

CUSTODY AND PARENTING PLAN ORDER

The parties are the parents of Ian Kelly, who was born in 2011. On April 5, 2016, the Court held a full trial on this matter and heard evidence on the issues of the love, affection, bonding and emotional ties between each parent and the child; the capacity and disposition of each parent to give the child love, affection and guidance; the capacity of each parent to commit to and continue the education of the child, recognizing his special needs; the knowledge and recognition of each parent of the child and his needs; the home environment of each parent; the mental and physical health of each parent; each parent's employment schedule and the related flexibility of a parent to care for the child; each parent's past performance and relative abilities for future performance of parenting responsibilities; the willingness and ability of each of the parents to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent; and the other factors in O.C.G.A. Sec. 19-9-3 which are relevant to this case.

The Court finds that it is in the best interest of Ian to adopt, and it hereby adopts, with certain changes noted therein, the Permanent Parenting Plan Order presented at trial by the petitioner and attached hereto as Exhibit A to this Order. The parties are DIRECTED to comply with the terms of said Order.

Neither party shall keep the child at home or remove the child from school unless there is a medical reason or a medical appointment.

FAM 3

CHILD SUPPORT

The petitioner testified at trial that he is a recruiter for chefs and restaurant managers who earn \$7,295.00 monthly. The respondent testified that she has recently been hired as a switchboard operator for a downtown hotel and earns \$2,768.00 monthly. Testimony also established that the parties' child has special needs and requires medical and psychological attention not covered by insurance. The Court hereby sets the respondent's child support obligation at \$543.00 monthly, to be paid at the first of each month, to commence on June 1, 2016. (See Court's Child Support Worksheet, attached hereto as Exhibit B). The petitioner shall pay 75% and the respondent shall pay 25% of all medical expenses for the child not covered by insurance. The child support shall continue monthly thereafter until Ian reaches the age of eighteen, dies, marries, or otherwise becomes emancipated; provided that if he becomes eighteen years old while enrolled in and attending high school on a full-time basis, then the child support shall continue until he has graduated from high school or reaches twenty years of age, whichever occurs first.

RETIREMENT ACCOUNTS

Each party has a retirement account in the approximate amount of \$4,000.00. Each party shall retain the retirement account in his or her name.

VEHICLES

The petitioner shall retain the parties' Honda automobile. The respondent shall retain the Lexus automobile. Each party shall execute any and all documents

FAM 3

necessary to transfer title of said vehicles to the other. Each party shall be solely responsible for all insurance, payments, other liabilities, taxes, repairs and upkeep of the vehicle he or she has retained under this Order.

ALIMONY

The respondent is seeking alimony. Neither party shall be required to pay alimony to the other.

SPENDING SPREE

Three months after the petitioner filed this action, the respondent went on a spending spree. She used marital funds to buy \$264.00 worth of jewelry, to spend \$537.00 at Bloomingdales, almost \$200.00 at Victoria Secret, \$100.00 worth of designer teas, sushi and yogurt gift cards for later use, etc. This was all done in the course of one day and culminated with an expenditure of close to \$5,000.00 of marital funds. The respondent is hereby ordered to pay, as an equitable distribution of marital funds, \$2,500.00 to the petitioner. She shall pay this sum in monthly increments of \$50.00, the first to be paid on June 1, 2016 and to be paid every month thereafter until said sum has been paid in full.

SO ORDERED, this 8th day of April, 2016.


Judge Bensonetta Tipton Lane
Fulton County Superior Court
Atlanta Judicial Circuit

EFILED AND SERVED

IN THE SUPERIOR COURT OF FULTON COUNTY
FAMILY DIVISION
STATE OF GEORGIA

JOSEPH R. KELLY,

Petitioner,

V.

MUSHIMBEI KELLY,

Respondent.

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CIVIL ACTION
FILE NO. 2015-CV-260284

PERMANENT PARENTING PLAN ORDER

The mother and father will be courteous toward each other and the minor child so as to provide a loving, stable, consistent and nurturing relationship with the minor child even though they are not married. They will not speak badly of each other or the members of the family of the other parent. They will encourage the minor child to continue to love the other parent and be comfortable in both families.

This plan is a new plan.

Child's Name	Date of Birth
Ian Kelly	12/2011

I. Custody and Decision Making:

A. Legal Custody shall be:

☐ with the Mother

☐ with the Father

EXHIBIT A

(X) Joint

B. Primary Physical Custodian

The Father shall have primary physical custody of the minor child and the Mother shall have secondary physical custody.

C. Day-To-Day Decisions

Each parent shall make decisions regarding the day-to-day care of the minor child while the minor child is residing with that parent, including any emergency decisions affecting the health or safety of the minor child. If the minor child has a doctor, dental, psychologist or any other health provider appointment, the party making the appointment shall give the other party seven (7) days advance notice of said appointment.

I. Care of child

The child will attend public school in Fulton County with a specialized IEP. Additional services which are prescribed therapies to address the needs of the Autism Spectrum diagnosis of the minor child shall include: speech therapy and occupational therapy provided by Children's Health Care of Atlanta; Applied Behavior Analysis (ABA) therapy provided by Peachtree Autism Services.

For aftercare and summer care, Heavenly Angels Daycare which will follow the IEP which is located at the Rivercliff Lutheran Church in Sandy Springs.

Additionally, there is a summer camp is specialized for children diagnosed with Autism Spectrum at the Porter Academy in Roswell, and Learning On The Log, which is specialized after care in Sandy Springs.

