

How to Change a Custody or Visitation Order

What is a change in custody?

A change in *custody* means changing who the children live with or who can make decisions about their health, education and other important things.

What is a change in visitation?

A change in *visitation* means changing the schedule of when the children will be with the parent who does not have custody.

How do I ask for a change in custody or visitation?

If you want to make a change in the legal custody orders, fill out these forms.

- *Request to Change Custody or Visitation (PS-07)*
- *Child Support Information Sheet (CS-47)*

Will the court make the custody change I want?

It depends. If the other parent agrees to the change you are asking for, the court may approve.

If the other parent does not agree with the orders you are asking for, the judge will probably not change the custody orders, unless you prove that the child/ren's health or safety is at risk.

Can the court help me fill out my forms?

No. But this sheet gives you general information about how to fill out the forms.

What is my case number?

Use the same case number as your previous custody order.

What do I do after I fill out my forms?

Take your originals and 2 copies of each form to the court clerk in the **same** county where your current custody orders are from.

Do I have to pay to file my forms?

Yes. You must pay a filing fee in cash or with a money order. The court clerk can tell you the exact amount. If you cannot pay the fee, also fill out this form to tell the court about your income and expenses:

- *Affidavit of Substantial Hardship*

But **do not sign it** until you are in front of a notary and swear that the information is true. The judge will decide if the fees can be postponed.

What will the clerk do with my forms?

The clerk will:

- date-stamp all your forms,
- keep 2 copies, and
- give you a date-stamped copy for your records.

How will the other people involved in my case know about the change in custody?

After you file your forms, the clerk will have someone serve (give or mail) the other parent and people in this case a copy of your forms (by Sheriff or certified mail). That way they will know what you are asking for.

Important! If the address you give for the other parent (or other person with legal custody) is not current, the court cannot hear your case.

Will a change in custody affect child support?

Maybe. A change in custody could change:

- the amount of support to be paid, and
- the person who has to pay the child support.

What should I bring to my hearing?

Bring evidence that supports the change you are asking for, such as documents and witnesses who have personal knowledge of facts that support your case.

What if I only want to change the visitation schedule?

The court wants you and the other parent (or other person with custody of the child/ren), to have a parenting schedule that is good for the *children*. A good schedule gives the children regular times with each parent. This lets the children know which parent they will be with and when. This helps the children feel loved, secure and cared for.

Try to get an agreement with the other person in this case about the change you want. Make sure the court approves the agreement, because only court-approved agreements are enforceable.

If you cannot get an agreement with the other parent, you must show the judge there is a good reason to change the visitation schedule.

If you believe the child/ren are at risk with the other parent, ask the court for supervised visitation.

Need help?

Call Legal Services Alabama at: **877-393-2333**
Or visit: **www.alabamalegalhelp.org**

Request to Change Child Support

Case Number: _____

In the _____ Court of (county): _____ County, Alabama

Plaintiff's First and Last Name
(the person listed as Plaintiff on your previous Order)

v.

Defendant's First and Last Name
(the other parent)

Plaintiff's Information

Street Address: _____

Date of Birth (mm/dd/yyyy): _____

Phone #: (____) _____

Defendant's Information

Street Address: _____

Date of Birth (mm/dd/yyyy): _____

Phone #: (____) _____

① List the date and place where your current child support order was made

Date: _____ County and State: _____

List the court case number of your current order (case #): _____

List the children your current child support order covers:

Name(s):	Age
_____	_____
_____	_____
_____	_____
_____	_____

② Why are you asking for a change in child support? (Explain what has changed):

Important! You must also fill out and file an updated Form CS-41 (Financial Declaration).

③ What orders are you asking for now?

Because of significant financial changes, I am asking the court to (check all that apply):

- Make new child support orders at a court hearing to (check one):
 - increase child support decrease child support
- Make an order to take child support from the supporting parent's paycheck (a withholding order).
- Order the other parent to keep (or get) health insurance that covers the child/ren listed above.
- Other (explain): _____

Print your name: _____

Sign here:  _____

Date: _____