

SELF-REPRESENTED LITIGANT PETITION FOR CUSTODY, VISITATION, and/or CHILD SUPPORT

WHO CAN USE THESE FORMS?

You can only use these forms if ALL of these are true:

- You are the **legal parent** of the child(ren) or are recognized by law as the father having a right to pursue custody, visitation, and/or support;
- The child(ren) in this case have lived in Louisiana for **at least 6 months** (or their whole lives, if under 6 months old); or
- There is **no earlier court order about custody, child protection, or adoption order** for the child(ren) in this case in Louisiana or any other state.

BEFORE YOU START

Please note that these forms are for establishing **child custody, visitation, and/or support only**, and they can only be used by the **legal parents** of the child(ren). A child's legal parents include the mother (who gave birth to the child) and the father who was either (1) married to the mother at the time of birth **or** (2) has established his "paternity" in court using **or** (3) filed in Court an authentic "Acknowledgment of Paternity" after the child was born. Being listed on the child's birth certificate is not enough. These forms **do not** cover establishing who is a legal parent.

You will be filing your custody case as a "self-represented litigant." That means you are moving your case forward without a lawyer. As the person suing for custody, visitation, and/or support, you will be known as the **Petitioner** and the child(ren)'s other parent will be known as the **Defendant**. All the forms you need to file are attached or referenced in these instructions.

To learn more about the child custody process, visit [LouisianaLegalNavigator.org](https://www.LouisianaLegalNavigator.org) or [LouisianaLawHelp.org](https://www.LouisianaLawHelp.org). To find help, visit bit.ly/legal-referrals or <https://www.LSBA.org/goto/FindLegalHelp>.

HOW TO COMPLETE THESE FORMS: *Read instructions all the way through before starting.*

1. **Decide where you will file your case.** If you file your case in the wrong court, the court might reject your case and you might lose your filing fees. You can only file this case in:
 - The parish in which you are "domiciled" (which means where you live and is your permanent/legal home); **OR**
 - The parish in which the child(ren)'s other parent is domiciled; **OR**
 - The parish in which you and the child(ren)'s other parent were last domiciled together as a married couple.

The parish you choose will be written at the top of each document you fill out (more instructions later).

2. **Think about what you are asking the court to do.** When you are asking the court for custody, you need to recommend: (1) what type of custody you want, and (2) who should have the final decision-making authority for major decisions concerning the child(ren). If you and the other party agree about the proposed custody arrangement, the Court can approve custody as a "Consent Judgment." Note that if you seek sole custody or seek to restrict visitation of the other parent, you will have a higher "burden of proof" and must have strong evidence to show why that custody arrangement is necessary. Learn more about custody at www.bit.ly/la-custody.

3. **Think about how you will deliver (or “serve”) your court case on the other party.** If you and the child(ren)’s other parent agree about custody and are willing to speak about the process, you can ask the other parent to “waive” service of process. Your spouse will just need to sign a waiver form before a notary. If they will not waive service and they live in Louisiana, you must ask the court to have the Sheriff serve them at home or work. If they will not waive service and they live in another state, you will have to use the “Long Arm” process to serve your spouse (more instructions below).
4. **Figure out your case “filing fees.”** Call the Clerk of Court of the parish where you plan to file your case and ask about the costs to file for custody, visitation, and/or support. If you can pay the court fees, get your payment ready – a money order or debit/credit card is best. If you cannot afford to pay the court fees, you can fill out an “**IN FORMA PAUPERIS AFFIDAVIT**” or “IFP” (www.bit.ly/in-forma-pauperis). The IFP asks the court to *delay* (but not eliminate) the cost of filing. **You may still have to pay fees at the end of the case.** The court could also order the other parent to pay them, or the two of you to split the costs. You must ask for the payment arrangement you want in your petition. If required, fill out the IFP but do not sign it.
5. **Get your petition ready to file.** Fill in the top part (but leave the “Docket No.” blank) and all other blanks on the pages marked “(1a – PETITION)”, “(1b – VERIFICATION)”, and “(1c – ORDER),” but do not sign yet. Find a notary (www.bit.ly/la-notaries), ask about their fees, and schedule an appointment. Bring your Photo ID and your original, unsigned documents to your appointment. If you are filing the “IFP,” bring **an adult witness that can speak to your financial situation** to your appointment as well. Sign the VERIFICATION (and IFP, if required) in front of the notary. Make at least **one (1) copy** of your completed PETITION.
6. **File your petition with the court.** Take your filing fees or IFP, your copy of the PETITION, and all of the original pages you filled out to the Clerk of Court’s Office where you will file your case. Go to the Civil Department and tell the staff that you do not have a lawyer, and that you want to file your suit. Ask the Clerk of Court to stamp a date AND write the docket number of your case on your copy of the PETITION. Keep your copy of the PETITION in a safe place.
7. **Have the other party served.** You will provide information about how to serve them at the end of the PETITION. You need to give the clerk an address (home or work) where the sheriff can find the defendant to deliver the papers. If the address is hard to find, give the clerk directions. If the address is a work address, you **MUST** provide the days of the week and times at which the defendant can be found at work.
8. **Mark your calendar for your court date(s).** The Clerk of Court’s office will assign your case to a Judge and a Hearing Officer (if there is one). The judge will then set hearing dates for your case and the Clerk of Court will inform you of the hearing dates (usually by mail).
9. **Fill out any court-requested forms.** Before your first hearing, the Court may send you forms. Fill them out and make at least two copies. Then, submit the original forms to the court and mail one copy to the other party or their attorney. Keep the last copy for yourself.
10. **Attend your court date(s) and receive your judgment.** At your first hearing, the hearing officer or judge will review your paperwork and ask questions to figure out what arrangement is in “the best interest of the child.” The Court will then make a recommendation about a custody and visitation plan.

