

2024D0011
AMANDA N. HEATH
SEP 02, 2025 09:46 AM


Radeta Smith, Clerk
Burke County, Georgia

IN THE SUPERIOR COURT OF BURKE COUNTY
STATE OF GEORGIA

LAKIEVIA JOHNSON,
Petitioner,

v.

ELAINE SMART and
JEREMY CURD,
Respondents.

Civil Action File No.:
2024-D-0011

AMENDED FINAL ORDER

This matter came before this court for a hearing on July 16, 2025. The Petitioner was present and proceeded *pro se*. The Respondent Elaine Smart was present and proceeded *pro se*. The Respondent Jeremy Curd was not present. The Petitioner appealed the previous Final Order in the above styled case to the Court of Appeals of Georgia. The Court of Appeals of Georgia vacated this Court's Final Order, remanded the case for attachment of a permanent parenting plan required by O.C.G.A. § 19-9-1 (a), but affirmed this Court in all other respects. See Exhibit A. After the case was returned to the trial court on remittitur, the Petitioner filed several additional motions for this Court's consideration.

Based on the testimony presented by the Petitioner and Respondent Elaine Smart, the child at issue, [REDACTED] has now reached the age of majority, as she is now eighteen (18) years old as of July 3, 2025. Therefore, the child at issue is no longer a minor and is an adult. [REDACTED] is free to decide for herself whether to have contact and visitation with the Petitioner or not to have any contact and visitation with the Petitioner.

Therefore, the motions filed by the Petitioner are moot, as this court no longer has jurisdiction regarding custody and visitation.

Notwithstanding, this court will restate the findings of fact and issue a permanent parenting plan as directed by the Georgia Court of Appeals.

Findings of Fact

1.

The Court finds that the Petitioner and Respondent Jeremy Curd were previously married and are the biological parents of [REDACTED] a female born in 2005 and [REDACTED] a female born in 2007. The parties were divorced by Order of the Richmond County Superior Court in Civil Action File No. 2010RCD01181.

2.

The Court further finds that Respondent Jeremy Curd was granted sole physical custody of the parties' minor children with Petitioner receiving supervised visitation once per week with the Petitioner's maternal grandmother as the supervisor.

3.

The Court further finds that Petitioner filed a Complaint for Modification of Visitation in the Superior Court of Richmond County on May 12, 2014 (Civil Action File No. 2014RCD00615). The case was remanded to the Juvenile Court of Richmond County for a determination and recommendation on all issues relating to custody and visitation. The Juvenile Court entered an Order Granting Visitation on February 6, 2015 (Civil Action File No. 2014J00204) granting the Petitioner visitation with the minor children on either Saturday or Sunday from 8:00 a.m. and 8:00 p.m. Petitioner was also granted phone visitation with the minor children on Monday and Thursday between the hours of 6:30 p.m. and 7:30 p.m.

4.

The Court further finds that Petitioner filed for a modification of custody and visitation in March 2018 in the Juvenile Court of Richmond County (Civil Action File No. 2018RCJP16). The Juvenile Court ordered Petitioner to undergo a mental evaluation in June 2018. In August 2018, Petitioner's visitation rights were temporarily suspended. In December 2018, a Motion to Intervene and For Custody was filed by the Respondent Elaine Smart, which was granted by the Juvenile Court. In January 2019, the Juvenile Court suspended visitation again upon the Guardian ad Litem's recommendation after continued police involvement during the Petitioner's visitation with the minor children. The Juvenile Court granted Respondent Elaine Smart full legal and physical custody of the minor children with all decision-making authority. The Juvenile Court further ordered that the Petitioner shall have no visitation or contact with the minor children. The minor children could initiate supervised phone visitation if they so desired.

5.

The Court further finds that the instant action was brought seeking a modification of visitation regarding, [REDACTED], the youngest child of Petitioner.

