physical custody will make the day-to-day decisions and emergency decisions while the child is residing with such parent.

PC's Initials: _____ SPC's Initials: _____

We knowingly and voluntarily agree on the terms of this Parenting Plan. Each of us affirms that the information we have provided in this Plan is true and correct.

Primary Physical Custodian's Signature

Secondary Physical Custodian's Signature

PPC's Printed Name

SPC's Printed Name

ORDER

The Court has reviewed the foregoing Parenting Plan, and it is hereby made the order of this Court. Each party is ORDERED and directed to comply with the terms and provisions set forth herein. **HEREIN FAIL NOT. SO ORDERED**, this

_____ day of _____, 20 ____ .

JUDGE
GWINNETT COUNTY SUPERIOR COURT

PPC's Initials

SPC's Initials

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

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

DOMESTIC RELATIONS FINANCIAL AFFIDAVIT

1. I swear and affirm under oath that the following financial information is true and complete:

My Name: _____ **My Age:** _____
Other Party's Name: _____ **Other Party's Age:** _____
Date of Marriage: _____ **Date of Separation:** _____

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

Name	Year of Birth	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Names and ages of my other children (under the age of 18):

Name	Age	Resides with
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. SUMMARY OF MY INCOME AND NEEDS *(complete this section last)*

- (a) Gross monthly income (from item 3A) _____
- (b) Net monthly income (from item 3B) _____
- (c) Average monthly expenses (item 5A) _____
- (d) Monthly payments to creditors _____
- Total monthly expenses and payments to creditors (item 5C) _____

3. A. MY 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 _____
 Child support 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 _____

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	Wife's Separate Asset	Husband's Separate Asset	Basis of the Claim
Cash	_____	_____	_____	_____
Investment accounts	_____	_____	_____	_____
Certificates (stocks/bonds)	_____	_____	_____	_____
Bank Accounts (list each account):	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Description	Value	Wife's Separate Asset	Husband's Separate Asset	Basis of the Claim
Retirement Pensions, 401K, IRA, or Profit Sharing				
Money owed you:				
Tax Refund owed you:				
Real Estate:				
Home:				
Other:	: Debt owed			
Automobiles/Vehicles:	Debt owed			
Vehicle 1:				
	Debt owed			
Vehicle 2:				
	Debt owed			
Life Insurance (net cash value):				
Furniture/furnishings:				
Jewelry:				
Collectibles:				
Other Assets:				
Total Assets:				

5. AVERAGE MONTHLY EXPENSES FOR MY HOUSEHOLD

HOUSEHOLD EXPENSES

Mortgage or Rent payments	_____	Gas	_____
Property taxes	_____	Repairs & Maintenance	_____
Homeowner's/Renter's Insurance	_____	Lawn care	_____
Electricity	_____	Pest control	_____
Water	_____	Cable TV/Internet	_____
Garbage & sewer	_____	Misc. household & Grocery items	_____
Telephone	_____	Meals Outside Home	_____
Residential Lines	_____	Other (<i>Specify</i>)	_____
Cellular Telephones	_____		
Total Household Expenses	\$ _____		

VEHICLE/AUTOMOTIVE

Gasoline & Oil	_____	Auto tags/Registration & License	_____
Repairs & Maintenance	_____	Insurance	_____
Public Transportation	_____		
Total Transportation Expenses	\$ _____		

OTHER VEHICLES (boats, trailers, RVs, etc.)

Gasoline & Oil	_____	Tags/Registration/License	_____
Repairs & Maintenance	_____	Insurance	_____
Total Other Vehicles Expenses	\$ _____		

CHILDREN'S EXPENSES

Child Care (total monthly cost)	_____	Allowances	_____
School tuition	_____	Clothing	_____
Tutoring	_____	Diapers	_____
Private lessons (<i>e.g., music, dance</i>)	_____	Medical/Dental/Prescriptions	_____
School Supplies/Expenses	_____	Grooming, Hygiene	_____
Lunch money	_____	Gifts from children to others	_____

Other Educational Expenses (list type & amount):

Activities (including extra-curricular, school, religious, cultural, etc.)

Entertainment

Summer Camps

Total Children's Expenses

\$

INSURANCE

Health

Dental

Vision

Life Insurance

Disability

Child(ren)'s portion-health

Child(ren)'s portion – dental

Child(ren)'s portion – vision

Beneficiary – Life

Other Insurance (specify)

Total Insurance Expenses

\$

Total Child(ren)'s Portion

\$

OTHER EXPENSES

Dry cleaning & laundry

Clothing

Medical/Dental/Prescription (out of pocket uncovered expenses)

Your Gifts (special holidays)

Entertainment

Recreational Expenses (e.g. fitness)

Vacations

Travel expenses for visitation

Publications

Dues, Clubs

Religious & Charities

Pet expenses

Alimony paid to former spouse

Child support paid for other children

Date of initial CS order:

Other (attach sheet to list)

Total Other Expenses

\$

5(A) TOTAL MONTHLY EXPENSES (add household, transportation, children's, insurance, and other expenses)

\$

B. PAYMENTS TO CREDITORS

(please check one)

To Whom:	Balance Due	Monthly Payment	Plaintiff	Defendant

5(B) TOTAL MONTHLY PAYMENTS TO CREDITORS: \$ _____

5(C) TOTAL MONTHLY EXPENSES AND PAYMENTS TO CREDITORS: \$ _____

This _____ day of _____, 20____.

(signature)

Printed Name
 Plaintiff Defendant signs and affirms under oath that the information contained in this *Financial Affidavit* is complete true and correct.

NOTARY PUBLIC

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Plaintiff,
v.

Defendant.

Civil Action
File No.: _____

CERTIFICATE OF SERVICE

This certifies that I sent copies of the following documents [*list name(s) of document(s)*]:

_____ to the opposing party by first class mail certified mail, return receipt requested.

They were addressed to the opposing party or their attorney as follows:

Opposing Party/Attorney's Name

Address

Address Line 2

City, State, ZIP

Dated: _____

 Plaintiff Defendant *Pro se* [signature]

Name: _____

Address: _____

City, State ZIP

Phone: _____

Email: _____