

**INSTRUCTION SHEET FOR PARENT'S SEEKING
MODIFICATION OF PRIOR "CONSENT CUSTODY JUDGMENT"**

These forms are applicable only if the court has previously issued a custody judgment regarding your children. If a court has not previously issued a judgment, you may want to use the "Parent's Petition to Establish Custody or Visitation." To proceed, you will need the docket number from your previous case (including related matters), the exact name and address of the other parent involved (or their attorney), and the exact name(s) and birthday(s) of all children involved.

As the person filing this form, you will be known as the "mover" in the case. The other party will be referred to as the "respondent." You will be filing your divorce as a "self-represented litigant," which means you are responsible for your case and no attorney will be representing you.

HOW TO COMPLETE THE FORMS:

1. These forms are titled "**RULE FOR MODIFICATION OF PRIOR CONSENT CUSTODY JUDGMENT**", "**VERIFICATION**," and "**ORDER**." Make sure that all of the important blanks are filled in, especially the defendant's address at the bottom left-hand side of the "ORDER." Do NOT write anything in the blank next to "Docket No." You must sign the Verification Form in the presence of a Notary Public.
2. Take all of the pages to the Clerk of Court's Office located in the parish indicated on the forms. You should also bring one (1) xeroxed copy of the forms with you. Go to the Civil Department and tell the clerk that you do not have a lawyer, and that you want to file your suit.
3. You will need to check with your local Clerk of Court to determine the case "filing fee." If you cannot afford to pay the fee when you file your case, you can include an "**IN FORMA PAUPERIS AFFIDAVIT**," which asks the court to *delay* (but not eliminate) the cost of filing. Fill out all sections of the **IN FORMA PAUPERIS AFFIDAVIT**. Reference your check stubs to fill out section (7) and be sure to sign this document in the presence of a notary. This document can be found on the list of available forms, and is labeled with the number "2" at the bottom. If you are able to pay the court fees, you can skip this step.
4. Ask the clerk to file all of the forms. Also ask the clerk to date stamp the copy you brought of the forms for you to keep.
5. 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.
6. The Clerk of Court's office will assign your case to a Judge and a Hearing Officer (if there is one), and send your petition to that Judge's office so that they will set hearing dates. Once the dates have been set by the court, the clerk of court will inform you by mail. Be sure to mark those dates on your calendar.
7. At the hearing in front of a judge, you should be prepared to prove your case with 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 as responsible or loving). You can bring screen-shots of text messages or facebook posts, certified medical records, school records, and other evidence, to show why you the court show award the custody arrangement you are requesting. **Be sure to bring all your evidence and witnesses to the hearing.**

All litigants are better off when represented by a licensed attorney. For help finding representation, visit 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:

Louisiana LawHelp: www.louisianalawhelp.org

Free Legal Answers: LA.freelegalanswers.org

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

_____ * _____TH. JUDICIAL DISTRICT COURT
VERSUS * DOCKET NO. _____ Div _____
_____ * _____ PARISH, LOUISIANA

RULE FOR MODIFICATION OF PRIOR CONSENT CUSTODY JUDGMENT

NOW INTO COURT, in proper person, comes the Mover, _____
(*print your name*), who respectfully avers to the Court that:

1.

Made Respondent is _____, (*the other party's name*) who is domiciled
in the Parish/county of _____, _____.

2.

A Consent Judgment was entered in the above captioned and entitled case that was signed on
the _____ day of _____, 20____, by a Court in _____ and
_____ (*print name of custodial parent- if any*) was designated as the domiciliary
parent in an award of joint custody of the following minor child(ren). See certified copies attached.
This judgment has been made executory/or should be made executory herein.

_____, DOB: _____; _____, DOB: _____.
_____, DOB: _____; _____, DOB: _____.

The Physical custodial periods (*visitation*) for the non-domiciliary parent, was as follows:

3.

