

SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

LAURA JEAN MCFALL

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PLAINTIFF,

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v.

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CIVIL ACTION

FILE NUMBER 02-CV-2287N

CHRISTOPHER WADE WARD

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DEFENDANT.

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**MOTION TO DECLARE GEORGIA'S CHILD SUPPORT
GUIDELINES UNCONSTITUTIONAL**

COMES NOW, the Plaintiff, Laura Jean McFall, and moves this Honorable Court for an Order declaring Georgia's Child Support Guidelines unconstitutional and awarding support based on the actual costs of raising the parties' children, and, as grounds therefore, would show that:

-1-

The Defendant currently has primary physical custody of the parties' minor children and the Plaintiff is currently under a support obligation for the minor children based on O.C.G.A. § 19-6-15, (hereinafter, the "Guidelines").

-2-

Based on the facts and for the reasons stated in the supporting brief to be attached hereto and incorporated herein by this reference, the Guidelines violate the substantive due process and equal protection guarantees of the Constitution of the United States of America and the Constitution of the State of Georgia. Accordingly, any support award pursuant to the Guidelines is unlawful and must be revised in

accordance with the actual costs of raising a child and the parties' equal obligations to contribute that support.

-3-

The Plaintiff suffers harm from the aforesaid constitutional defects each and every month a support payment under the Guidelines is due to the extent that such payment exceeds an amount appropriate for the support of the parties' children.

-4-

A copy of this Motion has been served on the Attorney General of Georgia.

NOW, THEREFORE, the Defendant prays this Court issue an Order holding the Guidelines in violation of the aforesaid constitutional protections and award reasonable support based on the actual costs of raising the parties' children and their equal obligations to provide for said children. The Petitioner also requests an evidentiary hearing on this Motion, perhaps simultaneously with the trial on the issue of child support.

This 5TH day of NOVEMBER, 2002.

Respectfully submitted,

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Daryl G. LeCroy
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