

SELF-REPRESENTED LITIGANT

RULE TO MODIFY CUSTODY

This form is only to modify an existing custody order previously issued by the 24th Judicial District Court (JDC).

This form **CANNOT** modify a custody order from any other court, including juvenile court. This form is also **NOT** for use to move the child out of state.

To complete this form, you will need:

1. The heading from your previous 24th JDC custody hearing – copy exactly the same as that original case name (Plaintiff remains same and defendant remains the same), include the case number (aka: docket number), and the Division letter. Again, parties names remain the same in the header.
2. The exact name and address of the opposing party or the opposing party's counsel. You must confirm the other party receives service (notice about the hearing).
3. The exact name(s) and date(s) of birth of all children listed in the custody order.

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.

Instructions:

These instructions are meant to guide you through the process of asking the court to modify an existing custody order for your minor child(ren). **If a custody order has not been issued by the court, you may want to petition the court to establish custody rather than modify custody.** The court will set all custody orders based on the *best interest of the child(ren)*.

First, go to your original custody order/judgment and copy the header exactly as it was originally filed. Get the date the order was signed by the judge. If you need assistance, ask the Clerk to help you with your header. Read this Modification of Child Custody documents through to the end before filling in the blanks. Once you are ready to complete the document, make sure you double check the information is accurate.

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

Custody Judgment: Have a copy of the original custody judgment with you. Write the date of the order in the first blank, then the case title in the next two blanks (ex: John Doe v. Jane Doe). In the next blank, write the docket number from the original custody order. Briefly state the details of the current custody order, including how both parents split the physical custody of the child(ren).

Material Change in Circumstances: Give the court all of your reasons for requesting a change in the original custody order. Remember, the court can only change custody if there has been a *material change in circumstance* since the last order. Make sure you explain these changes fully.

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

- This step requires you to go to a notary.
- Fill out the top part with your case information just like your rule.
- 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 your Modification for Custody Change and Verification are complete, you 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:** _____

* * * * *

RULE TO MODIFY CUSTODY

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

1.

Made Defendant herein is _____ (*parent or guardian in previous custody order*) of full age of majority and domiciled in the Parish/County of _____, State of _____ (*parish and state of defendant's permanent lives*).

2.

There is currently a court order in place for the custody of the minor child(ren) that was rendered on _____ (*date of previous custody judgment*) in a suit entitled _____ v. _____ (*name of previous case*), bearing the docket number _____, filed in the 24th Judicial District Court.

3.

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

4.

The custody order rendered by that court order is as follows:

5.

Movant is entitled to a modification of the existing custody order because the following material changes in circumstance have occurred since the time that the previous order was set:

(Note: This form may not be used for moving the child out of state.)

6.

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

Movant requests the parties be awarded joint custody, with _____ designated as domiciliary parent, and custodial periods awarded to _____ as follows: _____

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

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

Please select one of the following

Movant requests the Defendant be awarded reasonable visitation as follows:

Movant requests the Defendant be awarded supervised visitation as follows:

Movant requests the Defendant not be awarded any visitation.

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

MOVANT 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 Judgment should not issue herein ordering a modification of the prior custody arrangement between the parties, as outlined herein.

MOVANT FURTHER PRAYS that:

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

Movant be cast with the costs of these proceedings.

Defendant be cast with the costs of these proceedings.

The parties share the costs of these proceedings in equal amounts.

An INTERPRETER be present for said hearing. LANGUAGE: _____

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:

MOVANT'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/s he 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.

MOVANT 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:

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 why a judgment should not be ordered to modify the prior custody arrangement between the parties.

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