D. Major Decisions

Major decisions regarding the minor child shall be made as follows:

Educational decisions	<input type="checkbox"/> mother	<input checked="" type="checkbox"/> father	<input type="checkbox"/> joint
Non-emergency health care	<input type="checkbox"/> mother	<input checked="" type="checkbox"/> father	<input type="checkbox"/> joint
Religious upbringing	<input checked="" type="checkbox"/> mother	<input type="checkbox"/> father	<input type="checkbox"/> joint
Extracurricular activities	<input type="checkbox"/> mother	<input checked="" type="checkbox"/> father	<input type="checkbox"/> joint

Both of the parties shall equally share (50% each) of all costs associated with extracurricular activities outside of school and summer camps.

E. Disagreements

Where parents have elected joint decision making in Section D above, please explain how any disagreements in decisions making will be resolved (e.g., correspondence, telephone conversations, third party tiebreaker vote, mediation, etc.): **N/A**

II. Parenting Time Schedule

A. Residential Time With Each Parent

The Custodial Parent is: **Father**

Under the schedule set forth below, each parent will have parenting time with the minor child in the approximate percentages stated below:

Mother: 40%

Father: 60%

B. The Parents Agree to the Following (check all that apply):

☒ The parents shall make genuine efforts to refrain from arguments concerning visitations. Such arguments undermine the parents' relationship with the minor child and burden the minor child with the guilt of responsibility for such friction. The parents shall endeavor to cooperate with the minor child with the goal of reducing

the strife and confusion surrounding the minor child when parents have elected to divorce. It is beneficial that the minor child experience affectionate care from both parents, and both of the parties hereto acknowledge that parenting time exists primarily for the benefit of the minor child.

(x) Both parties shall be diligent in having the minor child ready with the necessary belongings and available at the appointed times and the transporting party shall be prompt in picking up and delivering the minor child, provided, however, that the transporting parent for visitation shall have a grace period of thirty (30) minutes for pick-up and delivery if both parties live within a distance of fifty (50) miles from each other. If the one way distance to be traveled is in excess of one hundred (100) miles, the grace period shall be thirty (30) minutes. In the event the visiting parent exceeds the grace period, the visitation for that weekend is forfeited unless prior notification and arrangements have been made and except in cases where the visiting parent suffers an unavoidable breakdown or delay en route and the visiting parent promptly notifies the custodial parent by phone of the delay. Repeated violations by either parent shall be cause for granting a modification of the custody order either by changing custody or curtailing visitation, as the case may be.

(x) In the event that the minor child develops a serious illness or injury while visiting with one parent, that parent shall promptly inform the other parent of the minor child's condition. Elective surgery shall be performed on the minor child only after both parents have consented to the same. Emergency surgery necessary for the preservation of life or to prevent a further serious injury or condition may be performed without the other parent's consent, provided, however, that if time permits, the other parent shall be consulted and, in any event, he or she shall be

informed as soon as possible.

(x) If either parent decides to relocate more than 100 miles away from the other parent's home, the moving parent will give the other parent written notice of the intent to relocate no less than 30 days prior to the date of moving.

(x) Neither party shall consume alcohol or illegal drugs and then operate a motor vehicle when the minor child are in his or her custody.

(x) The parent in possession of the minor child will be responsible for supervising and assisting in any schoolwork immediately due and for any activity scheduled for the minor child. The parents agree to give each other reasonable notice of any activities scheduled during the other parent's possession of the minor child. The parent in possession of the minor child will be responsible for observing the minor child's regularly scheduled lessons, activities and sporting events.

C. Parenting Time

During the term of this parenting plan the non-custodial parent shall have at a minimum the following rights of visitation:

Every other weekend from FRIDAY after school until Monday when school begins.

If for whatever reason school is not in session 3:00 pm on Thursday until 9:00 am

on Monday returning the child to the Father's residence.

HOLIDAY SCHEDULE

	MOTHER	FATHER
New Year's Day	even	odd
Valentine's Day	odd	even
Mother's Day	every	
Father's Day		every
Thanksgiving *	odd	even
Spring Break	odd	even

PER CHRISTMAS
SCHEDULE
PER WEEKEND
SCHEDULE
B. Lane

Halloween	even	odd
Father's Birthday	every	odd
Mother's Birthday	every	odd
Child's Birthday	odd	even
Teacher Work Days	whichever parent has the	preceding weekend
President's Day	odd	even
MLK, Jr. Day	even	odd
Memorial Day	odd	even
Labor	even	odd

PER WEEKEND SCHEDULE
PER WEEKEND SCHEDULE
B. fine

* The Thanksgiving holiday shall commence on when school recesses for the holiday until the following Monday morning with drop off at school.

SUMMER VACATION

Each parent shall be allowed to take the minor child on two seven (7) day, seven (7) night vacations with three (3) weeks notice to the other party. Should the parties have a conflict with each wanting the same dates, Father shall have priority in even numbered years and Mother shall have priority in odd numbered years.

CHRISTMAS VACATION

The intent of the parties is that the minor child's Christmas break from school shall be split evenly between them based upon a twenty (20) day break from school, whereupon each one of the parties would have ten (10) days with the minor child during the break. In that regard on odd numbered years Mother shall have the minor child with her from the day school recesses until noon on December 27, and Father shall have the child from December 27 until school resumes when he brings the child to school on the day that school reconvenes. In even years the schedule reverses and Father shall have the minor child with him from the day school

recesses until noon on December 27, and Mother shall have the child from December 27 until school resumes when she brings the child to school on the day that school reconvenes

D. If there is a conflict between the regular visitation schedule and the holiday schedule, the holiday schedule will prevail. For the purposes of this parenting plan, the holiday will start and end as follows (choose one):

☐ Holidays that fall on Friday will include the following Saturday and Sunday

☐ Holidays that fall on Monday will include the preceding Saturday and Sunday

When holiday visitation conflicts with extended/summer visitation the (choose one):

☒ holiday schedule will be observed

☐ extended visitation will be uninterrupted

☐ other: _____

E. Transportation Arrangements

The Mother shall be responsible for transportation of the child at the beginning and conclusion of parenting time.

