

FAM 3

IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

FAMILY DIVISION

JOSEPH R. KELLY,)	
)	
Petitioner,)	JUDGE BENSONETTA TIPTON LANE
)	
VS.)	CIVIL ACTION FILE NUMBER:
)	
MUSHIMBEI KELLY,)	2015CV260284
)	
Respondent.)	
_____)	

FINAL ORDER ON MOTION FOR ATTACHMENT FOR CONTEMPT

The petitioner filed this Petition for Divorce on April 30, 2015. On August 5, 2015, the parties entered into a Consent Temporary Order, in which the parties agreed that the respondent would have temporary physical custody of the parties' minor child, I.K., born in 2011, and the plaintiff would have visitation with him every other weekend from Friday at 6 p.m. through Sunday at 6 p.m.

On February 12, 2016, the petitioner attempted to exercise his scheduled visitation and the respondent withheld said visitation, allegedly because he had just moved into a new apartment and she had not been able to inspect said apartment. The police were called and, as a compromise, although there was no requirement that his apartment be inspected before he was allowed to have visitation, the petitioner set a time the following day for the respondent to inspect his residence. The following day, when the petitioner attempted to come for his inspection appointment, the respondent told him she had to work and that the inspection and visitation would have to be

FAM 3

postponed until the following week. The petitioner was thus denied his visitation for the appointed weekend.

The Court finds that the respondent is in willful contempt of the Court's Temporary Order. Such "game playing" in connection with the parties' parenting time will not be tolerated and, if such an incident occurs in the future, may result in incarceration. The petitioner is hereby awarded \$875.00 in attorney's fees for the necessity of bringing this motion. The respondent shall pay to the petitioner's attorney, Blake Dexter Halberg, \$875.00 within 45 days of this Order.

SO ORDERED, this 7th day of April, 2016.

A handwritten signature in blue ink that reads "Bensonetta Lane". The signature is written in a cursive style and is positioned above the printed name of the judge.

**Judge Bensonetta Tipton Lane
Fulton County Superior Court
Atlanta Judicial Circuit**

EFILED AND SERVED