

GENERAL INSTRUCTIONS: MODIFY CUSTODY WITHOUT AN AGREEMENT

1. This packet includes the following documents for you to complete:
 - Appearance
 - Not For Public Access/Confidential Appearance
 - Verified Petition To Modify Custody Without An Agreement
 - Order Setting Hearing
 - Order Granting Modification Of Custody
2. Complete a Child Support Worksheet. You will need to bring the worksheet to court with you. You can find the calculator at: <https://www.in.gov/judiciary/2625.htm>
3. Review the Indiana Parenting Time Guidelines. At the hearing you will need to tell the judge whether you think the other parent should have parenting time according to the Indiana Parenting Time Guidelines or if they should have parenting time that is different from the guidelines. You can find the guidelines here: <https://www.in.gov/judiciary/rules/parenting/>
4. Complete and sign the *Appearance, Not For Public Access*, and the *Verified Petition To Modify Custody Without Agreement*.
5. Complete the top part (the caption) of the *Order Setting Hearing* and the *Order Modifying Custody*. Fill in the blanks as instructed, note that several areas will be left blank.
6. Check your county's local rules here: <https://www.in.gov/judiciary/2694.htm> to see if there are additional things you need to do.
7. **If you will e-file your documents**, learn more about how to e-file using the guide at: <https://www.in.gov/judiciary/4313.htm>. You will receive an *Order Setting Hearing*. Make sure you go to the hearing at the date and time on the order. Dress nicely. Do not bring your children. Bring a completed Child Support Worksheet and anything you believe shows you should have custody. Note that nothing is final until after the hearing when you have an *Order* signed by the judge.

Complete the following steps *only* if you will file your paper documents at the courthouse.

8. Make three copies of each document.

9. Prepare five stamped envelopes. Two should be addressed to you and three should be addressed to the other parent.
10. Take the original, signed forms, the completed Child Support Worksheet and copies to the courthouse in the county in which the last order on custody was issued. *Bring the addressed, stamped envelopes with you.*
11. File your documents with the court clerk. You will have to pay a fee. The fee may be different in each county. The clerk will stamp your forms.
12. Send the stamped copies of the forms to the other parent and keep a copy for yourself.
13. You will receive an *Order Setting Hearing* in the mail (or by email if you chose to get notice by email). Make sure you go to the hearing at the date and time on the order. Dress nicely. Do not bring your children. Bring a completed Child Support Worksheet and anything you believe shows you should have custody.
14. Nothing is final until the judge signs an *Order*. If you opted to receive notice by email, the court will email you. If you did not, the court will mail you a copy of the *Order*.

STATE OF INDIANA IN THE _____ COURT
COUNTY OF _____ CAUSE NO. _____

IN RE THE _____ OF:

Minor Child

Petitioner,

v.

Respondent.

FOR THE SECTION ABOVE THE DOTTED LINE LOOK AT YOUR COURT PAPERS IN THIS CASE (LIKE THE DIVORCE DECREE OR DECREE ESTABLISHING PATERNITY) AND COPY THE INFORMATION HERE

APPEARANCE BY UNREPRESENTED PERSON

1. My name is YOUR NAME and in this case I am not represented by a lawyer.
2. My contact information for receiving legal service of documents and case information as required by Court Rules is:

Address: YOUR ADDRESS

IF YOU WANT THE COURT TO CONTACT YOU ONLY BY EMAIL, CHECK THIS BOX

Email address: EMAIL

I will accept service at the above email address.

Phone: YOUR PHONE NUMBER

Fax: YOUR FAX NUMBER

OR, if in a related case, you have used the Attorney General confidential address, you may check the box below:

IF YOU USE THE ATTORNEY GENERAL CONFIDENTIAL ADDRESS, CHECK THIS BOX

Attorney General confidential address

IF YOU AND THE OTHER PARTY ARE DIVORCED, SELECT 'DC'. IF YOU WERE NEVER MARRIED, SELECT 'JP'.

