

NO. (A) _____

JEFFERSON CIRCUIT COURT

FAMILY DIVISION _____

(B) _____

PETITIONER

v.

**NOTICE-MOTION-ORDER
FOR MODIFICATION OF CUSTODY
OR PRIMARY RESIDENCE**

(C) _____

RESPONDENT

NOTICE

This Motion will be called on _____, _____,
200____, at _____m. in the above courtroom. (The Clerk will complete this section.)

MOTION

1. There has/has not (circle one) been a domestic violence order between
_____ and me. That order is/is not (circle one) currently in effect.
(the other party)

Domestic violence case number: _____

2. I am the mother/father (circle one) of

(list names and ages of children)

3. The child(ren) has/have lived with _____ at
(person child/children lived with)

(address)

since _____. In the event the child(ren) has lived anywhere else in the
(date)
last five years, provide the name of the person with whom he or she lived, the address where he
or she lived, and the date: _____

4. Has it been more than two years since the last custody order was entered?

A. If no, two affidavits are required to be filed.

I believe that the child(ren) is/are seriously endangered in his/her/their present environment because: _____

B. If yes, what has been the change in circumstances since the last order?

I believe it is in the child(ren)'s best interest to change custody because: _____

(D) Person filing motion

(E) Address

(F) Telephone number

copy

Notary Public
My commission expires: _____
D.C.

OR

David L. Nicholson, Clerk
By: _____,

NO. _____

JEFFERSON FAMILY COURT

DIVISION _____

PETITIONER

v.

ORDER

RESPONDENT

(The Court will complete this page.)

IT IS HEREBY ORDERED that the parties are referred to mediation with

_. The mediation must be scheduled within _____ days of this Order.

The mediation fee shall be established according to JFRP 706(J).

1. The parties shall pay the cost of mediation (as set by the mediator and not to exceed \$160.00 per hour) proportionate to their income, unless the sliding fee schedule applies as set forth below in #2.

2. Sliding Fee Schedule: Parties shall submit to the mediator within ten (10) working days of the entry of this Order, a copy of their most current Kentucky State Income Tax Return (Form 740), or three most recent paycheck stubs indicating annual gross income, or an Affidavit indicating the annual gross income. If either party fails to provide income information to the mediator within 10 days working days of the entry of this Order, the non-complying party may be required to pay the total maximum fee of \$160.00. If both parties fail to provide income information to the mediator within 10 working days of the entry of this order, and the Court has not assigned another percentage of the mediator fee each party shall pay 50% of the total maximum fee. The Sliding Fee Schedule shall be applied for all qualifying parties. The mediator will assign the fee as

outlined in JFRP 706(J). Objections to fees assigned by the mediator shall be made by filing a motion prior to any scheduled mediation.

If this case is not appropriate for mediation because of domestic violence pursuant to KRS 403.036 or because of other good cause, the parties shall make a motion to rescind this Order within 10 working days of the entry of this Order.

OR

IT IS HEREBY ORDERED that

JUDGE, Jefferson Family Court

Date:

**INSTRUCTIONS FOR USE OF THE
NOTICE-MOTION-ORDER
FOR CUSTODY**

This form is to be used to change custody. **Custody is the right to make major decisions regarding a child. It does not necessarily mean where the child will live.** If you have any questions regarding your legal rights, have difficulty filling out this form, or have trouble following any of the specific instructions that accompany this form, **YOU MAY WANT TO CONSULT AN ATTORNEY.**

STEP ONE: If you do not have one already, you need to obtain a copy of the court action in which you want the Judge to change the current custody order. You may obtain a copy from the Jefferson Family Court Clerk's Office located at the Jefferson County Judicial Center, 700 W. Jefferson Street, Louisville, Kentucky 40202, at a cost of \$0.25 per page.

STEP TWO: Fill in the information on the Notice-Motion-Order for Custody as follows:

- A. Fill in the civil action number listed on the initial action.
- B. Fill in the name of the person listed as Petitioner in the initial action.
- C. Fill in the name of the person listed as Respondent in the initial action.

STEP THREE: Circle whether there has or has not been a domestic violence order between you and the other party to this action. Then circle whether the order is in effect or not at this time. If there has been a domestic violence order, fill in the case number in the designated space.

NOTE: In modifying custody, the Court may order mediation. Mediation is a process in which a neutral person will assist you and the other person in this action in trying to reach an agreement. However, if there has been a finding of domestic violence and abuse, the Court will not order mediation, unless voluntarily requested or agreed to by the victim.

STEP FOUR: Circle whether you are a mother or father, and then fill in the name(s) and age(s) of the child(ren) of whom you wish to have custody.

STEP FIVE: Fill in the name of the person(s) with whom the child(ren) currently lives and the address at which they live. Also, fill in the date that the child(ren) began living with the person(s). If the child(ren) has lived with anyone other than the previously-named person(s) within the last five years, list the name(s) of the person(s) with whom the child(ren) lived, the address where they lived, and the dates that the child(ren) lived at each address.

STEP SIX: In the section that says, "I believe that the child/children is/are seriously endangered in his/her/their present environment..." write a brief explanation of why you believe the child(ren) are endangered in his/her/their current home. The Court will deny your motion unless it finds that you have presented sufficient reason for the Court to hear your motion. If it has been less than two (2) years since an award of custody, you will need to provide the Court with two (2) affidavits (sworn statements) explaining the serious endangerment to the child(ren) in his/her/their current home.

STEP SEVEN: Fill in the information on the Notice-Motion-Order for Custody as follows:

- D. Sign your name.
- E. Print your full address, including street number, street name, city state and ZIP code.
- F. Print your telephone number.

STEP EIGHT: Go to the section entitled “Certification” on page 2 and fill in the following information:

- G. Print the name of the other party in the action as listed in B. or C. on the first page. Then, on the lines provided, fill in that person’s complete address, including the street number, street address, city, state and ZIP code. Also, fill in the area code and telephone number.
- H. Sign your name and fill in the date.

IT IS MANDATORY THAT YOU PROVIDE THE FULL NAME AND CORRECT ADDRESS OF THE OTHER PERSON INVOLVED IN THIS ACTION. By signed the “Certification” section of this document, you are “promising” to the Court that the information you have provided regarding the name, address and telephone number of the other party is correct.

STEP NINE: Take the original to the Office of the Clerk of Jefferson County Family Court located at 700 W. Jefferson Street, Louisville, Kentucky. Present the original to the Clerk. The Clerk will assign a date when your Motion will be called by the Judge. The Clerk will fill in the information on the original Motion. You will be required to pay for copies for you and to be sent to the other party(ies). The Clerk will give you back one of the photocopies for your records and to remind you of the date.

IT IS MANDATORY THAT YOU ATTEND THE HEARING AT THE DATE AND TIME GIVEN TO YOU BY THE CLERK. Failure to do so may result in the Judge dismissing your request to modify custody.

RE-OPENING FEE: If the case has been inactive for more than six months, there may be a \$50.00 fee to reopen the file before the motion can be filed.