

MODIFICATION OF CHILD CUSTODY INSTRUCTIONS

Our office has prepared these forms for general use by people applying for legal services. This office is not representing you. No one from this office will appear in court with you. These forms were prepared so that you could represent yourself. For legal advice about your case, contact an attorney.

You should use these forms if:

- You do not have custody of your children and you want custody of them.
- You have custody of your children, and you want the other parent to have custody of them.
- You were divorced from the children's other parent.

You should have five forms in this packet:

1. Verified Petition for Modification of Child Custody
2. Agreed Entry for Modification of Child Custody
3. Child Support Worksheet and Child Support Guidelines
4. Notice of Hearing
5. Order for Modification of Child Custody

You must fill out some of the forms listed above so you can file to change custody. You should type the information onto the forms, if you can; otherwise, print neatly.

WHICH FORMS TO USE

If you and the other parent agree on how to change custody, use:

1. Verified Petition for Modification of Child Custody
2. Agreed Entry for Modification of Child Custody

If you and the other parent do not agree on how to change custody, use:

1. Verified Petition for Modification of Child Custody
2. Notice of Hearing

If you and the other parent do not agree on how to change custody, there will be a hearing. When you go to the hearing, you should bring:

1. Child Support Worksheet
2. Order for Modification of Child Custody

HOW TO FILE THE FORMS

(Check off the steps for filing as you finish them.)

- _____ Fill out the forms listed above that you need to file. You will need to look at a copy of your current custody order. This is your divorce decree if you were married.
- _____ Make three copies of each original form that you have filled out. One is for the Court, one is for the other parent, one is for our records, and one is an extra copy.
- _____ File the forms and copies with the Clerk of the Court that issued the current Custody order. The Clerk will stamp the forms, keep one copy, and return the others.
- _____ Mail one stamped copy of the Verified Petition for Modification of Child Custody to the other parent's attorney. If the other parent does not have an attorney, just mail it to the other parent.

PREPARING FOR THE HEARING (Check off the steps as you go.)

- _____ Bring the forms listed above.
- _____ You should keep a diary of all the problems that you are having with the other parent about custody. This diary should be as specific as possible, and include dates and times.
- _____ Bring any documents or witnesses that might help you explain why the current custody order should be changed.
- _____ Dress nicely. This means no T-shirts or jeans with holes in them, halter tops, Baseball hats, or sweatpants. Dress as if you were going to church.
- _____ Try not to bring your children to Court.
- _____ Be polite to the judge. Call the judge "Your Honor".
- _____ Answer all the judge's questions as best you can.
- _____ You have the right to ask the other parent and any witnesses questions during the hearing. Before the hearing, think about what kinds of questions you want to ask.
- _____ As the end of the hearing, you need to tell the judge exactly what you want.

VERIFIED PETITION FOR MODIFICATION OF CHILD CUSTODY

1. Look at the current custody order, or your divorce decree if you were married to the other parent. Fill in the name of your county, and the names of the other parent in the same order as they appear at the top of the custody order. The first person listed is the Petitioner, and the second person listed is the Respondent. Fill in the Cause No. from the custody order.
2. Fill in the first blank with your full name.
3. In Paragraph 1, put the number of how many children you and the other parent have together. This should include any children that were born or that you adopted together, whether or not you and the other parent were married. Then list the full names of the children, and their dates of birth.
4. In Paragraph 2, fill in the date of the current custody order, and the name of the person who currently has custody of the child(ren).
5. In Paragraph 3, explain why the Court should change the custody order. Try to be as specific as possible.
6. In Paragraph 4, put the name of the person who currently has custody of the children in the first blank. Then put the name of the person whom you want to have custody in the second blank.
7. In the last paragraph, which begins with "WHEREFORE," fill in your name.
8. Fill in the remaining blanks with your name and address information.
9. Under the heading "Certificate of Service," fill in the date that you will send a stamped copy of the Petition to the opposing party or their attorney. Then print and sign your name.

NOTICE OF HEARING

1. Fill in the blanks at the top of the form with the same information that you filled in at the top of the Verified Petition for Modification of Child Custody.
2. Leave the blanks for the hearing date and time, court name, and judge's signature for the judge to fill in.
3. Fill in the blanks at the bottom of the form with your and the other parent's name, address, and telephone number.

AGREED ENTRY FOR MODIFICATION OF CHILD CUSTODY

1. Fill in the blanks at the top of the form with the same information that you filled in at the top of the Petition.
2. Fill in the first two blanks with the full names of you and the other parent.
3. In Paragraph 1, fill in the date of the current custody order, and the name of the person who currently has custody.
4. In Paragraph 2, list the full names of your children and their dates of birth.
5. In Paragraph 4, put the name of the person who currently has custody in the first blank. Then put the name of the person whom you and the other parent want to have custody in the second blank.
6. In Paragraph 5, fill in the name of the person who will be paying child support in the first blank. (This is the person who does NOT have custody of the children.) Then fill in the name of the person who will be getting child support in the second blank. Then fill in the amount of child support to be paid.

You should complete the Child Support Worksheet in order to get this amount.

OR

You and the other parent may agree on a different amount.

7. In Paragraph 6, fill in the name of the person who will have visitation with the children. (This is the person who does NOT have custody of the children.) Then fill in the other blanks with the visitation schedule that you and the other parent want.