Payment of long distance transportation costs will be paid by:

☐ mother ☐ father ☐ both equally ☒ N/A

Other arrangements: _____.

If a parent does not possess a valid driver's license, he or she must make reasonable transportation arrangements to protect the child while in the care of that

parent.

F. Changes and Cancellations (please check if applicable):

(x) If the parents cannot agree on a requested change in the visitation schedule, the parents agree to seek voluntary mediation to resolve the differences prior to filing a modification with the Court. If mediation is requested, the cost of mediation will be paid by the party requesting the change.

G. Telephone Access

The parents agree that when the child resides with one, the other parent will have the right to unimpeded telephone conversations with the child as follows:

(x) The child is allowed to call either parent during reasonable hours and of reasonable duration.

(x) The parent is allowed to call the minor child between the hours of 5:00 p.m. and 6:00 p.m.

(x) Neither parent will monitor the telephone conversations their child have with the other parent.

(x) Neither parent will use the child to communicate messages to the other parent.

H. Conduct and Communication Provisions

Please check all that apply:

(x) Each parent shall promptly notify the other parent of a change of address, phone number or cell phone number so that the other parent may exercise visitation, notify

the other parent, and reach the child while in the other parent's possession. (Please see relocation provision in Section II. B. above pertaining to moves of greater distances).

(x) The child will not be left alone until the parents mutually agree that he is responsible enough to be left alone.

(x) Neither parent will:

(x) Discuss past, present or future litigation with the child;

(x) Complain about, criticize, or blame the other parent in the presence of the child and shall instruct others to refrain from such conduct in the presence of the child;

(x) Accuse the other parent of being at fault in the presence of the child;

(x) Use the child as "bargaining chip" to influence the actions of the other parent;

(x) Make negative, critical or hurtful comments about the other party's family members in the presence of the minor child; and

(x) Use profanity in any conversation with the other parent in the child's presence or go into the other parent's home without consent.

III. Access to Records

A. Rights of the Parents

Pursuant to O.C.G.A. § 19-9-1 (b) (1) (D), both parents are entitled to access to all of the child's records and information, including, but not limited to, education, health, extracurricular activities, and religious communications. Designation as a non-custodial parent does not affect a parent's right to equal access to these records.

However, the parties may agree to limitations on access to records.

Please list any agreed to limitations on access rights: **NONE**

B. School Records Access / Communication Provisions

(x) The parents shall take the necessary action with school authorities of the schools in which the child is enrolled to:

1. List both parents as a parent of the child;
2. Authorize the school to release to both parents any and all information concerning the child;
3. Ensure that both parents receive copies of any notices regarding the child.

(x) Each parent will be entitled to complete, detailed information or reports from any teacher or school pertaining to the child, their schoolwork, their educational needs, their conduct, or opportunities available to the child.

(x) Each parent shall promptly transmit to the other parent any information received concerning parent schedules and any other school activities in which the child may be engaged or interested.

(x) Each parent shall promptly after receipt, furnish the other parent a photocopy of the child's grade reports and copies of any other reports concerning the child's status or progress.

(x) Each parent shall, when possible, arrange appointments for parent – teacher conferences at a time when the other parent can be present and, whenever possible, they shall be attended by both parents.

IV. Disagreements or Modification of Plan

Should the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between them. Possible channels for resolution of disputes include mediation, arbitration, or the Court. Please indicate below your preferred method of dispute resolution.

☒ (x) Mediation by a neutral party chosen by the parents or the Court.

☐ () Arbitration by a neutral party selected by parents or the Court.

☐ () The Court due to order of protection or restrictions.

☐ () Other _____

The costs of this process may be determined by the alternative dispute process or may be assessed by the Court based upon the incomes of the parents. It must be commenced by notifying the other parent and the Court by ☐ () written request ☒ (x) certified mail ☐ () other: _____.

In the dispute resolution process:

1. Preference shall be given to carrying out this parenting plan.
2. The parents shall use the process to resolve disputes relating to implementation of the Plan.
3. A written record shall be prepared of any agreement reached, and it shall be provided to each parent.
4. If the Court finds that a parent willfully failed to appear without good reason, the

Court, upon motion, may award attorney fees and financial sanctions to the prevailing parent.

V. Special Considerations

Please attach an addendum detailing any special circumstances of which the Court should be aware (e.g., health issues, educational issues, etc.)

VI. Parents' 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.

Mother's Initials: _____ **Father'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.

Mother's Initials: _____ **Father'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 (see Section I. C. above).

Mother's Initials: _____ **Father's Initials:** _____

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

correct.

Joseph R. Kelly

Mushimbei Kelly

Sworn to and Subscribed before me

Sworn to and Subscribed before me

this ____ day of _____, 2015.

this ____ day of _____, 2015.

Notary Public

Notary Public

ORDER

The Court has reviewed the foregoing Permanent Parenting Plan Order, and it is hereby made the order of this Court.

This Order entered on the 8 day of APRIL, 2016.



Honorable Bensonetta Tipton Lane
Judge Fulton County Family Court

CHILD SUPPORT WORKSHEET

IN THE SUPERIOR COURT FULTON COUNTY
STATE OF GEORGIA

☐ DHS, ex rel., o/b/o

JOSEPH R. KELLY

* Plaintiff,
vs.

MUSHIMBEI KELLY

* Defendant,

Civil Action Case No: 2015CV260284

IV-D Case No.:

Comments for Court:

☐ Initial Action

☐ Modification

Date of Initial Child Support Order:

Mother:

Father:

Child Support Worksheet - Calculations will automatically display in the appropriate green and white fields on the Worksheet and all Schedules.