However, if you do not agree to the hearing officer’s recommendation, then you must file an “objection” within 5 days (ask the Court for the form) and prepare to go to another court date in front of the judge. At that court date, you should be prepared to prove your case with things like: (1) witness testimony (friends, relatives, co-workers, therapists, teachers, church pastors, or anyone who can testify as to the fact that you are a responsible and loving parent or that the other parent is not responsible or loving), (2) screen-shots of text messages or Facebook posts showing you to be a “good” parent or the other parent to be a “bad” parent, (3) pictures, (4) certified medical records, or (5) school records as to why you should receive whatever custody/visitation arrangement you ask for.

All litigants are better off when represented by a licensed attorney. For help finding representation, visit www.bit.ly/legal-referrals or www.LSBA.org/goto/FindLegalHelp. If you do not understand a legal term, need to have a hearing in open court, or need to clarify the correct response or application to your situation, you may want to seek more information or advice from the following resources:

Law Library of Louisiana: *lasc.libguides.com/resources-for-self-represented-litigants*

Louisiana Civil Legal Navigator: *www.louisianalegalnavigator.org*

Free Legal Answers: *LA.freelegalanswers.org*

Louisiana LawHelp: *www.louisianalawhelp.org*

_____ * _____ **JUDICIAL DISTRICT COURT**
PETITIONER
 * **DOCKET NO:** _____ **DIV.** _____
VERSUS
 * _____ **PARISH, LOUISIANA**

DEFENDANT *

PETITION FOR CUSTODY and VISITATION/CHILD SUPPORT

NOW INTO COURT, comes petitioner _____ *(print your name)* of the
 full age of majority and domiciled in the Parish of _____ *(print name of the parish where you
 live)*, State of Louisiana, who respectfully represents that this court is the appropriate venue because:

(check all that apply):

- This court is in the parish where a party is domiciled.
- This court is in the parish of the last matrimonial domicile.

I.

Made defendant is _____ *(print other party's name)*, of the
 full age of majority and domiciled in the County/Parish of _____ *(print name of the county/parish
 where other party lives)*, State of _____.

II.

Petitioner and defendant *(check the applicable box):*

- Were in an intimate relationship;
- Are married and physically separated on _____ *(date of physical separation)*;
- Were divorced by judgment signed on _____ *(date of divorce judgment)* in
 _____ Parish/County *(parish/county where divorce was granted)*, State of
 _____, the suit bearing docket number _____ *(assigned divorce
 petition docket number)*;
- Divorce was filed in _____ Parish *(parish where divorce was filed)* under
 docket number _____ *(assigned divorce petition docket number)* on _____
(date of divorce petition).

And from that relationship, _____ child(ren) was/were born, namely, *(print name, date of birth,
 and with whom the child resides)*:

- (a). _____, born on _____, who presently resides with
_____;
- (b). _____, born on _____, who presently resides with
_____;
- (c). _____, born on _____, who presently resides with
_____; and
- (d). _____, born on _____, who presently resides with
_____.

III.

Petitioner believes that it is in the best interest of the minor child(ren) that the parties be awarded joint custody sole custody (*check one*) with _____ (*write who you believe should be the primary caregiver for the child(ren)*) designated as the domiciliary parent/sole custodian subject to specific reasonable custodial time (if seeking joint custody) or visitation rights (if seeking sole custody) in favor of the other parent in accordance with the law, for the following but not limited reasons:

IV.

The minor child(ren) have been domiciled in the State of Louisiana for at least six (6) months prior to the commencement of these proceedings (or since birth, if under 6 months old). For the last six months, the child(ren) have resided with: (*briefly state where the child(ren)*

has/have lived for the past six months, with whom, and why):

(1a - PETITION)

V.

Petitioner is not aware of any other custody orders in existence in this state or any other state.

VI.