Every county has standard visitation guidelines to follow. You can get a copy of the guidelines from the Court Clerk. Just fill in the blanks with "Guideline Visitation".

8. Both of you must print and sign your names.

ORDER GRANTING MODIFICATION OF CHILD CUSTODY

1. Fill in the blanks at the top of the form with the same information that you filled in at the top of the Petition.
2. Fill in the blanks on the second page where it says "Distribution to:" with the name and address information for you and the other parent.

3. Leave all the other blanks for the judge to fill in.

CHILD SUPPORT WORKSHEET – A calculator will make this easier.

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. _____

CAUSE NO. _____

Petitioner,

and

Respondent.

VERIFIED PETITION TO MODIFY CUSTODY

_____, pro se, files a Verified Petition to Modify Child Custody and states as follows:

1. The parties have _____ minor child(ren), whose names and dates of birth are as follows:

NAME

DATE OF BIRTH

2. By prior court order, _____ has custody of the parties' minor child(ren).

3. Since that time, there has been a change in circumstances, so substantial and continuing as to warrant a change in the current custody order, for the following reasons:

4. It is in the minor child(ren)'s best interests that the Court change custody of the minor child(ren) from _____ to _____

5. The Court should set a hearing to determine if custody should change.

6. If the Court grants the Petition, the Court should also modify the existing child support order and parenting time orders to reflect the change in the custody order.

WHEREFORE, _____ requests that the Court set this matter for hearing, and after a hearing, modify custody of the minor child(ren), modify the existing child support and parenting time orders as is appropriate, and order all further relief that is just and proper in the premises.

Dated this _____ day of _____, 20____.

(Signed name)

(Printed name)

I affirm under penalties for perjury that the foregoing representations are true.

(Signed name)

(Printed name)

Name

Street Address

City, State, Zip Code

Telephone Number

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. _____

CAUSE NO. _____

Petitioner,

and

Respondent.

NOTICE OF HEARING

_____, pro se, having filed a Verified Petition to Modify Child Custody, and the Court now finds the Petition should be set for hearing.

IT IS THEREFORE ORDERED that the Verified Petition to Modify Custody is set for hearing on the _____ day of _____, 20____, at _____ a.m./p.m.

Dated this _____ day of _____, 20_____.

Judge

Distribution to:

Petitioner's Name

Respondent's Name

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. _____

CAUSE NO. _____

Petitioner,

and

Respondent.

ORDER GRANTING MODIFICATION OF CUSTODY

Comes now the _____, pro se having filed a Verified Motion for Modification of Child Custody and comes (now/not) the _____, pro se/with counsel. Evidence heard and concluded. The Court now finds there has been a change in circumstances so substantial and continuing as to warrant a modification in the current custody order. The Court now ORDERS as follows:

1. The current custody order is modified, and custody of the minor child(ren) shall be granted to _____.

2. _____ will pay support to _____ in the following amount: \$ _____ per week, per the Child Support Guidelines Worksheets attached.

3. _____ will have parenting time with the minor child(ren) according to the Indiana Parenting Time Guidelines or as follows: _____

SO ORDERED this _____ day of _____, 20_____.

Judge

Distribute to:

Petitioner's Name

Respondent's Name

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. _____

CAUSE NO. _____

Petitioner,

and

Respondent.

AGREED ENTRY TO MODIFY CUSTODY

_____ and _____
pro se, file an Agreed Entry to Modify Child Custody and state they agree as follows:

1. By prior court order, _____ has custody of the parties' minor child(ren).

2. The parties have _____ minor child(ren), whose names and dates of birth are as follows:

NAME

DATE OF BIRTH

3. Since that time, there has been a change in circumstances, so substantial and continuing as to warrant a change in the current custody order.

4. It is in the minor child(ren)'s best interests that the Court change custody of the minor child(ren) from _____ to _____

5. _____ will pay support to _____ in the following amount: \$ _____ per week. (Attach Child Support Guidelines Worksheets.)

6. _____ will have parenting time with the minor child(ren) according to the Indiana Parenting Time Guidelines or as follows: _____

Dated this _____ day of _____, 20____.

(Signed name)

(Signed name)

(Printed name)

(Printed name)

Street Address

Street Address

City, State, Zip Code

City, State, Zip Code

Telephone Number

Telephone Number

STATE OF INDIANA
COUNTY OF DELAWARE

) IN THE _____ SUPERIOR/CIRCUIT COURT
) SS:
) CASE NO. _____

Petitioner,

V.

Respondent.

Appearance of Petitioner

1. _____ Party: _____
2. Attorney Information: Self-Represented
3. Case Type : DR
4. Will **NOT** accept FAX service.
5. Names of all family members: _____

child/ren are involved in this matter.

6. Are there related cases? Yes No

Case Number(s): _____

Signature

Print your name

Mailing Address

Town, State and Zip Code

Telephone number, with area code

STATE OF INDIANA
COUNTY OF DELAWARE

)
) SS:
)

IN THE _____ SUPERIOR/CIRCUIT COURT
CASE NO. _____

Petitioner,

V.

Respondent.

Appearance of Respondent

1. _____ Party: _____
2. Attorney Information: Self-Represented
3. Case Type : DR
4. Will **NOT** accept FAX service.
5. Names of all family members: _____

_____ child/ren are involved in this matter.

6. Are there related cases? Yes No

Case Number(s): _____

Signature

Print your name

Mailing Address

Town, State and Zip Code

Telephone number, with area code