

**INSTRUCTION SHEET FOR PARENT'S PETITION FOR  
CUSTODY, VISITATION, and/or CHILD SUPPORT**

**These forms are for parents seeking custody, visitation, and/or child support for their children. The children involved in the case must be in the State of Louisiana for over six (6) months before you file. If you are not the child's parent, or if there is prior custody, juvenile, or adoption order in any court in Louisiana or any other state, these forms will not work and you should visit [www.LSBA.org/goto/FindLegalHelp](http://www.LSBA.org/goto/FindLegalHelp) for further help.**

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. As the person suing, you will be known as the **Petitioner** and your spouse or the child(ren)'s other parent will be known as the **Defendant**. All the forms you need to file are attached.

**HOW TO COMPLETE THE FORMS:**

1. These forms are titled "PETITION FOR CUSTODY AND VISITATION/CHILD SUPPORT", "ORDER," and "VERIFICATION." 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. Because you are seeking custody, 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 for your petition. Once the dates have been set by the court, the clerk of court will inform you by mail of the hearing dates. Be sure to mark those dates on your calendar.
7. The first date will be a hearing before a Hearing Officer (if there is one). Prior to the hearing, the Court will send you forms. Submit the completed forms in a timely manner. When you mail in your completed form, keep a copy for yourself, and mail a copy to the other side or their attorney.

8. The Hearing Officer (if applicable), will make recommendations regarding a custody and visitation plan. If both parties agree to this recommendation, the court date before the judge (rule date) will be cancelled. However, if you or the other party disagrees with the recommendations of the Hearing Officer, an objection will need to be filed within five days of the Hearing Officer Conference in order to preserve the second hearing, which will take place in a court room, in front of a judge. If you want to object, ask the Hearing Officer for the form you need to object, fill it out, and file it with the Clerk of Court.
9. 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 responsible or loving), screen-shots of text messages or facebook posts showing you to be a “good” parent or the other parent to be a “bad” parent, pictures, certified medical records, or 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.LSBA.org/goto/FindLegalHelp](http://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](http://www.louisianalawhelp.org)

Free Legal Answers: [LA.freelegalanswers.org](http://LA.freelegalanswers.org)

Law Library of Louisiana: [lasc.libguides.com/resources-for-self-represented-litigants](http://lasc.libguides.com/resources-for-self-represented-litigants)



IV.

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

V.

For the last six months, the child(ren) have resided with: (briefly state where the child(ren) has(ve) lived for the past six months, with whom, and why) : \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

VI. (please check and initial one)

\_\_\_\_\_ Mover acknowledges that Mover has the right to seek child support by contacting the Louisiana Child Support Enforcement Agency and intends to do so.

**or**

\_\_\_\_\_ Mover 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.

VII.

Petitioner is a citizen of this State and because of petitioner's poverty and want of means, petitioner is unable to pay the costs of this suit in advance, or as they accrue, or to give security therefor, and desires to file and prosecute this action under the provisions of the Louisiana Code of Civil Procedures, Articles 5181-5188.

**WHEREFORE**, petitioner prays that:

1. After due proceedings, there be judgment herein awarding the parties joint/sole (circle one) custody of the minor child(ren) with \_\_\_\_\_, designated as domiciliary

parent/sole custodian subject to specific reasonable visitation rights in favor of the other parent;

2. Defendant be ordered to pay child support ( if applicable, otherwise cross out);
3. Petitioner be granted all general and equitable relief; and
4. Petitioner be allowed to file and prosecute this action *in forma pauperis* and defendant be assessed with paying court costs in this matter.

Respectfully submitted,

BY: \_\_\_\_\_

In Proper Person

*Printed Name:* \_\_\_\_\_

*Address:* \_\_\_\_\_

*Telephone No. 's:* \_\_\_\_\_

\_\_\_\_\_ \* \_\_\_\_\_<sup>TH</sup> JUDICIAL DISTRICT COURT

**VERSUS** \* **DOCKET NO.**

\_\_\_\_\_ \* \_\_\_\_\_ PARISH, LOUISIANA

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**ORDER**

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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 .

*(If The Hearing Officer Conference is applicable, otherwise court will cross out).*

... **IT IS FURTHER ORDERED** that, if the parties are unable to resolve this issue amicably, then 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/sole (*circle one*) custody of the minor child(ren) with \_\_\_\_\_, designated as domiciliary parent/sole custodian subject to specific reasonable visitation rights in favor of the other parent; and
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

*Petitioner: Do not fill in the blanks for the dates above. Fill in the blanks below, indicating the home or work address of the other party. If using a work address, you must provide the court with the times at which the party can be found at work because service must be made personally on the defendant. If the address is hard to find, provide driving directions.*

**PLEASE SERVE Defendant:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_\* \_\_\_\_\_<sup>TH</sup> JUDICIAL DISTRICT COURT  
VERSUS \* DOCKET NO.  
\_\_\_\_\_\* \_\_\_\_\_ PARISH, LOUISIANA

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**VERIFICATION**

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**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 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. There are no prior custody decrees in this state or any other state.

Further, Mover certifies that 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, that there are no prior custody orders in Louisiana or any other State

Finally, Mover certifies that 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 Dept. Of Children's and Family Services (DCFS), is not involved nor has DCFS taken custody of the minor child(ren).

\_\_\_\_\_  
**AFFIANT**

**SWORN TO AND SUBSCRIBED** before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
Printed Name of Notary

\_\_\_\_\_  
Notary No.