

SELF-REPRESENTED LITIGANT

PETITION TO ESTABLISH CUSTODY

This form is to establish a custody arrangement issued by this court. If you have an existing custody order and you want to change it, see the Modification of Custody Order document. If you need to establish Paternity and Visitation, this form is available too. If you believe a party is violating the custody order, see the Motion for Contempt document.

Is this the right court to file in? Custody is determined by the child's home. If your child resides in Jefferson Parish, you are in the right court. If your child resides in Orleans, there is a Self-Help Resource Center there to assist you. If your child lives in another state, you may need legal advice on how to proceed.

This packet of forms is **not legal advice** and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action. When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

1. Be sure you have the correct form.
2. Read all instructions before you begin.
3. Fill in the blanks with 100% accurate information- any false statement made in court or written in a court document may constitute perjury.
4. Check all options that pertain to your situation.

Information you will need:

1. The exact name and address of the other party in this matter.
2. The exact name(s) and date(s) of birth of all children included in the Petition for Custody.

Instructions:

These instructions are meant to guide you through the process of asking the court to mediate an agreement between you and your children's other parent. The court will set all custody orders based on the *best interest of the child(ren)*.

Fill in your name in the first blank - you are the petitioner. The other parent is now your defendant, so write their name underneath. When you file this form in the Clerk of Court's office, they will give you the docket number and division (judge).

Domicile: This the parish/county and state of your current/permanent address

Custody Arrangements – Joint/Sole: If you are requesting joint custody of the child(ren), check this option and write the name of the parent you want to have domiciliary status in the first blank. If selecting sole, inform the court about coordinating supervised or no visitation.

Domiciliary parent: the parent the child primarily resides with and the parent who coordinates decisions for the child with the other parent. In the lines that follow, explain the time periods you would like for that parent to have those custodial periods.

Interpreter Needed? The court will order an interpreter for you. Inform the clerk one is needed.

Along with your petition, you will also have to sign the **Verification** form. You will have to swear before a notary that everything is true and show state or federal issued identification.

- Again, this step requires you to go to a notary.
- Write the parish that you get the form notarized in the first blank. Write your name in the center blank but do not sign the form until you are directly in front of the notary.
- The notary will fill in the bottom part of the form.
- Do not fill in the Order section. The Judge will do this if applicable.

Once complete, file them with the Clerk of Court's Office. You must file the original forms you filled out and stamped before the notary. It is a good idea to make 4 Xerox copies of your forms and bring them with you to the clerk. When you file the originals, ask the Clerk of Court's office to stamp 4 copies for your records. The clerk will keep 2 copies for service on the defendant.

Court Costs:

Anytime you file something with the Clerk of Court's office, you will have to pay a filing fee, unless you have been granted *pauper* status. There are different fees for different documents. The Clerk of Court's office can tell you how much the fees are.

If you cannot afford to pre-pay the costs, you may file an *In Forma Pauperis* document. IMPORTANT- Pauper status doesn't make filing free! It only permits you access without paying in advance. You or your defendant may have to pay court costs after the case is over.

Coming to Court:

First, since you are representing yourself, you have to confirm your defendant was served notice about the hearing. You will have to come to court for your hearing and explain to the hearing officer why your child custody order should be changed. Be sure to bring any evidence or witnesses that will help you prove your case. Remember, it is your responsibility to show the court why you should get a modification in child custody. It is very important to bring a copy of the custody judgment in place right now with you on your court date.

Make sure you are present on the day and time you were given by the court. Get to court early to allow time for traffic, parking, walking to the courthouse, and getting through security.

**Hearing officer's request you do not bring small children to the hearing.
Interpreters are available. Make sure the Clerk knows of this request.**

**24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA**

NO.

DIVISION:

VERSUS

File: _____ **Deputy Clerk:** _____

PETITION TO ESTABLISH CUSTODY

NOW INTO COURT comes _____ (*your name*), of full age of majority and domiciled in the Parish/County of _____, State of _____ (*parish & state where you permanently reside*) who respectfully represents:

1.

Made Defendant herein is _____ (*other parent or custodian*), of full age of majority and domiciled in the Parish/County of _____ State of _____ (*parish & state where defendant permanently resides*).

2.

The following minor child(ren) were born of or adopted by the parties:

CHILD'S NAME AND DATE OF BIRTH

CHILD'S NAME AND DATE OF BIRTH

CHILD'S NAME AND DATE OF BIRTH

3.

There is no court order in place for custody. Currently, the minor child(ren) reside with

_____.

4.

Petitioner believes it is in the best interest of the child(ren) that the custody order be set as follows: *(please select one of the following)*

Parties be awarded joint custody, with _____ designated as domiciliary parent, and custodial periods awarded to _____ as follows:

Parties be awarded joint custody, with _____ designated as domiciliary parent, and with the parties sharing equal time with the minor child(ren) as follows:

Petitioner requests sole custody subject to one of the following by Defendant:

Please select one of the following

Petitioner requests the Defendant be awarded reasonable visitation as follows:

Petitioner requests the Defendant be awarded supervised visitation as follows:

Petitioner requests the Defendant not be awarded any visitation.

5.

Petitioner believes the custody arrangement they are requesting is in the best interest of the child(ren) for the following reasons: _____

PETITIONER FURTHER PRAYS that:

to be allowed to proceed *In Forma Pauperis*. (Separate form required.)

be cast with the costs of these proceedings.

Defendant be cast with the costs of these proceedings.

Parties share the costs of these proceedings in equal amounts.

An INTERPRETER be present for said hearing. LANGUAGE: _____

WHEREFORE Petitioner prays that after all legal delays and due proceedings, this Court issue a Judgment establishing a custody arrangement between the parties for their minor child(ren), and for all general and equitable relief.

PETITIONER FURTHER PRAYS that a rule nisi issue herein ordering the Defendant to appear and show cause on a date and time fixed by this Court why a custody judgment should not be rendered herein between the parties for their minor child(ren).

Respectfully submitted,

SIGNATURE

PRINTED FULL NAME

STREET ADDRESS

CITY/STATE/ZIP CODE

TELEPHONE NUMBER

**24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA**

NO.

DIVISION:

VERSUS

File: _____ **Deputy Clerk:** _____

VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified in this state and parish, personally appeared:

PETITIONER'S NAME

who after being duly sworn, did depose and state that he/she is the Petitioner in the above and foregoing numbered and entitled cause, that he/she has read the same, and that all of the allegations contained therein are true and correct to the best of his/her knowledge, information, and belief. Furthermore, that there are no existing prior custody decrees involving the mentioned child(ren) in this state or any other state.

PETITIONER SIGNATURE

SWORN TO AND SUBSCRIBED before me this _____ day of _____,
20_____, at _____, Louisiana.

NOTARY

**24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON
STATE OF LOUISIANA**

NO.

DIVISION:

VERSUS

File: _____ **Deputy Clerk:** _____

ORDER

Considering the above and foregoing Petition:

IT IS ORDERED that a rule nisi be issued ordering all parties to appear and show cause on the _____ day of _____, 20_____, at _____, Louisiana, at _____ o'clock a.m./p.m as to a custody arrangement as outlined by petitioner.

IT IS FURTHER ORDERED an interpreter be made available as requested.

THUS DONE AND SIGNED on this _____ day of _____, 20_____, at _____, Louisiana.

JUDGE/COMMISSIONER

PLEASE SERVE: *(If incarcerated or out of state, note additional documentation required)*

DEFENDANT'S FULL NAME

STREET ADDRESS

CITY/STATE/ZIP CODE

TELEPHONE NUMBER