Order

When determining whether to institute a change of child custody and visitation, the Court must determine whether (1) there has been a material change in circumstances affecting the welfare of the child since the last custody determination and (2) the requested modification to custody and visitation would be in the best interest of the minor child. Upon consideration of the procedural history involving the parties in the instant action, the evidence submitted, and the testimony of the parties, the Court is unpersuaded that such a material change in circumstances has occurred to warrant the modification of the Juvenile Court's Final Order in Civil Action File No. 2018RCJP16 for several reasons. The child is aware that she can initiate contact with Petitioner but has

chosen not to do so. The child has not seen or spoken to Petitioner since the final hearing in the Juvenile Court on February 5, 2019. At the time of the original hearing on February 20, 2024, the child's seventeenth birthday was approaching and the Court declines to enter an Order forcing the child to interact with Petitioner. The record is devoid of any evidence to support a finding that the child has any type of bond or relationship with the Petitioner or is interested in forming a bond or relationship. However, the child's legal custodian, Respondent Elaine Smart, testified on the record that when asked about future communications with Petitioner, the child responded that she was indifferent but is open to the idea of communicating with Petitioner. Due to the child's willingness to consider engaging in communications with Petitioner, the Court enters the following Order.

IT IS HEREBY ORDERED that Respondent Elaine Smart shall continue to have sole legal and physical custody of the child, [REDACTED]

IT IS FURTHER ORDERED that Petitioner shall have supervised phone visitation with the child according to the attached Parenting Plan A. See Exhibit B.

IT IS FURTHER ORDERED that all other terms of the Juvenile Court's Final Order entered in Civil Action File No. 2019RCJP16 shall remain in full force and effect except for the provisions specifically modified herein.

SO ORDERED, this 29th day of August, 2025.



THE HONORABLE AMANDA N. HEATH
JUDGE, SUPERIOR COURT
AUGUSTA JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

Prior to filing, the Court has caused copies of the foregoing *Order on Motion for Reconsideration* to be served upon the parties via PeachCourt Statutory Electronic Delivery and depositing the same in the United States Postal Service, sufficient postage affixed, and addressed as follows:

Ms. Lakievia Johnson
4150 Furlong Circle
Unit 100
Graniteville, SC 29829

Ms. Elaine Smart
248 Del Rio Road
Hephzibah, GA 30815

Mr. Jeremy Curd
236 Hannah Lane
Keysville, GA 30816

This ____ day of August, 2025.

Sikudhani Foster-McCray
Judicial Staff Attorney to the
Honorable Amanda N. Heath

Office of the Honorable Amanda N. Heath
Superior Court | Augusta Judicial Circuit
735 James Brown Blvd., Suite 4204
Augusta, GA 30901-2974
(706) 261-1911

Court of Appeals of the State of Georgia

ATLANTA, March 20, 2025

The Court of Appeals hereby passes the following order:

A24A1241. JOHNSON v. SMART et al.

On January 6, 2025, this Court issued its judgment in this appeal. On January 16, 2025, appellant Lakievia Johnson moved for reconsideration.

We now SUBSTITUTE the attached opinion in place of the original judgment and DENY the motion for reconsideration.



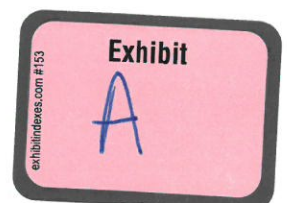
Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/20/2025

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Christina Coley Smith

, Clerk.



SECOND DIVISION
MARKLE, J.,
LAND and DAVIS, JJ.

NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
days of the date of decision to be deemed timely filed.

<https://www.gaappeals.us/rules>

January 06, 2025

NOT TO BE OFFICIALLY
REPORTED

In the Court of Appeals of Georgia

A24A1241. JOHNSON v. SMART et al.

LAND, Judge.

Lakievia Johnson, the mother of the child at issue, brings this pro se appeal from the trial court's denial of her petition for modification of custody and visitation.¹ Johnson asserts errors including that the trial court failed to attach a permanent parenting plan to its order and that the new visitation arrangement amounts to a self-executing change. We vacate the trial court's order and remand for attachment of the permanent parenting plan required by OCGA § 19-9-1 (a), but we affirm in all other respects.

¹ The appellees, father Jeremy Curd and paternal grandmother Elaine Smart, have not filed a brief.

When considering a dispute regarding the custody of a child, a trial court has very broad discretion, looking always to the best interest of the child. This Court will not interfere unless the evidence shows a clear abuse of discretion, and where there is any evidence to support the trial court's finding, we will not find there was an abuse of discretion.