The Name and Birth Year of each child for whom child support is being determined in this case appear below in numeric order.

Included	* Name	Birth Year	Included	* Name	Birth Year
1. <input type="checkbox"/>	IAN KELLY	2011	7. <input type="checkbox"/>		
2. <input type="checkbox"/>			8. <input type="checkbox"/>		
3. <input type="checkbox"/>			9. <input type="checkbox"/>		
4. <input type="checkbox"/>			10. <input type="checkbox"/>		
5. <input type="checkbox"/>			11. <input type="checkbox"/>		
6. <input type="checkbox"/>			12. <input type="checkbox"/>		

Total Number of Children: 1

Noncustodial Parent ☐

Mother

☐

Father

Submitted by: JUDGE LANE

Nonparent Custodian ☐

All information entered on the Data Entry Form calculates and displays on the Worksheet and Schedules A, B, D and E. (Also see Supplemental D & E, if four or more children are included in the current case.)

	Mother	Father	Total
1. Monthly Gross Income	\$ 2,768.00	\$ 7,295.00	\$ 10,063.00
2. Monthly Adjusted Income	\$ 2,768.00	\$ 7,295.00	\$ 10,063.00
3. Pro Rata Shares of Combined Income	27.51%	72.49%	100.00%
4. Basic Child Support Obligation (from the Table)			\$ 1,264.00
5. Pro rata shares of Basic Child Support Obligation	\$ 347.73	\$ 916.27	
6. Adjustment for Work Related Child Care and Health Insurance Expenses	\$ 195.07	\$ 514.01	
7. Adjusted Child Support Obligation	\$ 542.80	\$ 1,430.28	
8. Adjustment for Additional Expenses Paid	\$ -	\$ 709.08	
9. Presumptive Amount of Child Support	\$ 542.80	\$ 721.20	

The amount on Line 9 is the Presumptive Child Support Amount.

EXHIBIT B

CHILD SUPPORT WORKSHEET

		Mother	Father
10.	Deviations from Presumptive Child Support Amount Deviation type(s) used: "Specific Deviations"	\$ -	\$ (240.00)
11.	Subtotal	\$ 542.80	\$ 481.20
12.	Social Security Payments (excludes Supplemental Security Income (SSI)) Amounts display here if a child receives Title II Social Security benefits (SSD/RSDI) as a dependent on a parent's account. (See User Guide for more information.)	\$ -	\$ -
13.	Final Monthly Child Support Amount (rounded to a whole number) >If amount on Line 12 is equal to or greater than Line 11, child support responsibility is met and no further obligation is owed. >If amount on Line 12 is less than Line 11, child support responsibility is not fully met and amount on Line 13 is still owed.	\$ 543.00	\$ 481.00
The amount on Line 13 is the Final Child Support Amount.			
Uninsured Health Expenses			
14.	Percentages for each parent for future Uninsured Health Expenses.	%	%
Schedules		Attached	Not Applicable
A	Gross Income	<input checked="" type="checkbox"/>	
B	Adjusted Income	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C	Schedule C is not in use and is intentionally left blank		
D	Additional Expenses	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E	Deviations from Presumptive Amount	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Names of Parties: JOSEPH R. KELLY vs. MUSHIMBEI KELLY

Submitted by: JUDGE LANE

Today's date: 04/07/2016

Case #: 2015CV260284

Version 9.1

**CHILD SUPPORT SCHEDULE A
GROSS INCOME**

* Schedule A - Gross Income The entry of income in this section is required to generate a Worksheet.	(a) Mother	(b) Father	(c) Combined
If either or both parents receive Temporary Assistance for Needy Families (TANF), a check mark will appear; otherwise, the boxes will be blank.	<input type="checkbox"/>	<input type="checkbox"/>	
All amounts/data displaying here on Schedule A were entered on the Data Entry Form and can only be changed on that form. The answers on Line 23 will display on Line 1 of the Worksheet.			
All income amounts below appear as monthly averages.			
1. Salary and Wages (Will not include means-tested public assistance, such as TANF or food stamps.)	\$ 2,768.00	\$ 7,295.00	
2. Commissions, Fees, Tips	\$ -	\$ -	
3. Income From Self-Employment	\$ -	\$ -	
4. Bonuses	\$ -	\$ -	
5. Overtime Payments	\$ -	\$ -	
6. Severance Pay	\$ -	\$ -	
7. Recurring Income from Pensions or Retirement Plans	\$ -	\$ -	
8. Interest Income	\$ -	\$ -	
9. Income from Dividends	\$ -	\$ -	
10. Trust Income	\$ -	\$ -	
11. Income from Annuities	\$ -	\$ -	
12. Capital Gains	\$ -	\$ -	
13. Social Security Disability/Retirement Benefits (Excludes SSI or payments for children) See User Guide	\$ -	\$ -	
14. Federal Veterans' Disability Benefits	\$ -	\$ -	
15. Worker's Compensation Benefits	\$ -	\$ -	
16. Unemployment Benefits	\$ -	\$ -	
17. Judgments from Personal Injury or Other Civil Cases	\$ -	\$ -	
18. Gifts (cash or other gifts that can be converted to cash)	\$ -	\$ -	
19. Prizes / Lottery Winnings	\$ -	\$ -	
20. Alimony & maintenance from persons not in this case	\$ -	\$ -	
21. Assets which are used for support of family	\$ -	\$ -	
22. Fringe Benefits (if significantly reduce living expenses)	\$ -	\$ -	
23. Any Other Income, including Imputed Income (Does not include means-tested public assistance.)	\$ -	\$ -	
* TOTAL GROSS MONTHLY INCOME			
24. Total will automatically display here, on Line 1 of Worksheet, and Line 1 of Schedule B.	\$ 2,768.00	\$ 7,295.00	\$ 10,063.00
The explanations below were entered on the Data Entry Form and explain the basis of Other Income, including Imputed Income, as entered on Line 41 for Mother and/or Father.			
Mother			
Father			

