

Instructions for filing a  
**“MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)”**  
(to be filed in an existing case)

**\*\*\*NOTE: If you are not a current party to the case, you will need to file a “MOTION TO INTERVENE” prior to filing this Motion.**

---

This packet contains four forms that must be used to request a change in a shared parenting plan or a change in the designation of the sole residential parent and legal custodian. The forms enclosed are (A) “MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)”, (B) “PARENTING PROCEEDING AFFIDAVIT” containing child custody information, (C) “REQUEST FOR SERVICE” and (D) “SUPPLEMENTAL INFORMATION FORM”.

These instructions are intended to be a general guide to help you complete the forms, file them with the Court, serve them on the opposing party, and get your request properly before the Court. These instructions are not intended to be a legal analysis of your request and do not guarantee you will be successful in your Motion, but are merely to assist you in preparing and presenting your request.

- **A \$63.00 filing fee for each Motion MUST be paid at the time of filing.**
- **A separate Motion (and accompanying documents) must be filed for each child.**

**\*\*\*It will be helpful to read ALL the instructions prior to completing the forms and you may refer back to them as much as you need. The clerks cannot help you with the forms, but will verify that all sections are completed prior to filing. Incomplete forms will not be accepted.**

**A. MOTION FOR CHANGE OF PARENTAL RIGHTS AND RESPONSIBILITIES (CUSTODY)**  
(Fill out the form completely and entirely)

1. If you do not know the existing Case No. the clerk will assist you with this information.
2. Complete Nos. 1 through 5. Do not leave statements blank. Be specific.
3. You must sign the form and include a current phone number.

**B. PARENTING PROCEEDING AFFIDAVIT** (Fill out the form completely and entirely)

1. Do not leave any section blank. If not applicable mark “N/A” or if unknown mark “unknown”.

2. This document must be **signed in the presence of a Notary Public**. A notary can typically be found at a bank or credit union, a library, a hotel, law enforcement offices, auto dealerships, Department of Motor Vehicle (DMV) offices, UPS Store, as well as some insurance companies and pharmacies.

### **C. REQUEST FOR SERVICE**

1. Service should be made to any party upon whom service of summons is sought.
2. You must have a valid address for the parties in order to obtain proper service of your Motion. The case cannot proceed until proper service has been made on all the parties.
  - a. If you don't know their home address, you may use their work address.
  - b. If you have made every effort to locate an address and are unsuccessful, write "unknown" in the address field. A separate "Affidavit" pursuant to the Court's Local Rule (available in the clerk's office or on the Court's website) regarding the unknown address should be filed along with the Motion.
3. You need to choose which type of service (certified mail or personal service) you want for each of the parties served.
4. Any costs of service are the absolute ***responsibility of the filing party***.
5. The filing party of the Motion will receive a copy of the filings by regular mail after along with a Hearing Notice.
6. You must sign the form at the bottom.

### **D. SUPPLEMENTAL INFORMATION FORM**

- Please complete this form with your information (the filing party). It will remain confidential and separate from case documents, however, may be used in future collection efforts if you fail to pay costs as ordered.

\*If you have additional information to include that does not fit on the forms, please attach those documents to the Motion. Said documents will be considered part of the Motion and will be served contemporaneously to the other parties.

### **FILING YOUR PAPERWORK**

After you have completed all the forms and have signed the "Parent Proceeding Affidavit" in the presence of a Notary Public as required, return them to the Juvenile Court Clerk's office on the 2<sup>nd</sup> floor of the Courthouse, Suite 202.

At this time you will be required to pay a \$63.00 filing fee per Motion (each child).

## NEXT STEP: INITIAL HEARING

- The case will be set for an initial hearing, usually 2-3 weeks from the time of filing, depending on what the Court docket allows.
- Preparing for the hearing:
  - ◆ Dress appropriately as you would for a job interview.
  - ◆ Be prepared to tell the Judge in clear simple terms why you want a change in the shared parenting plan or a change in the designation of the sole residential parent and legal custodian and why it is in the best interest of the child.
  - ◆ This is your chance to present the facts. Written notes outlining your reasons can be helpful in Court when you testify.
  - ◆ This is not the time to tell the Judge all the things the other party has done that you disagree with or that has hurt or angered you. The Judge will only want to hear evidence you have that shows or supports your request.
  - ◆ You may be asked questions at the hearing by the Judge, by the other party or by an attorney. Be directly responsive to the questions. Listen to the questions and make sure you provide the information you are asked for. If you do not understand the questions or are not sure what you are being asked, you have a right to have the question explained to you before answering it.

## COUNSEL

The Court encourages you to retain counsel (an Attorney) to represent you during this process. It may be difficult, if not impossible, to represent yourself at a trial should the case proceed in that direction.

The clerk's office has a brochure titled "Representing Yourself in Court", that includes information regarding your options and responsibilities should you choose to proceed without legal representation.