(Citations and punctuation omitted.) *Williams v. Williams*, 295 Ga. 113, 113 (1) (757 SE2d 859) (2014). “We are mindful that the Solomonic task of making custody decisions lies squarely upon the shoulders of the judge who can see and hear the parties and their witnesses, observe their demeanor and attitudes, and assess their credibility.” (Citations and punctuation omitted.) *Bankston v. Warbington*, 332 Ga. App. 29, 29-30 (771 SE2d 726) (2015).

Thus viewed in favor of the judgment, the record shows that the parents' divorce decree was entered in 2012, with the father having sole physical custody and the mother having supervised visitation once a week. The mother filed her first petition for modification in 2014, after which the juvenile court granted her 12-hour weekend visitation with a one-hour phone call as well.² In March 2018, the mother filed a second petition for modification in the juvenile court, after which she was

² As here, a superior court may transfer a custody matter to a juvenile court for disposition. See OCGA § 15-11-11 (3).

ordered to undergo a mental evaluation. In December 2018, the children's paternal grandmother, Elaine Smart, successfully moved the juvenile court to intervene and for custody. In April 2019, and acting on a guardian ad litem's recommendation following police involvement during the mother's visitation, the juvenile court granted the grandmother full legal and physical custody, with the children free to initiate phone visitation, but with no mandated visitation or contact with the mother. The record does not show that any appeals were taken from these orders.

In January 2024, and against this backdrop, the mother brought the instant petition for modification concerning the younger child in superior court.³ After a hearing at which the mother appeared pro se, the trial court first found that no material change in circumstances had occurred sufficient to warrant modification of the juvenile court's 2019 order. The trial court also adjusted the conditions of the mother's telephone visitation – specifically, that in light of the remaining 16-year-old's “willingness to *consider* engaging in communications” with her, the mother “shall have” phone visitation with the child for one half-hour a month, if the child chooses to accept the call, subject to supervision by the grandmother, who is authorized “to

³ The older daughter has reached the age of 18 and is no longer subject to supervision.

terminate the phone call if she finds the conversation to be inappropriate.” (Emphasis supplied.) The mother was barred from making any other attempts to contact the child. The trial court later denied the mother’s motion for reconsideration, noting that the child “has not once initiated communications with” the mother since the entry of the 2024 order, that the mother had provided no evidence of a bond with the child, and that the mother’s allegations of neglect and abuse by the grandmother were “entirely unsubstantiated.”

1. On appeal from these orders, the mother asserts that nine errors have occurred, most of which concern the 2012 divorce decree, the 2018 suspension of visitation and grant of the motion to intervene, and the 2019 modification.⁴ The mother did not previously appeal these directly appealable orders in different cases, however, and has thus waived any arguments concerning them. See *In the Interest of S. W.*, 363 Ga. App. 666, 668-669 (1) (872 SE2d 316) (2022) (custody orders entered by juvenile courts are directly appealable); *Bankston v. Lachman*, 328 Ga. App. 284,

⁴ The mother has not asserted that the trial court erred in finding no material change in circumstances but modifying the conditions of the telephone visitation nonetheless. See, e.g., *Maxwell v. Johnson*, 365 Ga. App. 547, 549 (1) (879 SE2d 642) (2022) (change in custody may be granted only if “a new and material change in circumstances affects the child”) (punctuation and footnote omitted).

285-286 (1) (761 SE2d 830) (2014) (appellate court had no jurisdiction over a previous final judgment in a proceeding with a different case number from a directly appealable visitation order).

2. As to the 2024 order appealed from, the mother argues that trial court erred when it (a) accepted the grandmother's claim that the child had been living with her since 2010, (b) failed to attach a parenting plan to its order, and (c) ordered a "self-executing communication plan which empowered [the grandmother] to continue alienating" the mother from her daughter.

(a) The first issue, as to the grandmother's assertions and credibility, was a matter of fact for the court to resolve, and the mother herself stated (in a passage she now claims was incorrectly transcribed) that the child had been living with the grandmother since 2010. See *Warbington*, 332 Ga. App. at 29 (appellate court defers to the trial court in a custody dispute "in all matters of fact").