Petitioner is not aware of any other proceedings that are pending in the State of Louisiana that would affect this matter and that the State of Louisiana Department Of Children's and Family Services (DCFS), is not involved nor has DCFS taken custody of the minor child(ren).

VII. (*check one*)

Petitioner requests that Defendant be ordered to pay child support because Defendant has income or is capable of earning sufficient money to contribute to the support of the minor child(ren) and asks the Court to order the Defendant to pay child support.

or

Petitioner reserves the right to request child support in the future.

or

Child support is currently being paid or there is a case pending against the Defendant through DCFS/SES in Lases Docket No. _____ from the Parish of _____, State of Louisiana.

VIII.

(*Check if filing an IFP*) Petitioner, due to poverty and want of means, is unable to pay the costs of this suit in advance and desires to file and prosecute this action under the provisions of the Louisiana Code of Civil Procedure, Articles 5181-5188.

WHEREFORE, petitioner prays that after all due proceedings, that (*check all that apply*):

There be judgment herein awarding the parties **joint custody** of the minor child(ren) with _____ designated as domiciliary parent subject to specific reasonable custodial time in favor of the other parent;

There be judgment herein awarding the **sole custody** of the minor child(ren) with _____

(1a - PETITION)

_____ designated as sole custodian subject to specific reasonable visitation rights in favor of the other parent;

Defendant be ordered to pay child support;

Petitioner be allowed to file and prosecute this action *in forma pauperis*, and

that petitioner be granted all general and equitable relief.

PETITIONER FURTHER PRAYS that: *(select one of the following)*

Petitioner 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.

Each party bears their own court costs and attorney's fees.

Respectfully submitted,

PETITIONER, Self-Represented (*signature*)

Print your name and address:

Telephone No. _____

Email Address* _____

****(Provide a private and secure email address.
You must regularly check this address
because you may be served official court***

(Check one of the service options below)

CLERK OF COURT:

- NO SERVICE IS REQUIRED AS THE DEFENDANT WILL ACCEPT SERVICE
(Please provide a certified copy of the Petition to the Petitioner)
- PETITIONER WILL COMPLETE LONG ARM SERVICE
(Please provide a certified copy of the Petition to the Petitioner)
- PLEASE SERVE DEFENDANT:

(Fill in name and physical home or work address)

Best days/times to serve: _____

(1a - PETITION)

_____ * _____ **JUDICIAL DISTRICT COURT**
PETITIONER
 * **DOCKET NO:** _____ **DIV.** _____
VERSUS
 * _____ **PARISH, LOUISIANA**

DEFENDANT *

VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

BEFORE ME, the undersigned authority, personally came and appeared,

PETITIONER

who, upon being duly sworn, did depose and say that (*check all that apply*):

- He/She is the petitioner in the above-entitled and foregoing pleading and all of the allegations contained therein are true and correct to the best of his/her knowledge, information and belief.
- The minor child(ren) have been domiciled in the State of Louisiana for at least six (6) months prior to the commencement of these proceedings,
- He/She is not aware of any prior custody orders in Louisiana or any other State,
- He/she is not aware of any other proceedings that are pending in the State of Louisiana that would affect this matter and that the State of Louisiana Department Of Children's and Family Services (DCFS), is not involved nor has DCFS taken custody of the minor child(ren).

PETITIONER (AFFIANT) Signature

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

NOTARY PUBLIC

 Printed Name of Notary

 Notary No.

(1b - VERIFICATION)

_____ * _____ **JUDICIAL DISTRICT COURT**
 PETITIONER
 * **DOCKET NO:** _____ **DIV.** _____
VERSUS
 * _____ **PARISH, LOUISIANA**

DEFENDANT *

ORDER

Considering the above and foregoing petition and annexed affidavits:

IT IS ORDERED, that this matter is set for a Conference before the Honorable Hearing Officer _____, on the _____ day of _____, 20____, at _____ o'clock __.m, to conduct a hearing in accordance with the law and to make recommendations on custody, visitation, child support – if applicable, and court costs.

IT IS FURTHER ORDERED that a Rule to Show cause is to be hereby set before the Honorable Judge _____, on the _____ day of _____, 20____, at _____ o'clock __.m., in _____, Louisiana, directed to the defendant to show cause why:

1. The parties should not be awarded:

joint custody of the minor child(ren) with _____, designated as domiciliary parent subject to specific reasonable custodial time in favor of the other parent; or

sole custody of the minor child(ren) with _____, designated as the custodial parent subject to specific reasonable visitation in favor of the other parent

2. The Defendant should not pay child support (*if applicable, otherwise cross out*);

THUS, DONE AND SIGNED this _____ day of _____, 20____, in _____, Louisiana.

DISTRICT JUDGE

(1c - ORDER)

CLERK OF COURT:

Please send a copy of the Order to both parties at the following addresses:

PETITIONER

DEFENDANT

(Fill in your name mailing address)

(Fill in your spouse's name mailing address)

(1c - ORDER)