Names of Parties: JOSEPH R. KELLY vs. MUSHIMBEI KELLY

Submitted by: JUDGE LANE

Today's date: 04/07/2016

Case #: 2015CV260284

Version 9.1

**CHILD SUPPORT SCHEDULE D
ADDITIONAL EXPENSES**

<i>Schedule D - All amounts/data displaying here on Schedule D were entered on the Data Entry Form and can only be changed on that form. Answers here on Line 3 will display on Line 8 of the Worksheet; answers here on Line 5 will display on Line 6 of the Worksheet.</i>				
	(a) Mother	(b) Father	(c) Nonparent Custodian	(d) Combined
1. Work Related Child Care Expenses necessary for parent's employment, education or vocational training display here, and include monthly average amounts paid by each Parent (or Nonparent Custodian) for children included in this action. (Amounts from Supplemental Table(s), Lines 7, 13 and 19, are used in the calculations for Lines 1 - 5).	\$ -	\$ 548.08	\$ -	\$ 548.08
2. Health Insurance Premiums Paid for the Children display here. Monthly amounts paid (or will be paid) by each Parent/Nonparent Custodian for health insurance. If portion is unknown, prorated amount for each child is found by dividing total premium by number of persons covered, and then multiplied by number of covered children in this action.	\$ -	\$ 161.00	\$ -	\$ 161.00
3. Total Monthly Additional Expenses will display here. (Line 1 plus Line 2)	\$ -	\$ 709.08	\$ -	\$ 709.08
4. Pro Rata Share of Parents' Income will display here. (From Child Support Worksheet Line 3)	27.51%	72.49%		100.00%
5. Pro Rata Share of Additional Expenses will display here. (Amount here in Column (d), Line 3, is multiplied by percentages on Line 4. Results display on Line 6 of Worksheet.)	\$ 195.07	\$ 514.01		\$ 709.08
Supplemental Table 1. This table is used to calculate amounts for Schedule D, Line 1 for children 1, 2 and 3. Supplemental Tables 2, 3 and/or 4 are used for 4 or more additional children.				
1. Children's Names → (Names will automatically display)	Child 1	Child 2	Child 3	
Child Care Paid by Mother will display here.	IAN KELLY			Totals
2. Total yearly amount during school year	\$ -	\$ -	\$ -	\$ -
3. Total yearly amount during summer break	\$ -	\$ -	\$ -	\$ -
4. Total yearly amount during school breaks	\$ -	\$ -	\$ -	\$ -
5. Total yearly amount of other child care (e.g. pre-school or child with disability)	\$ -	\$ -	\$ -	\$ -
6. Total Yearly Amounts	\$ -	\$ -	\$ -	\$ -
7. Monthly Average (Amount on Line 6 is divided by 12 months)	\$ -	\$ -	\$ -	\$ -
Child Care Paid by Father will display here.	IAN KELLY			Totals
8. Total yearly amount during school	\$ 6,494.00	\$ -	\$ -	\$ 6,494.00
9. Total yearly amount during summer break	\$ 83.00	\$ -	\$ -	\$ 83.00
10. Total yearly amount during other school breaks	\$ -	\$ -	\$ -	\$ -
11. Total yearly amount of other child care (e.g. pre-school or child with disability)	\$ -	\$ -	\$ -	\$ -
12. Total Yearly Amounts	\$ 6,577.00	\$ -	\$ -	\$ 6,577.00
13. Monthly Average (Amount on Line 12 is divided by 12 months)	\$ 548.08	\$ -	\$ -	\$ 548.08
Child Care Paid by Nonparent Custodian will display here.	IAN KELLY			Totals
14. Total yearly amount during school	\$ -	\$ -	\$ -	\$ -
15. Total yearly amount summer break	\$ -	\$ -	\$ -	\$ -
16. Total yearly amount during other school breaks	\$ -	\$ -	\$ -	\$ -
17. Total yearly amount of other child care (e.g. pre-school or child with disability)	\$ -	\$ -	\$ -	\$ -
18. Total Yearly Amounts	\$ -	\$ -	\$ -	\$ -
19. Monthly Average (Amount on Line 18 is divided by 12 months)	\$ -	\$ -	\$ -	\$ -

Names of Parties: JOSEPH R. KELLY vs. MUSHIMBEI KELLY

Submitted by: JUDGE LANE

Today's date: 04/07/2016

Case #: 2015CV260284

Version 9.1

CHILD SUPPORT SCHEDULE E Deviation (Special Circumstances)

