



LEGAL AID SOCIETY

PURSUING JUSTICE. RESTORING HOPE.

Please note: The following instructions and attached documents are provided as a courtesy to help you with your custody case. The Legal Aid Society's Custody and Visitation Hotline attorney will not represent you; you will represent yourself in court. However, if you have any questions about the enclosed documents or the process in general, please contact the Custody and Visitation Hotline attorney at the phone number or email address above.

Instructions for filing a Custody Petition:

1. You are the "Petitioner" and other party is the "Respondent"
2. After you have completed the Petition, make a photocopy of it. The copy will be your REDACTED petition. On the photocopy, white out or black out the following information:
 - a. Dates of birth except for the year
 - b. Social Security numbers except for the last four digits
 - c. Names of children except for initials
3. Fill out the documents as best you can. Take the custody petition and the form asking for the court costs to be waived with your ID to the Family or Circuit Court Clerk to be filed and given a case number. (Do not file the motion for a Case Management Conference yet.) The court clerk may notarize your signature where needed, but if not, you will have to find a notary, either at a bank or sometimes the public library. UPS Stores almost always have a notary on staff and their fees range from \$5-\$10 per signature.
4. When you file the petition, ask the court clerk if they will send the petition to the respondent(s) by registered mail, which is common in Kentucky when an order to waive fees is granted. They may say you must take a copy to the sheriff for service.
5. If you must have the sheriff serve the respondent, take a copy of the petition and two copies of the summons signed by the court clerk to the local deputy or sheriff's office and ask them to serve the respondent. If the Court granted your motion to proceed without paying the court costs, take a copy of that order as well so the Sheriff will waive their fee. If the Court did not grant that motion, service by the Sheriff will usually cost between \$20.00 and \$40.00 for each respondent. Take a self-addressed, stamped envelope with you and ask them to mail you a copy of confirmation of service.

6. After each respondent is properly served, she/he has 20 calendar days to file a response.
7. **DO NOT** FILE THE MOTION FOR A **CASE MANAGEMENT CONFERENCE** WITH THE PETITION. YOU MUST WAIT UNTIL AFTER THE RESPONDENT IS SERVED TO FILE IT.
8. After all Respondents have been served and the 20 days to respond have passed for all respondents—whether the Respondent(s) file a response or not—fill out the remaining motion in the packet to request a Case Management Conference. Take that to the same court clerk to get a motion hour date and time. You must mail a copy to the Respondent's current or last known address to give them notice of the motion.
9. At motion hour, you might only get a date to go back for a Case Management Conference.
10. Show up in Court for the Case Management Conference and tell the judge what you and the other party can and cannot agree on. At that point, the judge will advise you how she/he wants you to proceed and what the next steps are.