

## 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

### STEP 1: FINISH, READ AND SIGN THE FORMS

1. Complete and sign the *Appearance*, *Not For Public Access*, and the *Verified Petition To Modify Custody Without Agreement* as explained below.
2. 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. **DO NOT SIGN THESE FORMS.**
3. 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>
4. Review the Indiana Parenting Time Guidelines. At the hearing you will need to tell the judge whether you think parenting time should be according to the Indiana Parenting Time Guidelines or if parenting time that is different from the guidelines should be ordered. You can find the guidelines here: <https://www.in.gov/judiciary/rules/parenting/>
5. 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.

### STEP 2: FILE THE FORMS WITH THE COURT

People who are self-represented (do not have a lawyer) can choose to e-file forms, or to file them at the courthouse. Read the information below and then choose how to file the forms with the court.

#### **OPTION ONE: E-FILEING DOCUMENTS WITH THE COURT**

1. Review and follow the instructions in the e-file user guide at: <https://www.in.gov/judiciary/4313.htm>.
2. Make sure you get the forms to the other parent using the method selected in the Certificate of Service (usually hand delivery or mail) *after you e-file them with the court.* **The e-filing system will not send them to the other parent unless the other parent (or their attorney) has registered with the e-filing system—this is not common if the other parent does not have an attorney.**

## **OPTION TWO: FILING DOCUMENTS WITH THE COURT IN PERSON**

1. Take the original, signed forms and the completed Child Support Worksheet to the courthouse in the county in which the last order on custody was issued.
2. Give your completed documents to the court clerk and ask them to file your forms with the court.
3. Make sure you get the file stamped forms to the other parent using the method you selected (usually hand delivery or mail).

## **STEP 3: THE HEARING**

After you file the forms, the court will send an *Order Setting Hearing* that has been completed by the court.

- Review the information and videos on going to court without a lawyer:  
<https://www.in.gov/judiciary/selfservice/2361.htm>
- 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 custody should change.
- Note that nothing is final until after the hearing when you have an *Order* signed by the judge.

STATE OF INDIANA IN THE \_\_\_\_\_ COURT  
COUNTY OF \_\_\_\_\_ CASE 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 \_\_\_\_\_ CASE 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 \_\_\_\_\_ CASE 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  
CASE 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 \_\_\_\_\_ CASE 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