

Self-Represented Litigant Petition:

Petition to Establish Custody

Instructions

This guide is **not legal advice** and cannot take the place of the advice that a lawyer can give you. It is always best to speak with a lawyer before taking any legal action.

When you represent yourself in court, you must follow all the proper procedures and the law. It is your responsibility to see your case through the whole process.

These **instructions** are meant to guide you through the process of asking the court to establish a custody order for you minor child(ren). If a custody order has already been issued by the court, you may want to petition the court to *modify custody* rather than *establish custody*.

The court will set all custody orders according to the best interest of the child(ren).

Information you will need:

- The **exact name and address of the other party** in this matter.
- The **exact name(s) and date(s) of birth of all children** included in the Petition for Custody.

You will be filing for custody as a self-represented litigant (SRL), which means without an attorney representing you.

As the person suing for custody, **you** will be called the **Petitioner** and **the other party** is the **Defendant**.

Instructions for Filing Petition to Establish Custody

Please print all information clearly. Read everything carefully, double check the information you fill in, and make sure you fill out the forms completely.

Forms filed together: “Petition to Establish Custody” and the attached “Verification”

Fill out the following to prepare the information needed to complete your petition:

Beginning paragraph:

- Your name: _____
- Your domicile (parish/county and state of your current permanent address):

Paragraph 1:

- Other parent’s name: _____
- Other parent’s domicile: _____

Paragraph 2:

- Name and Dates of Birth of all of your minor children born or adopted to you and the other parent:
 - _____
 - _____
 - _____
 - _____
 - _____

Paragraph 3:

- Where the children are currently residing: _____

Paragraph 4: This paragraph asks you to select the **physical custody arrangement** that you are requesting from the court.

The **first option** is if you are requesting **joint custody** of the child(ren), with one parent getting more time and the other parent getting physical custody with the child(ren).

- If this is what you are requesting, check this option and write the name of the parent you want to have **domiciliary status** in the first blank.
 - Usually, the *domiciliary parent* is the one the child **primarily** resides with and the parent that gets to make important decisions for the child.
- Write the other parent's name in the second blank, so that he/she can have physical custodial periods with the child(ren).
- Explain the time periods you would like for that parent to have those custodial periods in the lines that follow.

The **second option** is if you are requesting **joint custody** of the child(ren) with both parents sharing **equal time** with the child(ren).

- If this is what you are requesting, check this option and write the name of the parent you want to have **domiciliary status** in the first blank.
 - Again, the *domiciliary parent* is the one the child **primarily** resides with and the parent that gets to make important decisions for the child.
- Write the other parent's name in the second blank
- Explain the time periods that you consider equal time for both parents in the lines that follow.

The **third option** is if you are requesting **sole custody** of the child(ren).

- If this is what you are requesting, check this option and then select one of the three options underneath:
 - The **first option** here is if you want the other side to be allowed **some visitation** with the child(ren).
 - The **second option** here is if you want the other side to be allowed **supervised visitation**.
 - The **third option** here is if you want the other side to have **no visitation** with the child(ren) at all.

Paragraph 5: Tell the court why you think the custody arrangement that you're requesting is in the **best interest of the child(ren)**. Please give your detailed explanation for why you want to set custody like you are asking. *Remember that the court usually will not grant sole custody, so it's important to give serious reasons if that is what you're requesting.*

When you complete the Petition, **sign and provide your name**, address, and telephone number in the space provided.

Along with your petition, you will have to sign the **Verification** form, which states that you are swearing that everything in your petition is true. Complete the top part with your case information just like your petition.

- Must be **signed in front of a Notary public**.

The last page in your form packet is titled **Order**.

- You must fill in the top part with your case information, just like your petition.
- **Fill in the service information for the other parent.**

- **Defendant's name:** _____

- **Address:**

- **Telephone Number:** _____

**Be sure you provide an address where the Sheriff's office
can find him/her.**