

PETITION/MOTION TO MODIFY CUSTODY/VISITATION INSTRUCTIONS FOR COMPLETING DR 7

If you already have a court order for custody or visitation, you can request the court to change custody or visitation. To do this you may: (1) obtain the services of an attorney to handle your case; or (2) file the case yourself by using the DR forms.

Use this form **only** if there is already a court order for custody or visitation AND you were named as a Plaintiff or Defendant in that court case. To complete this form, ***you will need a copy of that order***. If you do not have a copy, ask the Clerk of the Court how to get one.

There are 6 steps you must follow in order to proceed with the case yourself:

> STEP 1 — Completion of Form DR 7.

Follow these instructions carefully.

Use this form **only** if there is already a court order for custody or visitation AND you were named as a Plaintiff or Defendant in that court case. To complete this form, ***you will need a copy of that order***. If you do not have a copy, ask the Clerk of the Court how to get one.

After you have a copy of the original court order, fill in:

- the case number ***exactly*** as it appears on the order;
- the name(s) of the Plaintiff and the Defendant(s) ***exactly*** as they appear on the order;
- the ***current*** addresses and telephone numbers for the Plaintiff and each Defendant. If you do not have an address for a defendant and you have done everything you can to find the address, call the Legal Forms Helpline (1-800-818-9888) to see if resources are available in your county to help you.

Line 1: After printing your name in the space provided, circle if you are the mother or father of the child(ren) or fill in your relationship to the child(ren). List the child(ren)'s full name(s) and date(s) of birth.

Line 2: Looking at the order, fill in the date, city or county where the order was granted, the case number, the name of the person with custody, and the name of the person(s) granted visitation.

Line 3: For the court to grant your petition to modify custody/visitation, there must have been a change in circumstances that makes it in the best interests of the child(ren) to

change the custody/visitation. Explain what has happened to make this change in custody/visitation necessary.

Line 4: Indicate any other cases that have involved the children.

FOR THESE REASONS:

- Explain how you would like the custody/visitation to be changed.
- If you are also seeking a change in the current child support order, check off the box indicating you are seeking such a change.

The court will not necessarily give you what you asked for.

Date and sign this form.

> STEP 2 — Filing Fee.

Payment of a filing fee is generally required. See *General Instructions*.

> STEP 3 — Filing Your Forms.

Take the completed documents to the Clerk of the Court.

> STEP 4 — Service.

You will need to have the other party properly served with a copy of all the papers you are filing **AND** with a Writ of Summons which is provided by the Civil Clerk of this Court. See *General Instructions*.

> STEP 5 — Request for Hearing or Proceeding.

The Petition/Motion for Modification of Custody/Visitation alone will not get you into court. You may need to file a Request for Hearing or Proceeding, CC-DR 59 so that a court date will be set. See *General Instructions*.

> STEP 6 — Hearing.

See page 5 of the *General Instructions - What Happens in Court?*

Custody is one of the most difficult types of cases. **IF A CHANGE IN CUSTODY IS CONTESTED, YOU SHOULD SEE AN ATTORNEY.**