3. This is a _____ case type as defined in Administrative Rule 8(B)(3).

4. There are other cases related to this case: (If yes, please indicate below)

IF THERE ARE RELATED CASES, CHECK 'YES' AND FILL IN THE BLANKS BELOW. IF NOT, CHECK 'NO.'

Yes
 No

Caption and case number of related cases:

PUT RELATED CASE INFORMATION HERE

Caption: _____ Case No.: _____

Caption: _____ Case No.: _____

Caption: _____ Case No.: _____

Additional information as required by local rule:

OTHER INFORMATION REQUIRED BY LOCAL RULE

SIGN HERE

Signature

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of this document on _____ by _____ **HANDWRITE IN THE DATE**
YOU SEND THIS TO THE **OTHER PARTY**

**SELECT HOW YOU
WILL SEND THIS
TO THE OTHER
PARTY**

- e-service using the e-filing system
- first-class U.S. mail, postage prepaid
- hand delivery

to NAME OF THE OTHER PARTY at the following address:

THE ADDRESS YOU WILL
SEND THIS DOCUMENT
TO

SIGN HERE

Signature

STATE OF INDIANA IN THE _____ COURT

COUNTY OF _____ CAUSE NO. _____

IN RE THE _____ OF:

Minor Child

FOR THE SECTION ABOVE THE DOTTED LINE,
LOOK AT THE COURT PAPERS YOU HAVE IN YOUR
CASE AND COPY THE INFORMATION HERE.

Petitioner,

v.

Respondent.

NOT FOR PUBLIC ACCESS

**IN ACCORDANCE WITH INDIANA RULES ON
ACCESS TO COURT RECORDS**

**ATTENTION CLERK: FOR SELF REPRESENTED LITIGANTS TREAT THIS FORM AS
IF IT IS PRINTED ON LIGHT GREEN PAPER**

CIVIL APPEARANCE FORM

Social security numbers of parents and minor child

Name: YOUR NAME SS# YOUR SOCIAL SECURITY NUMBER

Name: CHILD'S NAME SS# SOCIAL SECURITY NUMBER

Name: OTHER PARENT'S NAME SS# SOCIAL SECURITY NUMBER

Name: OTHER CHILDRENS' NAMES AND SOCIAL SECURITY NUMBERS SS# _____

Name: _____ SS# _____

Name: _____ SS# _____

NOT FOR PUBLIC ACCESS

STATE OF INDIANA IN THE _____ COURT

COUNTY OF _____ CAUSE NO. _____

IN RE THE _____ OF:

Minor Child (*Paternity Only*)

Petitioner,

v.

Respondent.

FOR THE SECTION ABOVE THE DOTTED LINE LOOK AT THE PAPERS YOU HAVE IN THIS CASE (LIKE THE DIVORCE DECREE OR THE DECREE ESTABLISHING PATERNITY) AND COPY THE INFORMATION HERE

VERIFIED PETITION TO MODIFY CUSTODY WITHOUT AN AGREEMENT

YOUR NAME, self represented, files a Verified Petition to Modify Child Custody and states as follows:

1. The parties have NUMBER OF CHILDRE YOU AND THE OTHER PARTY HAVE TOGETHER minor child(ren), whose names and dates of birth are as follows:

Name	Date of Birth
<u>NAMES OF MINOR CHILDREN YOU AND THE OTHER PARENT HAVE TOGETHER</u>	<u>BIRTH DATE OF EACH CHILD</u>
_____	_____
_____	_____
_____	_____
_____	_____

2. By prior court order dated DATE OF LAST ORDER ON CUSTODY, PARENT WHO HAS CUSTODY has custody of the parties' minor child(ren).

