

CHECKLIST FOR PACKET 8
RESPONDENT – CUSTODY AND CHILD SUPPORT MODIFICATION

These forms are required in all cases where you and the Petitioner agree on all of the issues:

- *Response*; and
- *Confidential Financial Affidavit*

You will also need to work with the Petitioner to complete the *Order Modifying Custody and Support* and sign it in front of a Notarial Officer.

STEP 1. If you were served with a copy of the *Summons and Petition to Modify Custody and Support* (“Petition”) or if you signed an *Acknowledgement and Acceptance of Service*, file one of the following:

- Response to Petition to Modify Custody and Support*; **OR**
- Response and Counterclaim*. Be sure to attach a certified copy of the prior custody order if you file a *Response and Counterclaim*.
- Take an original and 2 copies of the *Response* or *Response and Counterclaim* to the Clerk for filing
 - Mail a copy to the Petitioner and keep a copy for your records.

STEP 2. File a *Confidential Financial Affidavit* and include the required attachments. **Note:** This may be filed at the same time as the *Response* or *Response and Counterclaim*.

- Confidential Financial Affidavit*
 - If employed, attach tax returns for prior 2 years; and
 - Attach statement of earnings for the current year; OR
 - If self-employed, attach verified income and expense statements for prior two years; and
 - Attach tax returns for prior 2 years.
- Take an original and 2 copies of the *Confidential Financial Affidavit* to the Clerk for filing
 - Mail a copy to the Petitioner and keep a copy for your records.

STEP 3. Complete the *Initial Disclosures*

- Send the *Initial Disclosures* to the Petitioner within **30 days** after you were personally served by the Sheriff or signed the *Acknowledgment and Acceptance of Service* form. **DO NOT FILE** the *Initial Disclosures* with the Court.

STEP 4. There are two options to choose from on this step depending on your situation. Review each option carefully and pick the option that best describes your situation.

Option A: If you filed a *Response* or *Response and Counterclaim* and you and the Petitioner both agree on all issues, complete **Option A**.

Option B: If you filed a *Response* or *Response and Counterclaim* and you and the Petitioner do NOT agree on all issues, complete **Option B**.

OPTION A. If you and the Petitioner agree on all of the terms in the *Order Modifying Custody and Support*, sign it in front of a Notarial Officer.

- Sign the *Order*;
- A copy will be mailed to you if the Judge signs the *Order*.

Your custody and child support order is modified when the *Order* has been signed by the Judge and filed by the Clerk.

OPTION B. If you and the Petitioner do NOT agree on all of the issues of your case, fill out and file the following forms and attend the trial:

***Caution: It is strongly recommended that you hire or find an attorney to represent you at trial, even though you may represent yourself. You proceed at your own risk and will be expected to know the rules and laws.**

- If the Petitioner has **NOT** requested, a trial date, you must request one.
 - Request for Setting*
 - Order Setting Modification Trial and Requesting Pretrial Statements* (Judge will fill out date and time)
 - Take original and two copies to the Clerk for filing
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to you.
 - Take an envelope addressed to the Petitioner with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to the Petitioner.
 - Mail a copy of the *Request for Setting* to the Petitioner and keep a copy for your records.

Once a trial date has been set, do the following:

- Pretrial Disclosures and Pretrial Memorandum*
 - File at least **30 days** before the trial date
 - Take original and two copies to the Clerk for filing
 - Mail copy to the Petitioner and keep a copy for your records
- No later than 3 working days before the trial, request a court reporter, if desired (and if the Petitioner has not already done so). You can provide notice to the court reporter by phone or by a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.
- Attend the Trial: Present your evidence and witnesses.

- Additional Forms: The Court may also require additional forms depending on the county where your case is filed. Ask the Clerk if additional forms are required. If so, provide copies and envelopes for each additional form as follows:
 - Take an original and 2 copies of each additional form to the Clerk for filing
 - Mail a copy of any additional form filed with the Clerk to the Petitioner and keep a copy for your records

Your custody and child support order is modified when the *Order* has been signed by the Judge and filed by the Clerk.