

This form is intended for individuals who:

- ✓ Have an existing custody order/agreement in place.
- ✓ Want to implement a visitation schedule, consisting of supervised or unsupervised visits, into their existing custody order/agreement.

**Instructions:**

1. Be sure you have the correct petition.
2. Fill in the blanks with 100% accurate information- *any false statement made under oath contained in the foregoing petition may constitute perjury.*
3. Check all options that pertain to your situation.
4. If you have trouble reading, writing, or understanding what is in this petition, ask a SHRC Volunteer for help.
5. Once you have filled out your petition, ask a SHRC Volunteer to look through it with you to ensure it is correct and complete.

**What you will need:**

1. The address of the individual you want served with these papers.
2. The necessary court costs by cash or money order, or an *in forma pauperis* application.

\_\_\_\_\_  
PETITIONER

Number \_\_\_\_\_ Division \_\_\_\_\_

9th JUDICIAL DISTRICT

VERSUS

PARISH OF RAPIDES

\_\_\_\_\_  
DEFENDANT

STATE OF LOUISIANA

\*\*\*\*\*

**RULE FOR VISITATION**

Now comes \_\_\_\_\_ (Petitioner), who respectfully requests that this Honorable Court set visitation for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Add additional pages if necessary.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

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

\_\_\_\_\_

Telephone: \_\_\_\_\_

**ORDER**

Considering the above pleadings:

**IT IS ORDERED** that the parties and their attorneys, if any, appear on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_\_.m. for a pre-trial conference.

**IT IS FURTHER ORDERED** that the defendant show cause on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_\_.m. why the custody order should not be modified.

Alexandria, LOUISIANA, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Judge, 9th Judicial District Court

**PLEASE SERVE:**

Name: \_\_\_\_\_

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

\_\_\_\_\_

## INSTRUCTIONS FOR FILING RULE FOR VISITATION

**THESE FORMS ARE ONLY FOR A PARENT WHO IS SEEKING TO OBTAIN A SET VISITATION SCHEDULE.** These forms can only be used if you already have an order by the court establishing custody. Please note, these forms will not modify custody, get you a divorce; settle child support, spousal support, or protection from abuse.

You will be filing to modify custody **In Proper Person or Pro se.** **What does Pro Se mean?**

- You will NOT have an attorney representing you.
- The **Petitioner** is the person who filed the original petition for custody.
- The **Defendant** is the person who was the defendant in the original petition.
- As the person filing the Rule for Visitation, you are called the **Mover**.

## **STEP ONE: File Rule for Visitation**

### **What you will need:**

1. **“RULE FOR VISITATION”**- this is a rule asking the court to give you a hearing date. The Order, at the bottom of the form, tells the opposing party to come in to court on that date to show why your request to set visitation should or should not be granted.
2. **"IN FORMA PAUPERIS AFFIDAVIT" (“IFP”)**– this is a sworn statement which tells the court about your financial circumstances and asks the court to let you file the rule to modify custody without paying court costs ahead of time. Either you or the defendant will have to pay the court costs after the rule is granted or denied.
3. If you are not filing IFP and are going to pay the costs for filing the Rule instead, do not fill out the IFP.

### **A. Fill out the forms**

- Fill in all the blanks on the forms above.
- You must fill in the Rule using the original petitioner’s name and the original defendant’s name from the original custody documents. You must also fill in the case number from the original custody case.
- The IFP **must be signed before a Notary Public**. In order to complete the IFP you will need a witness who is 18 years of age or older to also sign in front of a Notary Public. The witness must know about your financial circumstances and understand that you cannot pay the costs of filing for rule for visitation up front.

### **B. Take the forms to the Clerk of Court**

- Once the forms above are filled in and notarized, make two (2) copies of each. Take the originals (the notarized copy) and the two (2) copies of each to the Clerk of Court's Office located in the parish where you live.
- Go to the Civil Department and tell the deputy clerk that you are filing a Rule for Visitation without a lawyer and that you want to file “In Forma Pauperis.”
  - Note: if you are not filing the IFP because you’ve decided to pay the costs for filing the Rule, you will need to pay the costs to the clerk of court when you file the Rule.
- Ask the deputy clerk to file all of the originals and to time-stamp or “clock” your copies.

