

GRANDPARENT VISITATION FORM PACKET

In Georgia, grandparents can ask the Superior Court for visitation rights by filing a *Petition for Visitation*. There are two ways for a grandparent to seek visitation.

1. File an Original Action for Visitation. A grandparent can file what is called an "*original action*" for visitation. To file this type of action:

- there can't be any other cases before the court that involve custody or visitation for the child
- the parents of the child must be separated or divorced
- the grandparents can't file this type of action more than once every two years, and
- the grandparents can't file this type of action in any year that another custody action has been filed for the child.

2. Join an Existing Case. A grandparent may get involved in an existing case for custody, divorce, adoption, or termination of parental rights. To do this, a grandparent must show the court two things.

- A grandparent must show the court that the child's health or welfare would be harmed if the grandparent could not visit the child.
- A grandparent must show that visitation is in the child's best interests.

It is difficult to show these two things. The court does not presume that grandparents should have visitation rights. If you need legal advice or help filling out these forms, please see a attorney.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, §
Plaintiff(s), §
v. § Civil Action
§ File No. _____
_____, §
Defendant(s). §

COMPLAINT FOR GRANDPARENT(S) VISITATION RIGHTS

The Plaintiff(s) state(s) his, her, their claim for reasonable 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 the following address:

_____.

2.

The Defendant is presently _____ and has legal custody of the minor child(ren):

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

Name: _____ DOB: _____

3.

The health or welfare of the child(ren) will be harmed unless such visitation is granted because

5.

No action for grandparent(s) visitation has been filed by petitioner(s) during the last two years, nor has any custody action been filed during the last year.

WHEREFORE, Plaintiff(s) pray(s):

(a) That the Plaintiff(s) be granted reasonable visitation rights.

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

Respectfully submitted,

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, §
Plaintiff(s), §
v. § Civil Action
§ File No. _____
_____, §
Defendant(s). §

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*
[Sign in the presence of a Notary Public]

Plaintiff *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this ____ day of _____, 20 ____.

Notary Public, State of Georgia

My Commission Expires: _____

The plaintiff must use this form to swear that what you said in the Complaint is true.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, §
Plaintiff(s), §
v. § Civil Action
§ File No. _____
_____, §
Defendant(s). §

ACKNOWLEDGEMENT OF SERVICE AND SUMMONS

The undersigned Defendant hereby acknowledges service of the above COMPLAINT FOR GRANDPARENT(S) VISITATION RIGHTS and states that (s)he has received a copy of said Complaint, and Defendant hereby waives any further service of process.

This ____ day of _____, 20 ____.

_____,
Defendant *pro se*
[Sign in the presence of a Notary Public]

_____,
Defendant *pro se*
[Sign in the presence of a Notary Public]

Sworn to and subscribed before me
this ____ day of _____, 20 ____.

_____,
Notary Public, State of Georgia
My Commission Expires _____.

You will only use this form if the Defendant is willing to sign to show that s/he has received the forms.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, §
Plaintiff, §
v. § Civil Action
§ File No. _____
_____, §
Defendant(s). §

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing COMPLAINT FOR GRANDPARENT(S) VISITATION RIGHTS upon the following counsel for [party] [or party if no counsel of record] by delivering [or causing to be delivered] by hand a copy of same as follows:

[Name and address of counsel of record, or of parties if no counsel of record.]

this ____ day of _____, 20 ____.

Plaintiff *pro se*

Plaintiff *pro se*

Address _____
Telephone Number(s) _____

You will only use this form if 1) you know where the Defendant lives and 2) you must have the Sheriff serve the forms.

IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA

_____, §
Plaintiff, §
v. § Civil Action
§ File No. _____
_____, §
Defendant. §

ORDER

WHEREAS, on this ____ day of _____, 20 ____, this matter comes on for a hearing for the Court to issue its Order on the petition of plaintiff(s) for specific visitation rights with his, her, their grandchild . The parties appear *pro se*.

WHEREAS, after hearing statements and arguments of counsel, the Court finds that it is in the best interests of the minor grandchild(ren), _____

_____ to have specified visitation with his, her, their grandparent(s) . The plaintiff(s) and grandchild(ren) have a close and loving relationship which it is in the child(ren)'s best interests to maintain.

THEREFORE, the Court issues the following Orders for specific visitation:

1. The grandparent will be allowed visitation of the grandchild outside of the home of the mother on the _____ and _____ [day of the week] of each month from _____ [time] until _____ [time], commencing on the ____ day of _____, 20 ____ .

2. The grandparent(s) shall be allowed one telephone contact with the grandchild a week. The telephone contact is to be made after 6:00 P.M. and before _____ P.M., the child(ren)'s bedtime.

SO ORDERED this ____ day of _____, 20 ____

JUDGE, Superior Courts
Southern Judicial Circuit