

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 the Current Custody or Visitation Order

Case Number:

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

v.

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

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

Important! Do not use this form in a child support case filed by Alabama DHR.

1 Your Information

Name: _____

First

Middle

Last

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

Address: _____ Street address City State Zip

2 The Other Parent's Information

Name: _____

First

Middle

Last

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

Address: _____ Street address City State Zip

3 Where is your current order from? (county and state): _____, Case #: _____

4 Information about the Children

Names and dates of birth of the child/ren under 19 involved in this case (print):

Name: _____ Date of birth: _____

Name: _____ Date of birth: _____

Name: _____ Date of birth: _____

Name: _____ Date of birth: _____

Who do the child/ren live with now? Mother Father Other (If "Other," list name, relationship, and address): _____

Current Address: _____ street address city county state zip

How long have the child/ren been at this address? _____

If less than 6 months, where else have the child/ren lived during the last 12 months?

Previous addresses: _____ street address city county state zip

_____ street address city county state zip

_____ street address city county state zip

_____ street address city county state zip

**Request to Change the Current
Custody or Visitation Order**

Case Number: _____

⑤ **What does your current Order say about custody and visitation?**

⑥ **What change in custody or visitation are you asking for?**


⑦ **What has changed since the court's last custody or visitation order?**

(List material changes below.)

⑧ **The person asking for this change must read and sign below:**

- I believe that the change I am asking for is best for the children.
- I understand that any change can be difficult for children, but I believe, overall, the children will benefit from this change.
- I ask the Court to make the changes in custody or visitation I have requested and to make any other orders I may be entitled to.

Print your name: _____

Sign here:  _____

Date: _____