

Instruction page to accompany *pro se* Petition to Establish Regular Visitation

This form is designed for people who have decided to represent themselves in an Alabama state court. *Pro se* means “for yourself.” This form is not designed for people who already have a lawyer working on their case, and this form is not designed for use in other states.

This form is designed for parents. As of the date of this writing, grandparents’ visitation rights are uncertain in the State of Alabama.

You may use this form in any of the following types of cases, under the following circumstances;

-- Where there has already been a visitation order in a divorces or custody case that does not specify the exact on which you are entitled to visitation. Some visitation orders say something like, “at the other parent’s discretion,” or “as the parties can agree.” If you need a more definite, regular schedule of visitation, this form should work for you.

-- When you have just been served with a court action for custody or child support, filed by whomever has physical custody of the child. You may not wish to fight for custody, but you may want to make sure you will have the right to visit the child(ren). This form should work for you as an official response.

-- If there has never been any sort of court case filed about the child(ren), but you have been unable to work something out with the person who has physical custody of the child(ren). This would be a brand new case, and you should expect the court to want to address custody and child support at the same time.

You may wish to review the standard Visitation Schedule attached to these instructions. Most judges award visitation according to a similar schedule.

PLEASE NOTE: If you are a man, **you may have to prove you are the child’s father** before the court will award you visitation. Paragraph nine on the form is a good place to outline what you have done, legally, to show you are the father. If there have been DNA tests, if you signed an affidavit at the hospital when the child(ren) was/were born,, or if you have been married to the child’s mother, write that down in the space provided. If you have not done any of those things, you may also need to file a Petition to Establish Paternity at the same time you file this Petition to Establish Regular Visitation.

Before you file this petition, you should be prepared to prove everything it says, including that you are a responsible parent who can provide a safe, healthy, moral environment for the child(ren) during your visits. You must be willing to support your child(ren) to the best of your ability, and you should really want to be involved with the child(ren) on a regular basis.

You must provide addresses for both you and the person who has legal custody of the child(ren). If you are worried that it is not safe for your address to be seen by the other party, you should make a note that you want it kept confidential. The address you give for the other

person will be where the petition will be delivered. If the sheriff's deputy or mailman cannot find the other person at the address you provide, your case may never make it to court.

File this petition with the clerk of the court at the county courthouse where the earlier custody or visitation order was issued. IF there has never been an order about custody or visitation, file this petition in the county where the child(ren) lives(s). In small counties, there may be only one office for the clerk of court. In other counties, there may be different clerks for juvenile court, domestic relations court, circuit court, or family court. If your county has a family court, start there. If you and the other parent have never been married, you probably want the juvenile court. If there has been a divorce filed, you probably want circuit court. If there has been an earlier custody or visitation action, you will need to file your petition in the same court that was assigned the earlier case. You should file your original petition and two copies. Leave two copies with the clerk of court, and keep one for yourself. The clerk will make a time and date stamp on your copy if you ask, which will be proof of when you filed the document.

Filing fees for cases like this can range from about \$85 to \$158. Most clerks do not accept personal checks. IF you cannot afford the filing fee, you should ask the clerk of court for a form called an Affidavit of Substantial Hardship. That form asks for details about where your money goes each month. It is also a form you must sign under oath, so be sure you tell the whole truth. If the judge reviews the details of your finances and decides that you really cannot afford the filing fee, he or she may allow you to delay paying the fee or forgive it altogether.

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