Schedule E - Deviations and Special Circumstances					
A. For each section completed, calculations for monthly amounts (annual amounts in certain areas) will automatically display in the appropriate fields. Deviations on this form were entered on the Data Entry Form; to make changes to these amounts, return to that form.					
<p align="center">Low Income Deviation</p> <p>The Court or Jury has discretion to allow or not allow the noncustodial parent to receive a Low Income Deviation that will reduce the Presumptive Amount of Child Support. If Low Income Deviation does not apply in this case, fields in this section will be blank or equal to zero.</p>					
<p>Weighing Considerations Based Upon Sufficient Evidence: When considering a Low Income Deviation, please read the statute at O.C.G.A. §19-6-15(i)(2)(B) or review the User Guide for the appropriate criteria for this deviation. In weighing the income sources and expenses of both parents, and taking into account each parent's basic child support obligation as adjusted by health insurance and work related child care costs -</p> <p>> Can the noncustodial parent provide evidence sufficient to demonstrate no earning capacity? Or, does his/her pro rata share of the presumptive amount of child support create an extreme economic hardship for such parent?</p> <p>> What will be the relative hardship that a reduction in the amount of child support would have on the custodial parent's household? The needs of each parent? The needs of the child(ren) for whom child support is being determined? The ability of the noncustodial parent to pay child support?</p>					
<p>NOTE: Low Income Deviation is entered as a positive number but treated as a subtraction when included with all other deviations. By use of this deviation, court or jury is not prohibited from granting an increase or decrease to the presumptive amount of child support by use of another deviation.</p>					
<input type="checkbox"/> A check mark will display in this box, if a Low Income Deviation has been requested.		(a) Mother	(b) Father	Court or Jury Allowable Deviations Only the Court or Jury may enter an amount under column (c) or (d).	
1a.	Enter "Proposed Low Income Deviation amount" will display AS A POSITIVE NUMBER under noncustodial parent's column. Amount will be used unless Line 1b applies.	\$0.00	\$0.00	\$0.00	\$0.00
1b.	>If amount in Line 1a will make the final child support obligation less than the minimum order amount allowed when Low Income Deviation is granted, new deviation amount will display in Line 1b and will be used in calculations. >If entry in Line 1a results in amount equal to or greater than the minimum order allowed, amount in Line 1a will automatically be used in the calculations.	\$0.00	\$0.00	\$0.00	\$0.00
<input type="checkbox"/> DISCRETIONARY CHECK BOX FOR COURT OR JURY ONLY: Check mark will display in this box, if discretion has been applied. Use to exclude or change deviation amount that displays in Line 1a. <small>"Discretionary amount allowed by Court/Jury" displays AS A POSITIVE NUMBER under noncustodial parent's column.</small>					
<p>Explanation for Requesting a Low Income Deviation: An explanation as to why the noncustodial parent should be granted a Low Income Deviation displays here. (Questions at Boxes B, C and D must also be answered for this deviation.)</p>					
<p align="center">Specific and Non-specific Deviations - High Income and Other Amounts</p> <p>The amount of any requested deviation must display in the noncustodial parent's column. Only amounts listed in the noncustodial parent's column will affect the final child support calculation.</p>					
2(a).	High Income - Combined Adjusted Income of the parents that is greater than \$30,000/month will automatically display here for the court/jury to consider.	\$ -			
<p><small>Instructions for this section: Requested deviation amounts will display as a "positive (+)" number for an upward deviation or as a "negative (-)" number for a downward deviation. Amounts that display in Lines 2(b)-10 do not represent monthly expense amounts, but rather they represent amounts you want the court to consider as requested deviations from the Presumptive Amount of Child Support. The Specific and Non-specific Deviation section does not represent a financial affidavit.</small></p>		<p align="center">Court or Jury Allowable Deviations</p>			
		(a) Mother	(b) Father	*(c)Mother	*(d)Father
2(b).	Deviation Based on High Income	-	-	-	-
3.	Other Health Related Insurance (dental, vision)	-	-	-	(240.00)
4.	Life Insurance	-	-	-	-
5.	Child and Dependent Care Tax Credit	-	-	-	-
6.	Visitation Related Travel Expenses	-	-	-	-
7.	Alimony PAID	-	-	-	-
8.	Mortgage (if Noncustodial Parent is providing cost of home where child resides)	-	-	-	-
9.	Permanency Plan or Foster Care Plan	-	-	-	-
10.	Other - Non-specific Deviations	-	-	-	-
11.	The requested Deviation totals displaying here are based on amounts appearing on Lines 2(b)-10, that will total with all other deviations on Line 14 of this schedule. Amounts may be (-) negative or (+) positive.	\$ -	\$ -	\$ -	\$ (240.00)
<input type="checkbox"/> COURT OR JURY: Check mark will display here if Court/Jury has applied discretion. Amounts in columns (c) and/or (d) will display and will be used in the total deviations.					

CHILD SUPPORT SCHEDULE E
Deviation (Special Circumstances)