(b) As to the parenting plan, neither the 2019 order attached to the mother's petition nor the 2024 order attaches the plan required by OCGA § 19-9-1 (a). Although the mother failed to comply with the pretrial order's provision that she supply such a plan, that failure "does not create an exception" to the statutory

requirement. See *Williams v. Williams*, 301 Ga. 218, 222-224 (3) (800 SE2d 282) (2017). “Because the trial court failed to incorporate a permanent parenting plan in the final judgment[,] we vacate the judgment in part and remand this case for compliance with the requirements of OCGA § 19-9-1.” *Id.* at 224 (3).

(c) Finally, a child 14 or older can elect not to visit with a non-custodial parent, with the trial court having supervisory power over the election and the conditions of the communication, guided by the child’s best interest. See *Worley v. Whiddon*, 261 Ga. 218, 218 (403 SE2d 799) (1991) (OCGA §§ 19-9-1 (a) and 19-9-3 (a) “preserve the authority of the trial court to set visitation rights based upon the best interests of the child,” including a consideration of the wishes of a child over 14 “together with other factors as the basis for its decision”). The provisions of this order were reasonably calculated to insure that the communications were not extended in contradiction of the child’s longstanding wish not to be subjected to her mother’s disturbing behavior, and we will not assume in advance that the arrangement will fail. See *Williams*, 301 Ga. at 221 (1) (a decree that provided for minimum visitation at a specified location and by cooperation, subject to the discretion of a supervising church, was not

erroneous; wife had made no showing that she had actually been denied visitation under this arrangement).

Judgment affirmed in part and vacated in part, and case remanded with direction.

Markle and Davis, JJ., concur.

Hon. Amanda Heath
735 James Brown Blvd
Suite 4204
Augusta, GA 30901

A24A1241
2024D0011

IN THE SUPERIOR COURT OF BURKE

STATE OF GEORGIA

Civil Action File No. 2024-D-0011

LAKIEVIA JOHNSON

Petitioner,

v.

ELAINE SMART and

JEREMY CURD,

Respondents.

PARENTING PLAN A

Instructions: This Parenting Plan is approved for use in the Augusta Judicial Circuit. This local form is substantially similar to the form set forth in Uniform Superior Court Rule 24.10. If there are substantive changes to the basic form, **bold and underline** the changes, and check here X .

Date of this plan: July 16, 2025

- () The parties agree to the terms of this plan and affirm the accuracy of the information provided, as shown by their signatures at the end of this plan.
- (X) This plan has been prepared or ordered by the judge.

This plan: () is a new plan.

(X) modifies an existing Order: Court: Superior Court of Burke CountyCase No.: 2024-D-0011 Date: 2/29/2024

This plan applies to the following minor child(ren) of the parties:

Child's Name	Year of Birth
[REDACTED]	2007

I. CUSTODY AND DECISION MAKING

A. Legal Custody shall be: [Check one]

() joint.

(X) **with the Paternal Grandmother Elaine Smart, not joint.**

() with the Father, not joint.

B. Primary Physical Custodian

For the child(ren) named below, the primary physical custodian shall be:

	☐ Mother	☐ Father	☒ <u>Paternal Grandmother Elaine Smart</u>	☐ Joint
	☐ Mother	☐ Father	☐ Paternal Grandmother Elaine Smart	☐ Joint
	☐ Mother	☐ Father	☐ Paternal Grandmother Elaine Smart	☐ Joint
	☐ Mother	☐ Father	☐ Paternal Grandmother Elaine Smart	☐ Joint
	☐ Mother	☐ Father	☐ Paternal Grandmother Elaine Smart	☐ Joint

For the purposes of this Parenting Plan, (X) Paternal Grandmother Elaine Smart, () Father is designated as the “Custodial Parent”. **The Mother, Petitioner Lakievia Johnson is the “Non-Custodial Parent”.**

C. Day-To-Day Decisions

A parent shall make decisions regarding the day-to-day care of the child(ren) while the child(ren) is/are residing with that parent, including any emergency decisions affecting the health or safety of the child(ren).

D. Major Decisions

Major decisions regarding each child shall be made as follows:

Educational decisions	☒ Custodial Parent	☐ Non-Custodial Parent	☐ joint
Non-emergency health care	☒ Custodial Parent	☐ Non-Custodial Parent	☐ joint
Religious upbringing	☒ Custodial Parent	☐ Non-Custodial Parent	☐ joint
Extracurricular activities	☒ Custodial Parent	☐ Non-Custodial Parent	☐ joint

E. Disagreements

If the parents have been ordered to have joint decision making in Section I(D) above, and should the parties be unable to agree after serious and meaningful consideration of each other's views:

☒ the Custodial Parent shall have final decision making authority.

