

## 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) that have occurred since the most recent prior custody order was entered. 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 between themselves. The parties ask the judge to settle disagreements 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 or Certificate of Service
STEP 5:	Complete the Rule Nisi
STEP 6:	Complete the required Plaintiffs 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



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

---

---

---

---

---

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:

---

---

---

---

---

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.

**[TURN TO NEXT PAGE FOR VERIFICATION & SIGNATURE]**

**VERIFICATION**

I personally appeared before the undersigned Notary Public, and say under oath that I am the Petitioner in the above-styled action and that the facts stated in the corresponding *Petition for Legitimation and Custody/Visitation* are true and correct.

\_\_\_\_\_  
Date

\_\_\_\_\_  
PLAINTIFF [Sign in front of notary]

Address \_\_\_\_\_  
\_\_\_\_\_

Email Address: \_\_\_\_\_

Sworn to and subscribed before me

This \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_