Schedule E - Deviations and Special Circumstances					
A. For each section completed, calculations for monthly amounts (annual amounts in certain areas) will automatically display in the appropriate fields. Deviations on this form were entered on the Data Entry Form; to make changes to these amounts, return to that form.					
Low Income Deviation					
The Court or Jury has discretion to allow or not allow the noncustodial parent to receive a Low Income Deviation that will reduce the Presumptive Amount of Child Support. If Low Income Deviation does not apply in this case, fields in this section will be blank or equal to zero.					
Weighing Considerations Based Upon Sufficient Evidence: When considering a Low Income Deviation, please read the statute at O.C.G.A. §19-6-15(i)(2)(B) or review the User Guide for the appropriate criteria for this deviation. In weighing the income sources and expenses of both parents, and taking into account each parent's basic child support obligation as adjusted by health insurance and work related child care costs -					
> Can the noncustodial parent provide evidence sufficient to demonstrate no earning capacity? Or, does his/her pro rata share of the presumptive amount of child support create an extreme economic hardship for such parent?					
> What will be the relative hardship that a reduction in the amount of child support would have on the custodial parent's household? The needs of each parent? The needs of the child(ren) for whom child support is being determined? The ability of the noncustodial parent to pay child support?					
NOTE: Low Income Deviation is entered as a positive number but treated as a subtraction when included with all other deviations. By use of this deviation, court or jury is not prohibited from granting an increase or decrease to the presumptive amount of child support by use of another deviation.					
<input type="checkbox"/> A check mark will display in this box, if a Low Income Deviation has been requested.		(a) Mother	(b) Father	*(c) Mother	*(d) Father
1a.	Enter "Proposed Low Income Deviation amount" will display AS A POSITIVE NUMBER under noncustodial parent's column. Amount will be used unless Line 1b applies.	\$0.00	\$0.00	\$0.00	\$0.00
1b.	>If amount in Line 1a will make the final child support obligation less than the minimum order amount allowed when Low Income Deviation is granted, new deviation amount will display in Line 1b and will be used in calculations. >If entry in Line 1a results in amount equal to or greater than the minimum order allowed, amount in Line 1a will automatically be used in the calculations.	\$0.00	\$0.00	\$0.00	\$0.00
<input type="checkbox"/> DISCRETIONARY CHECK BOX FOR COURT OR JURY ONLY: Check mark will display in this box, if discretion has been applied. Use to exclude or change deviation amount that displays in Line 1a. "Discretionary amount allowed by Court/Jury" displays AS A POSITIVE NUMBER under noncustodial parent's column.					
Explanation for Requesting a Low Income Deviation: An explanation as to why the noncustodial parent should be granted a Low Income Deviation displays here. (Questions at Boxes B, C and D must also be answered for this deviation.)					
Specific and Non-specific Deviations - High Income and Other Amounts The amount of any requested deviation must display in the noncustodial parent's column. Only amounts listed in the noncustodial parent's column will affect the final child support calculation.					
2(a).	High Income - Combined Adjusted Income of the parents that is greater than \$30,000/month will automatically display here for the court/jury to consider.	\$ -			
Instructions for this section: Requested deviation amounts will display as a "positive (+)" number for an upward deviation or as a "negative (-)" number for a downward deviation. Amounts that display in Lines 2(b)-10 do not represent monthly expense amounts, but rather they represent amounts you want the court to consider as requested deviations from the Presumptive Amount of Child Support. The Specific and Non-specific Deviation section does not represent a financial affidavit.		Court or Jury Allowable Deviations			
		(a) Mother	(b) Father	*(c)Mother	*(d)Father
2(b).	Deviation Based on High Income	-	-	-	-
3.	Other Health Related Insurance (dental, vision)	-	-	-	(240.00)
4.	Life Insurance	-	-	-	-
5.	Child and Dependent Care Tax Credit	-	-	-	-
6.	Visitation Related Travel Expenses	-	-	-	-
7.	Alimony PAID	-	-	-	-
8.	Mortgage (if Noncustodial Parent is providing cost of home where child resides)	-	-	-	-
9.	Permanency Plan or Foster Care Plan	-	-	-	-
10.	Other - Non-specific Deviations	-	-	-	-
11.	The requested Deviation totals displaying here are based on amounts appearing on Lines 2(b)-10, that will total with all other deviations on Line 14 of this schedule. Amounts may be (-) negative or (+) positive.	\$ -	\$ -	\$ -	\$ (240.00)
<input type="checkbox"/> COURT OR JURY: Check mark will display here if Court/Jury has applied discretion. Amounts in columns (c) and/or (d) will display and will be used in the total deviations.					

CHILD SUPPORT SCHEDULE E
Deviation (Special Circumstances)

		(a) Mother	(b) Father	(c) Nonparent Custodian	(d) Combined
Final Calculations of all Extraordinary and Special Expenses Extraordinary and Special Expenses will display here and on appropriate Supplemental Tables in the appropriate fields. Deviations in this section were entered on the Data Entry Form; to make changes to these amounts, return to that form.					
12(a).	Extraordinary Educational Expenses >Total amounts from Line 9(a) of each Supplemental Table for Mother. >Total amounts from Line 9(b) of each Supplemental Table for Father. >Total amounts from Line 9(c) of each Supplemental Table for Nonparent Custodian.	\$ -	\$ -	\$ -	\$ -
12(b).	Extraordinary Medical Expenses >Total amounts from Line 14(a) of each Supplemental Table for Mother. >Total amounts from Line 14(b) of each Supplemental Table for Father. >Total amounts from Line 14(c) of each Supplemental Table for Nonparent Custodian.	\$ -	\$ -	\$ -	\$ -
12(c).	Allowable Special Expenses >Amount from Line 28 of each Supplemental Table for Mother. >Amount from Line 29 of each Supplemental Table for Father. >Amount from Line 30 of each Supplemental Table for Nonparent Custodian.	\$ -	\$ -	\$ -	\$ -
12(d).	Total Extraordinary and Allowable Special Expenses. Lines 12(a), 12(b) and 12(c) added.	\$ -	\$ -	\$ -	\$ -
12(e).	Parent's Pro Rata Share of Income from Child Support Worksheet , Line 3.	27.51%	72.49%		100.00%
12(f).	Parent's share of extraordinary/special expenses. Line 12(d) multiplied by percentages for each Parent on Line 12(e).	\$ -	\$ -		\$ -
12(g).	Deviation for extraordinary/special expenses. Line 12(f) minus 12(d).	\$ -	\$ -		
Parenting Time Deviation The Deviation in this section was entered on the Data Entry Form; to make a change to this amount, return to that form. A Parenting Time Deviation will display here if requested by the Noncustodial Parent, as based upon court ordered visitation.					
13.	Parenting Time deviation requested by the noncustodial parent will display here; otherwise, the field will be blank.	\$ -	\$ -		
Total Allowable Deviation					
14.	Total Allowable Deviations on Lines 1(a) or 1(b), 11, 12(g), and 13, if any apply, will automatically display here and on Line 10 of the Child Support Worksheet Line 10. (The totals can be negative numbers.)	\$ -	\$ (240.00)		
Important Requirement About Deviations - No Deviations are permitted under the law unless all three questions below [(B), (C) and (D)] have been answered. These questions are answered on the Data Entry Form.					
B. Would the presumptive amount be unjust or inappropriate? Explain No, the minor child was diagnosed with Autism Spectrum Disorder and these expenses are the therapies not covered by insurance					
C. Would deviation serve the best interests of the children for whom support is being determined? Explain Clearly, this would serve the child's best interests as the father will be bearing all of the costs for therapy and child care.					
D. Would deviation seriously impair the ability of the CUSTODIAL Parent or NONPARENT Custodian to maintain minimally adequate housing, food and clothing for the children being supported by the order and to provide other basic necessities? Explain Petitioner is requesting custody of the minor child.					

