

# **MODIFICATION OF VISITATION OF SUPERIOR COURT ORDER**

Forms and information on how to modify a visitation order that was originally issued by a Superior Court in Georgia.

**NOTE: You can only file a Modification of Visitation when it has been two years since a judge signed an order for visitation unless you can show that there has been a material change in circumstances.**

**It is advisable to have an attorney when filing legal papers to be sure that your rights are protected and that all the procedures are correctly followed. Courthouse personnel are prohibited by state law O.C.G.A. §15-19-51 from giving legal advice. Different situations may require special procedures and courthouse personnel cannot advise you on how to proceed or what forms may be necessary in specific situations.**

## **INSTRUCTIONS FOR HOW TO FILE A PETITION FOR MODIFICATION OF VISITATION**

You would use this package if you have a Visitation Order from a Superior Court in Georgia and the opposing party is a resident of Catoosa, Chattooga, Dade or Walker County.

- \_\_\_\_STEP 1: Fill out the Petition for Modification of Visitation
- \_\_\_\_STEP 2: Fill out the Verification form
- \_\_\_\_STEP 3: Fill out the Rule Nisi form (if applicable)
- \_\_\_\_STEP 4: Fill out the Sheriff's entry of Service and Summons (available at Clerk's Office)
- \_\_\_\_STEP 5: Make a copy of the original visitation order and attach it to the Petition for Modification of Visitation
- \_\_\_\_STEP 6: Put your documents in order
- \_\_\_\_STEP 7: Make two copies of each of your documents
- \_\_\_\_STEP 8: File (**e-file**) the original document with the Clerk of Court
- \_\_\_\_STEP 9: Come to court on the date and time as indicated by the court

**HERE ARE DETAILED INSTRUCTIONS ON HOW TO FILL OUT THE FORMS:**

### **Step 1: The Petition for Modification of Visitation**

- A. You are the Petitioner. Fill in your full name on the line above "Petitioner" and on the line after "I".
- B. The Respondent is the opposing side. Fill in that person's full name on the line above "Respondent" and before the words "the Respondent".
- C. Leave the Civil Action File Number blank. It will be filled in by the Clerk of Court when you file the petition.
- D. Insert your name in the first blank after "I". Insert the Respondent's name in second blank after "against".
- E. In paragraph 1:  
    Insert the Respondent's address.
- F. In paragraph 2:  
    Insert the name of the child(ren) at issue and his/her sex, year of birth and with whom the child lives with now.
- G. In paragraph 3:  
    Insert the information from your original court order granting visitation. In the first blank insert the name of the order. In the second blank insert the Civil Action Number of the case. Next, insert the date the order was signed by the judge and the county where the order was signed. Then check "a" if you have

legal custody. Check "b" if the opposing party has legal custody and insert that person's full name in the blank.

H. In paragraph 4.

In the first blank insert the present address where the child(ren) is/are currently living. In the second blank insert the name of the person with whom the child(ren) is/are living. Then list the addresses (street name, city, county and state) where the child(ren) has/have lived for the past five (5) years and the name of the person with whom the child(ren) was/were living.

I. In paragraph 5:

1. Check "a" if there is no other custody action pending concerning your minor child(ren).
2. Check "b" if there is currently a custody action pending concerning your minor child(ren).

J. In paragraph 6:

1. Check "a" if there is no other person (other than the Respondent) who has custody or visitation rights to your child(ren).
2. Check "b" if someone else does have custody/visitation rights to your child(ren). Then insert that person's name and claim.

K. In paragraph 7:

1. Check "a" if since the initial visitation order there has been a change in circumstances materially affecting the welfare of the minor children. Then state the change that has occurred since the original order.
2. Check "b" if two years has passed since the original order was entered.

L. In paragraph 8:

Circle whose visitation rights you want to have modified. Then state how the visitation should be modified.

1. Circle whose visitation rights you want to have modified. Section (b) and (c) requires no marks.

M. Put the date of the day you finish the form and sign your name. Then print your name, address, and telephone number. Make sure that your printing is clear.

**Step 2.** The Verification form tells the Court that you swear, under oath, that what you wrote or put in the Petition is true and correct.

- A. Print or type your full name next to the word "Petitioner".
- B. Print or type the full name of the person who is the opposing side next to the word "Respondent".
- C. In the first blank, print or type your name
- D. On the line above "Pro Se" **sign your name in front of the Notary.**
- E. Print your name and address on the next few lines. Then, fill in your telephone number in the space provided.

**Step 3:** Complete the Rule Nisi form. (if applicable) A Rule Nisi is another name for temporary hearing. This is what you would request if you want temporary relief until the judge makes a final ruling.

- A. Fill in your full name as the Petitioner.
- B. Fill in the opposing party's full name as the Respondent.
- C. Insert "**Petition for Modification of Visitation**" as the type of action being brought.  
The Clerk of Court will complete the rest when you file your petition.

**Step 4.** Complete the **Sheriff's Entry of Service**. This form is used by the sheriff when he/she serves a copy of these papers on the Respondent. You must fill out one of these.

- A. Write your address under "Petitioner's Address" on the left side.
- B. Put the opposing party's name and address under "Name and Address of Party to be Served".
- C. On the right side, put your name on the line above "Petitioner".
- D. On the right side, put the opposing side's name on the line above "Respondent".

**Step 5:** Make a copy of your original order and attach it to your Petition for Modification of Visitation.

**Step 6.** Put the papers together. Put them in this order, with the first ones on top and the rest behind.

**Petition  
Copy of Original Court Order for Visitation  
Verification  
Rule Nisi**

**Step 7.** Make two copies of all these papers.

**Step 8.** File your original papers with the Clerk of Court. Have the clerk fill in the case number and tell the clerk that you want a **Rule Nisi** hearing. Give the clerk the copy with the **Sheriff's Entry of Service and Summons**. Make sure that the clerk writes in the Civil Action Number on both of your copies and inserts the Rule Nisi hearing information on your copies. You will have to pay a filing fee and sheriff's service fee.

**Step 9.** Come to court on the date and time as indicated. You will be provided notice with the date, time, judge and courtroom number. If you fail to show for your court date, your case could be dismissed or default judgment entered.





**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

\_\_\_\_\_

Petitioner,

Civil Action

vs

Case Number \_\_\_\_\_

\_\_\_\_\_

Respondent.

**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.

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

\_\_\_\_\_

Plaintiff pro se

Sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_

Notary Public

My commission expires: \_\_\_\_\_

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

STATE OF GEORGIA

\_\_\_\_\_

Petitioner,

Civil Action

vs

Case Number \_\_\_\_\_

\_\_\_\_\_

Respondent.

**RULE NISI**

The within and foregoing Petition having been read and considered, the same is allowed and ordered filed.

Let the Respondent be served with a copy of this Complaint and Order thereon and let the Defendant show cause before the Honorable \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_ .m., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, then and there to be heard, why the prayers of the Plaintiff's Complaint should not be granted.

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

\_\_\_\_\_

Clerk of Superior Court

