

## INSTRUCTIONS FOR MODIFYING VISITATION

A change of visitation is allowed when the parent(s) can prove that there are substantial changes affecting the welfare and best interests of the child(ren). Parents can enter into a Parenting Plan agreement regarding visitation, subject to the court's approval. The Parenting Plan will be effective unless the judge decides that the proposed change is not in the best interests of the child(ren). The Parenting Plan can be made a final order of modification by the trial court at any time after the agreement has been submitted to the court.

A contested case is one in which the parties cannot work out a written agreement regarding visitation. The parties ask the judge to settle arguments between them, and each will have to present evidence at a trial. This process can be quite complicated. You will probably need additional documents in order to conduct discovery, which is a formal process of gathering evidence for use at trial. Discovery can include depositions, interrogatories, requests for production of documents, and other procedures. The law library has form books which contain the discovery documents you might need. Because discovery is a highly individualized process, it is not possible to include those documents in this packet.

### YOU MAY NEED AN ATTORNEY IF:

- The case is contested and the other parent has a lawyer.
- You cannot find the other parent to serve him or her with your papers.
- You might lose custody of your children.
- You think you will have difficulty getting information and documents from the other parent regarding income, etc.
- The children and the custodial parent are not in Georgia.

**Even if it is a friendly action, you should talk to a lawyer before you sign any settlement papers or file anything in court.**

STEP 1: Complete the Filing Information and Final Disposition forms.  
STEP 2: Complete the Complaint for Modifying Visitation.  
STEP 3: Complete the Verification  
STEP 4: Complete the Acknowledgment of Service or Certificate of Service,  
STEP 5: Complete the Rule Nisi  
STEP 6: Complete the required Plaintiff's Affidavit.  
STEP 7: Attach the Parenting Plan (see details later).  
STEP 8: Pay the filing fee and file the forms.  
STEP 9: Prepare your case for trial, if no signed Parenting Plan.  
STEP 10: Receive the Final Judgment.

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

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

**COMPLAINT FOR MODIFICATION OF VISITATION RIGHTS**

The Plaintiff states [his/her] claim for a change in visitation rights as follows:

1.

The Defendant is subject to the jurisdiction of this Court and may be served with a copy of the complaint and summons at \_\_\_\_\_ (address).

2.

The Defendant presently has legal custody of the minor child(ren), \_\_\_\_\_, age(s) \_\_\_\_\_, by virtue of a final decree of \_\_\_\_\_ Divorce [OR] \_\_\_\_\_ Legitimation in Civil Action No. \_\_\_\_\_, entered on \_\_\_\_\_ (month and day), 20\_\_\_\_ (year), in the Superior Court of \_\_\_\_\_ County, \_\_\_\_\_ (state).

3.

Since the date of the final decree, \_\_\_\_\_ there has been a change in circumstances materially affecting the welfare of the minor child(ren)

[OR]

\_\_\_\_\_ it is now in the child(ren)'s best interests to change the visitation arrangement

[Explain about the change in circumstances or the child(ren)'s best interests:

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4.

As a result of  
\_\_\_\_\_ the change in circumstances

[OR]

\_\_\_\_\_ the child(ren)'s best interests, the visitation rights of the Plaintiff as stated in the final decree of divorce should be modified as follows:

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THEREFORE, Plaintiff demands:

(a) That the final decree of divorce be modified so as to provide for the requested change in Plaintiff's visitation rights;

(b) That the Plaintiff have such additional relief as the Court may consider equitable and appropriate.

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

Address \_\_\_\_\_

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

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

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

**VERIFICATION**

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of his/her knowledge and belief.

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

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

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

My Commission Expires: \_\_\_\_\_