☐ the Non-Custodial Parent shall have final decision making authority.

The party with final decision making authority does not have the authority to modify any of the visitation provisions specifically set forth herein. The number of extracurricular activities in which the child(ren) are enrolled must be reasonable.

II. PARENTING TIME/VISITATION SCHEDULES

The following schedule should not be construed as precluding other visitation or alternative arrangements. The best visitation plan is one the parties have agreed to, rather than one imposed by

the Court. However, the Court will only enforce the strict terms of this Parenting Plan in the event of any future disagreements concerning visitation.

This parenting schedule begins on:

(X) date of this plan OR () _____
(date and time)

A. Parenting Time/Visitation-General

This visitation schedule is broken up into several different sections or types of visitation. Regardless of the age of the child(ren) whose custody is being addressed herein, this visitation schedule is organized to include visitation during the school year, during holidays from school and during summer. For all purposes herein, the following terms shall be applicable:

- 1) **Visitation during school year:** If the child(ren) are not enrolled in school, the published schedule of the local public school where the primary custodian resides shall be utilized. If the child(ren) are enrolled in school, the schedule of the school system in which the child(ren) is/are actually enrolled shall be utilized. In the event there is more than one child and the children are enrolled in schools which observe different schedules, the parties shall utilize a hybrid schedule that reflects the holidays which are common to all applicable school systems (the applicable schedule shall be referred to as the "School Year"). This schedule may also be referred to as the "Regular Schedule" or "Day-To-Day Schedule" herein.
- 2) **Visitation during Thanksgiving Break:** This period of visitation includes the dates that the applicable school system recesses for at least two consecutive school days in November of every year ("Thanksgiving Break"). This schedule begins to be applicable at 6:00 p.m. on the date that the Thanksgiving Break begins and ends at 6:00 p.m. on the Sunday after Thanksgiving.
- 3) **Visitation during Winter Break:** This period of visitation includes the dates that the applicable school system recesses for winter break and which includes December 25 of every year ("Winter Break"). This schedule begins to be applicable at 6:00 p.m. on the date that the Winter Break begins and ends at 6:00 p.m. on the day before school resumes.
- 4) **Visitation during Spring Break:** This period of visitation includes the dates that the applicable school system recesses for a full week in the month of March or April of every year ("Spring Break"). This schedule begins to be applicable at 6:00 p.m. on the day that school recesses for Spring Break and ends at 6:00 p.m. on the day before school resumes.
- 5) **Visitation during Summer:** This period of visitation includes the dates that the applicable school system recesses for at least one full month in the summer and is the period between academic years ("Summer Break"). The Summer Break begins to be applicable on the day that school recesses for Summer Break and ends at 6:00 p.m. five (5) days before school resumes.
- 6) **Weekend:** For purposes of this parenting plan, a weekend begins at 6:00 p.m. on Friday and ends at 6:00 p.m. on Sunday.
- 7) **Weekday visitation:** Weekday visitation begins at 4:00 p.m. and ends at 7:30 p.m. The party with weekday visitation shall provide the child(ren)'s evening meal and complete any homework assigned for that evening.

B. Visitation during School Year: (Choose one of the following)

During the school year, the Non-Custodial Parent shall have at a minimum the following rights of parenting time/visitation (*choose an item*):

☐ The weekend of the first, third and fifth Friday (if any) of each month.

☐ Every other weekend starting the second weekend after the date of this plan.

Additionally, the Non-Custodial Parent shall have parenting time/visitation on (choose an item):

☐ None

☒ **the First Sunday of each month between 2:00pm and 2:30pm through supervised phone visitation.**

C. Visitation during Thanksgiving Break: (Choose one of the following)

☐ Applicable

☒ Not applicable, the Day-to-Day schedule applies

_____ In even-numbered years, the Non-Custodial Parent will have the child(ren) with him/her for the entire Thanksgiving Break. In odd-numbered years, the Custodial Parent shall have the child(ren) with him/her for the entire Thanksgiving Break.