CHILD SUPPORT SCHEDULE E Deviation (Special Circumstances)

Supplemental Table 1. This table is used to calculate amounts for Lines 12(a) - 12(g) on this schedule for children 1, 2 and 3. Calculations for additional children display on Supplemental Tables 2, 3, and/or 4. The Deviations in this section were entered on the Data Entry Form; to make changes to the amounts, return to that form. Calculations will automatically display here in the appropriate fields.						
1.	Children's Names → (Names will automatically display)		Child 1 IAN KELLY	Child 2	Child 3	
Extraordinary Educational Expenses		Paid by				Totals
2.	Total yearly amount paid for Tuition, Room & Board, Fees and Books	Mother	\$ -	\$ -	\$ -	\$ -
3.	Total yearly amount paid for Other Extraordinary Educational Expenses	Mother	\$ -	\$ -	\$ -	\$ -
4.	Total yearly amount paid for Tuition, Room & Board, Fees and Books	Father	\$ -	\$ -	\$ -	\$ -
5.	Total yearly amount paid for Other Extraordinary Educational Expenses	Father	\$ -	\$ -	\$ -	\$ -
6.	Total yearly amount paid for Tuition, Room & Board, Fees and Books	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
7.	Total yearly amount paid for Other Extraordinary Educational Expenses	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
8.	Total Yearly Amounts		\$ -	\$ -	\$ -	\$ -
9.	Monthly Average (Line 8 divided by 12 months)		\$ -	\$ -	\$ -	\$ -
9(a)	Mother's monthly Extraordinary Educational Expenses	Mother	\$ -	\$ -	\$ -	\$ -
9(b)	Father's monthly Extraordinary Educational Expenses	Father	\$ -	\$ -	\$ -	\$ -
9(c)	Nonparent's monthly Extraordinary Educational Expenses	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
Extraordinary Medical Expenses		Paid by				Totals
10.	Total yearly amount paid for extraordinary medical expenses	Mother	\$ -	\$ -	\$ -	\$ -
11.	Total yearly amount paid for extraordinary medical expenses	Father	\$ -	\$ -	\$ -	\$ -
12.	Total yearly amount paid for extraordinary medical expenses	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
13.	Total Yearly Amounts		\$ -	\$ -	\$ -	\$ -
14.	Monthly Average (Line 13 divided by 12 months)		\$ -	\$ -	\$ -	\$ -
14(a)	Mother's monthly Extraordinary Medical Expenses	Mother	\$ -	\$ -	\$ -	\$ -
14(b)	Father's monthly Extraordinary Medical Expenses	Father	\$ -	\$ -	\$ -	\$ -
14(c)	Nonparent's monthly Extraordinary Medical Expenses	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
Special Expenses for Child Rearing (including, but not limited to, summer camp, music or art lessons, band, clubs, athletics, etc.), will display here in the appropriate fields.		Paid by				Totals
15.	Total yearly amount paid for:	Mother	\$ -	\$ -	\$ -	\$ -
16.	Total yearly amount paid for:	Father	\$ -	\$ -	\$ -	\$ -
17.	Total yearly amount paid for:	Nonparent Custodian	\$ -	\$ -	\$ -	\$ -
18.	Total Yearly Amounts (Lines 15, 16 & 17 added)		\$ -	\$ -	\$ -	\$ -
19.	Monthly Average (Line 18 divided by 12 months)		\$ -	\$ -	\$ -	\$ -
7 Percent Test to Calculate Allowable Expenses		Paid by				Totals
20.	Total Yearly amount paid for Special Expenses for Child Rearing >Total amounts from Line 15 of each Supplemental Table.	Mother				\$ -
21.	Total Yearly amount paid for Special Expenses for Child Rearing >Total amounts from Line 16 of each Supplemental Table.	Father				\$ -
22.	Total Yearly amount paid for Special Expenses for Child Rearing >Total amounts from Line 17 of each Supplemental Table.	Nonparent Custodian				\$ -
23.	Total Yearly Amounts (Lines 20, 21 & 22 added)					\$ -
24.	Monthly Average (Line 23 divided by 12 months)					\$ -
25.	Basic Child Support Obligation (from Child Support Worksheet , Line 4)					\$ 1,264.00
26.	Special Expenses Limitation (Line 25 x 7% (.07))					\$ 88.48
27.	If Line 24 is greater than Line 26, Line 26 will be subtracted from Line 24. If Line 24 is less than Line 26, zero will display.					\$ -
28.	Mother's Monthly Allowable Special Expenses for Child Rearing. >Line 20 is divided by Line 23; percentage is multiplied by amount on Line 27.					\$ -
29.	Father's Monthly Allowable Special Expenses for Child Rearing. >Line 21 is divided by Line 23; percentage is multiplied by amount on Line 27.					\$ -
30.	Nonparent's Monthly Allowable Special Expenses for Child Rearing. >Line 22 is divided by Line 23; percentage is multiplied by amount on Line 27.					\$ -

Names of Parties: JOSEPH R. KELLY vs. MUSHIMBEI KELLY

Submitted by: JUDGE LANE

Case #: 2015CV260284

Today's date: 04/07/2016

Version 9.1