3. Since that time, there has been a substantial change in circumstances as described here:
DESCRIBE THE CHANGE THAT HAS CAUSED YOU TO ASK FOR A CHANGE IN CUSTODY

4. It is in the minor child(ren)'s best interests, in consideration of the above, that the Court change custody of the minor child(ren) from PARENT WITH CUSTODY to YOUR NAME (PARENT ASKING FOR CUSTODY)

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, YOUR NAME 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 other relief that is just and proper in the premises.

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

Date: DATE YOU SIGN THIS DOCUMENT

SIGN HERE

Signature

YOUR NAME

Printed name

CERTIFICATE OF SERVICE

I hereby certify that I sent a copy of this document on HANDWRITE IN THE DATE YOU SEND THIS TO THE by OTHER PARTY

SELECT HOW YOU
WILL SEND THIS
TO THE OTHER
PARTY

- e-service using the e-filing system
 first-class U.S. mail, postage prepaid
 hand delivery

to NAME OF THE OTHER PARTY at the following address:

THE ADDRESS YOU WILL SEND
THIS TO

SIGN HERE

Signature

STATE OF INDIANA
COUNTY OF _____

IN THE _____ COURT
CAUSE NO. _____

IN RE THE _____ OF:

Minor Child (*Paternity Only*)

Petitioner,

v.

Respondent.

FOR THE SECTION ABOVE THE DOTTED LINE LOOK AT THE PAPERS YOU HAVE IN THIS CASE (LIKE THE DIVORCE DECREE OR THE DECREE ESTABLISHING PATERNITY) AND COPY THE INFORMATION HERE

ORDER SETTING HEARING

YOUR NAME, self represented, having filed a Verified Petition to Modify Child Custody Without An Agreement, and the Court now finds the Petition should be set for a hearing.

IT IS THEREFORE ORDERED that this matter shall be heard on

LEAVE BLANK

Dated: LEAVE BLANK

LEAVE BLANK
Judicial Officer

Distribution:

YOUR NAME
ADDRESS

OTHER PARENT'S NAME
OTHER PARENT'S ADDRESS

STATE OF INDIANA IN THE _____ COURT

COUNTY OF _____ CAUSE NO. _____

IN RE THE _____ OF:

Minor Child (*Paternity Only*)

Petitioner,

v.

Respondent.

FOR THE SECTION ABOVE THE DOTTED LINE LOOK AT THE PAPERS YOU HAVE IN THIS CASE (LIKE THE DIVORCE DECREE OR THE DECREE ESTABLISHING PATERNITY) AND COPY THE INFORMATION HERE

A CHILD SUPPORT WORKSHEET MUST BE FILLED OUT AND FILED WITH THE FORM. YOU CAN FIND THE CHILD SUPPORT CALCULATOR AND FORMS AT: <https://public.courts.in.gov/csc#/parents-home>

ORDER GRANTING MODIFICATION OF CUSTODY

Comes now the YOUR NAME, self represented, having filed a Verified Motion To Modify Custody Without An Agreement and comes **now/not** OTHER PARENT, **self represented/with counsel**. Evidence heard and concluded. The Court now finds that there has been a substantial change in applicable factors 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 YOUR NAME.

2. OTHER PARENT will pay support to YOUR NAME in the amount of: \$ NEW SUPPORT AMOUNT per week, per the Child Support Guidelines Worksheets attached.

3. OTHER PARENT:
 shall have parenting time in accordance with the Indiana Parenting Time Guidelines **OR**

deviation from the Indiana Parenting Time Guidelines is warranted and parenting time shall be as follows:

LEAVE BLANK

BEFORE THE HEARING YOU SHOULD READ THE INDIANA PARENTING TIME GUIDELINES.

YOU CAN VIEW THE PARENTING TIME GUIDELINES AT <https://www.in.gov/judiciary/rules/parenting/>

So ordered this LEAVE BLANK.

Distribution:

LEAVE BLANK
Judicial Officer

YOUR NAME
YOUR ADDRESS

OTHER PARENT'S NAME
OTHER PARENT'S ADDRESS