OR

_____ The ☐ Custodial Parent ☐ Non-Custodial Parent shall have the child(ren) for the first period of Thanksgiving Break, beginning at the time that school recesses for Thanksgiving Break until 3:00 p.m. on Thanksgiving Day in ☐ odd-numbered years ☐ even-numbered years ☐ every year. The other parent will have the child(ren) for the second period of Thanksgiving Break, beginning at 3:00 p.m. on Thanksgiving Day until 6:00 p.m. on the evening before Thanksgiving Break ends. Unless otherwise indicated, the parties shall alternate the first and second periods of Thanksgiving Break each year.

D. Visitation during Winter Break: (Choose one of the following)

☐ Applicable

☒ Not applicable, the Day-to-Day schedule applies

_____ The ☐ Custodial Parent ☐ Non-Custodial Parent shall have the child(ren) for the first period of Winter Break, beginning at the time that school recesses for Winter Break until December 26th at 10:00 a.m. in ☐ odd-numbered years ☐ even-numbered years ☐ every year. The other parent will have the child(ren) for the second period of Winter Break, beginning at 10:00 a.m. on December 26th until 6:00 p.m. on the evening before Winter Break ends. Unless otherwise indicated, the parties shall alternate the first and second periods of Winter Break each year. For the purpose of resuming visitation during the School Year, the parent who exercised visitation during the first half of Winter Break shall have the child(ren) with that parent on the first weekend following the end of Winter Break visitation. This is the only time that visitation during the School Year might be reset.

OR

_____ The ☐ Custodial Parent ☐ Non-Custodial Parent shall have the child(ren) for the first period of Winter Break, beginning at the time that school recesses for Winter Break until

December 25th at 2:00 p.m. in () odd-numbered years () even-numbered years () every year. The other parent will have the child(ren) for the second period of Winter Break, beginning at 2:00 p.m. on December 25th until 6:00 p.m. on January 1st. Unless otherwise indicated, the parties shall alternate the first and second periods of Winter Break each year. The Regular Schedule resumes the first weekend after Winter Break ends.

E. Visitation during Summer: (Choose one of the following)

() Applicable (X) Not applicable, the day-to-day schedule applies

Unless the parties agree otherwise, visitation with the child(ren) during the Summer Break shall be alternated on a week-to-week basis. The first week of visitation during Summer Break begins on the Sunday after school recesses for the Summer Break at 6:00 p.m. and ends on the following Sunday at 6:00 p.m. The Non-Custodial Parent shall have the first week of Summer Break visitation. The Custodial Parent shall have the next week and the parties shall continue to alternate weeks of visitation during Summer Break thereafter. In all cases, the child(ren) shall be with the Custodial Parent for the last five consecutive days before Summer Break ends and the next School Year begins.

() Other: _____

F. Visitation during Spring Break: (Choose one of the following)

() Applicable (X) Not applicable, the day-to-day schedule applies

_____ In odd-numbered years, the Non-Custodial Parent shall have the child(ren) for Spring Break. In even-numbered years, the Custodial Parent shall have the child(ren) for the entire Spring Break.

OR

_____ The parties shall divide visitation during every Spring Break. If the parties are unable to agree on visitation during the child(ren)'s spring break, the parent whose Regular Schedule of visitation would include the first weekend of Spring Break will have the child(ren) for that weekend through 12:00 noon on Wednesday. At that time, the child(ren) will be returned to the other parent who will have visitation with the child(ren) for the remainder of Spring Break.

G. Other holiday schedule:

The child(ren) shall be with Mother on every Mother's Day from 6:00 pm on the Saturday which precedes Mother's Day until 6:00 pm of Mother's Day. The child(ren) shall be with Father on every Father's Day from 6:00 pm on the Saturday which precedes Father's Day until 6:00 pm on Father's Day. This schedule will be maintained, regardless of which parent the children would have been with on that particular weekend under the Regular Schedule of visitation or under the schedule of visitation applicable to Summer Break.

H. School holidays that precede or follow weekend visitation during the school year

For the purposes of this parenting plan, if the Non-Custodial Parent exercises visitation during the School Year on a weekend in which there is a Friday and/or Monday school holiday which immediately precedes

and/or follows his weekend visitation, Non-Custodial Parent's visitation shall include that Friday and/or Monday school holiday ("Holiday Extension"). For the purposes of this paragraph, a "school holiday" includes a teacher work day or other day in which students are not required to attend school and which is announced by the applicable school system before the end of the Non-Custodial Parent's normal weekend visitation. However, this Holiday Extension is only applicable to the schedule of visitation for the School Year and only applies to Friday and/or Monday. Therefore, the Holiday Extension does not include any additional school holidays which are not a Friday immediately preceding the regular weekend visitation during the School Year or a Monday that immediately follows a regular weekend visitation during the School Year.

