

How to Ask for Visitation

What is visitation?

If your child/ren live with the other parent (or another person), you probably have the right to spend time with them. This is called visitation.

How do I know when it's my turn to be with the children?

You may already have court orders that say what the visitation schedule is. If not, you can ask the court for a visitation schedule so you and the child/ren will know when you can spend time together.

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 to feel loved, secure and cared for.

If you and the other parent cannot agree, the judge may order a schedule for visitation.

Can a grandparent ask for visitation?

In Alabama, the law is not clear about grandparents' rights to visitation. Talk to a lawyer.

How do I ask the Court for visitation?

You must fill out and file a court form. If you already have custody and support orders, fill out a *Petition for Visitation Orders*.

What if I was never married to the mother of the children?

If you are not listed as the legal father of the child/ren, you will have to prove to the court that you are the father. See: *Who is the legal father?*

What if the other parent is asking for full custody of the child/ren?

If you agree with the other parent about the custody orders requested, you can file a *Petition* to ask for a schedule for visitation. If you disagree, you can ask the court for custody, too. (See: *How to Ask for A Custody Order*.)

Will the judge make the visitation orders I ask for?

The judge may make the visitation orders you ask for if:

- You want to be involved with the child/ren,
- You are a fit and proper parent,
- You have a safe place for the child/ren to be, *and*
- The schedule you ask for is reasonable.

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 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 clerk can tell you the exact amount.

If you cannot afford to 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 parent know I am asking for visitation?

After you file your forms, the clerk will have someone serve (give or mail) the other parent a copy of your forms. That way the other parent will know what you are asking for and when to go to court.

Important! If the address you give for the other parent is not current, the court cannot hear your case.

Will the change affect child support?

Probably not. The parent with visitation still has to pay child support.

When is my hearing?

The court will send you a letter telling you the date and time of your hearing.

Need help?

Call Legal Services Alabama at: **877-393-2333**

Or visit: www.alabamalegalhelp.org