### **C. Take the forms to the Judge's staff**

- In the original custody case, you were assigned to a division (“A”, “B”, “C”, etc.) Once the clerk has filed your papers, ask for the originals back from the clerk and take them to the office of the division your case has been assigned to.
- Tell the judge's staff you are filing a Rule Visitation and give them your Rule.
- If you are filing the IFP, you must tell the judge's staff you want the judge to review your IFP.
- Ask the judge's staff how you will find out if the IFP was granted or not. Some courts will return the IFP to you in the mail and other courts will have you call the clerk's office a couple of weeks later and go back to the clerk of court to pick them up when they are ready.

### **D. Wait for the forms to be returned to you.**

- You will either be mailed a copy of the IFP and the Order or you will go back to the clerk of court and pick these papers up when they are ready.
- Check the last page of the IFP at the bottom of the page where it says “Order.” If the “Order” is signed and dated by the judge, then they have granted your request to waive your court costs. If it is not signed, then the judge has denied your request.
  - If the judge **granted** your IFP waiver, you need to take the papers back to the clerk and have the clerk file the papers now signed by the judge. Have the clerk date and stamp one of your copies for your records.
  - If your Order for pauper status was **denied** by the Judge, no services will be provided by the Clerk's Office until you pay all costs.

### **E. Find out the date for your hearing**

- Look at the Rule for Visitation.
- If your IFP was granted, then the judge should have given you a date and time for your hearing and signed the Order.
- If your IFP was denied, then you won't be given a hearing date. You can either appeal the IFP denial (see materials on LawHelp.org for how to appeal) or pay the filing costs to the Clerk of Court. If you decide to pay the costs, then after you have paid, take the Rule to the judge's staff. Tell the judge's staff you need a hearing date.
- Now that you have a hearing date, you have the Rule “served.”

## **STEP TWO: Serving the Rule for Visitation**

What you will need:

1. **“RULE FOR VISITATION”**
2. **“INFORMA PAUPERIS AFFIDAVIT”**
3. **COVER SHEET**- for citation and service. You can get this from the Clerk of Court.

### **A. Go to the Clerk of Court**

- Go back to the Clerk of court with the Rule and the IFP. Have the clerk of court file the originals and ask for certified copies of the Rule and the IFP. A “Certified” copy is a legal copy that is stamped by the Clerk of Court (“This is a True Correct Copy”)
- Ask for a citation and fill out the citation and service form.

### **B. Go to the Civil Sheriff’s office**

- Go to the Civil Sheriff with the certified copies AND the cover sheet for citation and service and tell them you need to have the defendant in your case “served.” If you present a signed IFP, you will not need to pay for the costs of service. (Note: only the Rule will be served on the defendant; the IFP should *not* be served on the opposing party).
- You will need to provide an address (home or work) where the civil sheriff can find the defendant to deliver these papers. If the address is hard to find, provide directions in the entry made.

### **C. Wait for the opposing party to be served**

- You have two (2) options to find out when and how the defendant was served:
  1. When you drop off the Rule, you can tell the civil sheriff’s office that you are filing Pro Se and that you need the “Sheriff’s Return” to be mailed to you. If you chose this option, the Sheriff’s return should be mailed to you within two weeks.
  2. You can also check the civil sheriff’s website. Visit: <http://www.civilsheriff.com/> click on “Case Inquiry” and enter in your case number. You should be able to see when service was made on the defendant. It may take up to two weeks for service to be made.

## **STEP THREE: Attend Hearing**

**What you will need:**

1. **“SHERIFF’S RETURN”** (if you chose to have the Sheriff’s Return mailed to you)
2. Any evidence you may want to use to support your case and any witnesses you may want to testify on your behalf.

**A. Go to court on your hearing date**

- On your hearing date, go to the division of court your case has been assigned to with the Sheriff’s Return (if you chose to have it mailed to you) and any supporting evidence.
- You may want to research the factors that the court considers when deciding whether to modify custody (Go to LawHelp.org for information on the Best Interest of the Child factors).
- As the mover, you will present your case first. You will be sworn in. You will have to tell the judge why you think you should get the visitation you are asking for. The judge will likely ask you questions. If the opposing party appears for the hearing, he or she will also have an opportunity to present their case for why custody should or should not be modified.
- Ultimately, it is within the judge’s discretion to decide what is in the best interest of the child. Make sure you understand what the final judgment at the hearing. If you do not understand, ask the judge to clarify for you.

**B. Get a certified copy of the Judgment**

- This is the final step! When the hearing is over, you must bring the signed judgment to the Clerk of Court and obtain a true certified copy of the judgment for your records.