III. COORDINATION OF PARENTING SCHEDULES

The parenting time/visitation awarded herein that is not included within the School Year takes priority over the schedule of visitation during the School Year. Therefore, unless specifically noted otherwise herein, there is no weekend or weekday visitation during Mother's/Father's Day, the Thanksgiving Break, the Winter Break, the Summer Break or the Spring Break.

IV. TRANSPORTATION ARRANGEMENTS

For all periods of visitation, the place of meeting for the exchange of the child(ren) shall be the home of the Custodial Parent, unless the alternate provision below is marked and a different meeting place is indicated:

_____ Alternate meeting place: _____

_____ Other: _____

V. CONTACTING THE CHILD

When the child(ren) is/are in the physical custody of one parent, the other parent will have the right to contact the child(ren) as follows:

A. ~~Contact via telecommunications:~~ The parent without the child(ren) may call the child(ren) ~~AT ANY TIME THAT IS REASONABLE.~~ The party without the child(ren) may not call more than one time per day except in emergency or exceptional circumstances. If the child(ren) is/are not available to talk on the telephone at the time of the call, the party without the child(ren) may leave a mature voice message or mature text message, requesting that the child(ren) return the call. If a mature message is left, the party with the child(ren) shall ensure that the phone call is returned on the same day that the message was left. The party without the child(ren) shall be reasonable in the time of the call, the frequency of the call and the duration of the call.

B. Recording not allowed: Neither party is allowed to record or monitor the communications between the other party and the child(ren) which occurs by telecommunications unless specifically authorized in this Parenting Plan.

VI. SUPERVISION OF PARENTING TIME (if applicable)

(X) Applicable () Not Applicable

Supervised parenting time shall apply during the day-to-day schedule as follows:

Place: _____ via telephone or other telecommunication device _____

Person/Organization supervising: Custodial Parent Elaine Smart

Responsibility for cost of supervised visitation:

~~() Custodial Parent~~ ~~() Non-Custodial Parent~~ ~~() Both equally~~

VII. COMMUNICATION PROVISIONS

A parent shall always have the current address, telephone number and cell phone number of the other parent. A parent shall promptly notify the other parent of a change of address, phone number or cell phone number. If a finding of family violence has been made, this notification may be made through a third party. A parent changing residence must give at least 30 days' notice of the change and provide the full address of the new residence.

If a parent is traveling with the child(ren) to a location that is outside of the Augusta Judicial Circuit and that trip will involve an overnight stay, he/she shall provide the other parent with reasonable information concerning the child(ren)'s whereabouts and how to contact the other parent in the event of an emergency. If travel is by air, he/she shall provide the other parent with the child(ren)'s flight information.

VIII. ACCESS RIGHTS TO RECORDS AND INFORMATION

~~Each parent shall have direct access to the child(ren)'s school, medical, dental and other records of every type, wherever they may be located, and shall have the right to discuss the child(ren) with doctors, teachers, administrators, coaches, youth leaders, and any and all other persons who are involved in any aspect of the child(ren)'s life/lives. Each parent shall have access to the child(ren)'s grades from school, as well as a schedule of the child(ren)'s curricular and extracurricular events, so that each parent shall be permitted and enabled to fully participate in all aspects of the life/lives of the child(ren) without first seeking the permission or input of the other parent. Each parent shall provide the other parent with all such schedules of curricular and extracurricular events or activities which are not reasonably available to the other parent. Each parent will inform the other of events and activities involving the child(ren) so that each parent will have an opportunity to attend if he/she so desires. Designation as a Non-Custodial Parent does not affect a parent's right to equal access to records and information.~~

~~The Custodial Parent shall ensure that the Non-Custodial Parent is listed as the first emergency contact on the child(ren)'s school or day care records if the Custodial Parent cannot be reached.~~

IX. MODIFICATION OF PLAN OR DISAGREEMENTS

The parties may, by mutual agreement, vary the parenting time/visitation; however, such agreement shall not be a binding court order or be construed as modifying a previous order. Custody and visitation shall only be modified by court order. If the parents disagree about this parenting plan or wish to modify it, they must make a good faith effort to resolve the issue between themselves.

