

# Grandparent Visitation

Article by: Sherry V. Neal, Atlanta Legal Aid Society

## **Do grandparents have the right to visit their grandchildren?**

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.

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

\_\_\_\_\_  
Plaintiff

CIVIL ACTION NO. \_\_\_\_\_

v.

\_\_\_\_\_  
Defendant

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 \_\_\_\_\_.

2.

The Defendant is presently \_\_\_\_\_ and has legal custody of the minor child(ren) \_\_\_\_\_, age(s) \_\_\_\_\_.

3.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4.

The best interest of the child(ren) will be served by such visitation 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 have such additional relief as the Court may consider equitable and appropriate.

Respectfully submitted,

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Plaintiff *pro se*

**IN THE SUPERIOR COURT OF DOUGHERTY COUNTY  
STATE OF GEORGIA**

)  
)  
\_\_\_\_\_, )  
Plaintiff, )  
)  
)  
v. )  
) Civil Action File 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 her knowledge and belief.

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

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

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

My Commission Expires \_\_\_\_\_.



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

\_\_\_\_\_, Plaintiff  
v.  
\_\_\_\_\_, Defendant

Civil Action,  
File no. \_\_\_\_\_  
(Clerk will insert number.)

**SUMMONS**

To the above-named Defendant:

You are hereby summoned and required to file with the clerk of said court and serve upon \_\_\_\_\_, plaintiff's attorney, whose address is \_\_\_\_\_, an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

\_\_\_\_\_  
Clerk of Court

**IN THE SUPERIOR COURT OF DOUGHERTY COUNTY  
STATE OF GEORGIA**

\_\_\_\_\_,  
Plaintiff,

vs.

Civil Action File No. \_\_\_\_\_

\_\_\_\_\_,  
Defendant

**RULE NISI**

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

Let the Defendant be served with a copy of this Complaint and Order thereon and let the Defendant show cause before the Honorable Judge \_\_\_\_\_, at \_\_\_\_ o'clock \_\_\_\_\_ 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\_\_\_\_.

\_\_\_\_\_  
Judge, Dougherty County Superior Court

**IN THE SUPERIOR COURT OF DOUGHERTY COUNTY  
STATE OF GEORGIA**

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

**FINAL JUDGMENT AND DECREE**

Upon consideration of this case, upon evidence submitted as provided by law, it is the judgment of the Court that visitation be awarded as follows:

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Decree and order entered this \_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Judge, Dougherty County Superior Court