Since the signing of the judgment, Mover believes that there has been a material change in
circumstances warranting a modification. These events include but are not limited to:

*(Describe what has happened that justifies a change of the judgment. These events must have occurred after the prior
custody judgment was signed. Ongoing court proceedings may not be in the best interest of the child(ren) and thus,
these events must not be petty. You also have to carry your burden of proof of these events. Be sure to bring evidence
with you to court, because the judge might not accept it on another date)*

_____.

4.

It is in the best interest of the above named minor child(ren) that the prior judgment be modified by: *(check all that apply)*

- Designating the Mover as the domiciliary parent; and/or
 - Granting the Mover more specified and shared visitation; and/or
 - Restricting the custodial periods (visitation) of the Respondent.
 - Granting the Mover sole custody. *(This usually requires a higher burden of proof. Examples of supporting facts include but are not limited to: drug use, incarceration, safety issues).*
 - Other: *(list other changes that are being sought such as transportation, school, etc).*
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5.

All costs of these proceedings should be assessed to the **Respondent**.

WHEREFORE, Mover prays that:

1. A *Rule to Show Cause* issue in the above captioned matter directed to the Respondent to show cause as to why the prior judgment should not be modified so that the Mover is:

(check all that apply)

- Designated as the domiciliary parent; and/or
 - Provided more specified and shared visitation; and/or
 - Allowed to restrict the custodial periods (visitation) of the Respondent.
 - Granting the Mover sole custody. *(This usually requires a higher burden of proof. Examples of supporting facts include but are not limited to: drug use, incarceration, safety issues).*
 - Other: *(list other changes that are being sought such as transportation, school, etc.).*
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2. All costs of these proceedings should be assessed to the defendant.

Respectfully submitted,

(sign your name)

(Print your name and address)

(Print your telephone number)

_____ * _____TH JUDICIAL DISTRICT COURT
VERSUS * DOCKET NO. _____
_____ * _____ PARISH, LOUISIANA

VERIFICATION

STATE OF LOUISIANA

PARISH OF _____

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

who, upon being duly sworn, did depose and say that:

He/She is the Mover in the foregoing *Rule for Modification of Prior Consent Custody Judgment* and all of the allegations contained therein are true and correct to the best of the *Mover's* knowledge, information and belief.

Mover understands that ongoing court proceedings may not be in the best interest of the minor child(ren) but that this modification is warranted.

The residence of the minor child over the past 5 years to the present time is as follows and there is a prior State custody decree from _____, which is attached herein.

Mover

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

NOTARY PUBLIC

Print Notary Name

Notary #

_____ * _____TH. JUDICIAL DISTRICT COURT
 VERSUS * DOCKET NO. _____ Div. _____
 _____ * _____ PARISH, LOUISIANA

ORDER

Considering the foregoing verified petition and annexed affidavit:

IT IS ORDERED that the parties herein shall appear, with or without their respective counsel, before Hearing Officer, _____ at the _____ Parish Courthouse, Room No: _____ in _____, Louisiana, on the day of _____, 20____, at the hour of _____ o'clock _____.m. to for a Hearing Officer Conference for the contested issues contained in the Rule below.

IT IS FURTHER ORDERED that if the parties are unable to resolve the contested issues amicably or should an objection to the Hearing Officer's recommendations be timely made, then the parties shall appear for the *Rule to Show Cause* on the _____ day of _____, 20____, at _____m. before the Honorable Judge _____, to show cause why:

(check all that apply)

- (a). The Mover should not be designated as the domiciliary parent; and/or
- The Mover should not be granted more specified and shared visitation; and/or
- The Respondent's custodial periods (visitation) should not be restricted.
- Granting the Mover sole custody. *(This usually requires a higher burden of proof. Examples of supporting facts include but are not limited to: drug use, incarceration, safety issues).*
- Other: *(list other changes that are being sought such as transportation, school, etc.).*

_____TH. JUDICIAL DISTRICT COURT JUDGE

Service Information:

PLEASE SERVE RESPONDENT:

(Print Name)

(Physical Address)