X. CONDUCT OF PARTIES

The parties shall always promote the welfare and best interest of the child(ren), and shall confer with each other on all important matters relating to the child(ren). The parties shall not do anything which will or may tend to estrange the child(ren) from the other party. Neither parent shall, directly or indirectly, encourage the child(ren) not to visit with the other parent, or otherwise interfere with the other party's rights of custody or visitation. The parties shall use their best efforts to amicably resolve disputes which may arise.

In the event that a child develops a serious illness or injury while visiting with one parent, the parent who has the child with them at the time of the injury or illness shall promptly inform the other parent of the child's condition. Emergency surgery necessary for the preservation of life or to prevent a further serious injury or condition may be performed without the other parent's consent; provided, however, that if time permits, the other parent shall be consulted and, in any event, he/she shall be informed as soon as possible. ~~Non-emergency surgery shall be performed on a child only after the parties have conferred with each other.~~

Neither party shall consume illegal drugs or excessive amounts of alcohol when the child(ren) is/are in his or her custody. Neither party shall operate a motor vehicle under the influence of alcohol or any other substance which impairs the ability to drive when the child(ren) is/are in his or her custody.

XI. ADDITIONAL PROVISIONS *[If any of these Additional Provisions conflict with other provisions of this Parenting Plan, the Additional Provisions shall control.]*

Mark one, if applicable:

~~_____ If the Non-Custodial Parent intends to exercise visitation privileges, he/she shall provide the Custodial Parent with no less than forty-eight (48) hours' advance notice of his/her intent. If the Non-Custodial Parent or Designee listed below is more than thirty (30) minutes late picking the child(ren) up at the designated time and has not contacted the Custodial Parent regarding emergency circumstances causing the delay, the Custodial Parent may then make alternative plans for the child(ren) for that visitation period.~~

~~_____ If the Non-Custodial Parents intends not to exercise visitation privileges, he/she shall provide the Custodial Parent with no less than forty-eight (48) hours' advance notice of his/her intent. If the Non-Custodial Parent or Designee listed below is more than thirty (30) minutes late picking the child(ren) up at the designated time and has not contacted the Custodial Parent regarding emergency circumstances causing the delay, the Custodial Parent may then make alternative plans for the child(ren) for that visitation period.~~

Other Additional Provisions:

The minor child's conversation with the Non-Custodial Parent shall be supervised and monitored by Custodial Parent Elaine Smart. Custodial Parent Elaine Smart is authorized to terminate the phone call if she finds the conversation to be inappropriate. The minor child does not have to accept or return Non-Custodial Parent's phone calls. The minor child can extend the phone call with Non-Custodial Parent if she so wishes.

If Non-Custodial Parent attempts to contact the child outside of the aforementioned parameters set by the Court, Non-Custodial Parent's phone visitation privilege shall be immediately terminated and Custodial Parent Elaine Smart shall immediately inform the Court.

The child may initiate supervised phone visitation with the Non-Custodial Parent at any time she wishes but is under no obligation to do so.

XII. INCORPORATION INTO JUDGMENT

It is contemplated that this Parenting Plan will be incorporated into a temporary or final judgment in this case. If there is any conflict between any such judgment and this Parenting Plan or any written agreement between the parties, the judgment shall control. If there is any conflict between this Parenting Plan and any written agreement between the parties, this Parenting Plan shall control.

XIII. ~~AGREEMENT OF THE PARTIES~~ *[if applicable]*

~~The parties hereby knowingly and voluntarily agree to the terms of this Parenting Plan. If signed by a party, the party affirms that the information he/she has provided in connection with the preparation of this Parenting Plan is true and correct.~~

~~*[If applicable, this paragraph must be marked.]* The parties hereby agree that if a disagreement arises with regard to the terms of this Parenting Plan, prior to seeking a modification, the parties shall attempt to resolve said disagreement through the Augusta Judicial Circuit's alternative dispute resolution program or any other mediation acceptable to the parties and the Court.~~

[THIS PLAN WAS ORDERED BY THE COURT]