

PETITION TO ESTABLISH VISITATION RIGHTS

APPENDIX E

IMPORTANT NOTICES

This package contains information needed to file Petition to Establish Visitation rights when you have not legally been given visitation rights by the Court for your minor child/children.

Before you begin completing this paperwork to take legal action; you should review your child support order to ensure you are the named father/mother of the child in the order and that you are ordered to pay child support. If you do not have a copy, you can find paperwork in the clerk's office in the courthouse that heard your case and signed into order.

You should have one of the following (1) Judgment Determining Support, (2) Judgment approving Stipulated Agreement of Support and Admission of Paternity or (3) Final Divorce Decree. Attach a copy of these to your petition.

Please **circle** the one you are – on the petition where the options are listed: ***his/her*** and ***father/mother***.

FEES: Upon filing your papers with the court clerk, you will be charged a filing fee. This amount ranges between \$100 and \$150 depending on the court you are filing in.

You will also be charged a service fee by the local Sheriff's office. This fee is usually \$35 and must be paid to have the Sheriff Department serve the court papers to the custodial parent. **You cannot serve these papers yourself.**

If you cannot afford to pay these fees, the clerk may waive them under various circumstances. To try to have your fees waived, you must sign the **"PAUPER'S OATH" (Page 7)** and have it notarized, stating that you cannot afford to pay such fees. You should sign this sworn statement in the presence of a Notary Public.

You should take an Original (six or seven pages filled in) and two copies to the Courthouse to file.

SAMPLE GUIDE FOR PAGE 1

IN THE CHANCERY/COUNTY COURT OF CHILD SUPPORT COUNTY, MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME

PETITIONER

VS

CIVIL ACTION

CAUSE NO. _____

OTHER PARENT'S NAME

RESPONDENT

PETITION TO ESTABLISH VISITATION RIGHTS

The Petitioner states *his/her* claim for establishment of visitation rights with the below reference minor child(ren) as follows:

1. YOUR NAME, hereinafter referred to as the Petitioner, is an adult resident citizen of YOUR COUNTY, MS; whose address is **YOUR ADDRESS** _____.
2. The Respondent is subject to the jurisdiction of the Court and may be served with a copy of the complaint and summons at: **OTHER PARENT'S ADDRESS** 321 FIRST AVENUE, JACKSON, MS. 39204.
3. The Respondent presently has legal custody of the minor child(ren):

<u>CHILD'S NAME</u>	born	<u>DATE OF BIRTH</u>
<u>CHILD'S NAME</u>	born	<u>DATE OF BIRTH</u>
<u>CHILD'S NAME</u>	born	<u>DATE OF BIRTH</u>

4. Petitioner admits that they are the *father/mother* of the above referenced minor child(ren) and as such should be granted visitation rights with the child(ren).
5. Petitioner is a fit and proper person to have visitation with his child(ren).
6. Visitation by the Petitioner is in the best interest of the minor child(ren).

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS

PETITIONER

RESPONDENT

PETITION TO ESTABLISH VISITATION RIGHTS

The Petitioner states *his/her* claim for establishment of visitation rights the below reference minor child(ren) as follows:

1. _____, hereinafter referred to as the Petitioner, is an adult resident citizen of _____, County, MS. Whose address is: _____.

2. The Respondent is subject to the jurisdiction of the Court and may be served with a copy of the petition and summons at _____.

3. The Respondent presently has legal custody of the minor child(ren):

_____ born _____

_____ born _____

_____ born _____

4. Petitioner admits that they are the *father/mother* of the above referenced minor child (ren) and as such should be granted visitation rights with minor child(ren).

5. Petitioner is a fit and proper person to have visitation rights with child(ren).

6. Visitation by the petitioner is in the interest of the minor child(ren).

SAMPLE GUIDE FOR PAGE 2

7. THEREFORE, Petitioner respectfully requests and moves the Court of name the *father/mother* of the minor child(ren) and grant Petition general and generous rights of visitation with the minor child(ren).

Respectfully submitted,

YOUR SIGNATURE _____

YOUR NAME _____, Pro Se Petitioner

YOUR NAME _____

Petitioner (Pro Se)

YOUR ADDRESS _____

YOUR ADDRESS _____

Telephone: **YOUR PHONE NUMBER**

STATE OF **MISSISSIPPI**

COUNTY OF **YOUR COUNTY**

This day personally appeared before me, the undersigned authority in and For the county and state aforesaid, within my jurisdiction, and the above and with named **YOUR NAME** _____, who being before me duly sworn, on oath states that he signed executed and delivered the above and foregoing Petition to Establish Visitation Rights on the day and date mentioned therein and for the purposes contained therein, as his free and voluntary act and deed and the facts, things and matters contained therein, are true and correct therein stated.

SWORN TO THE SUBSCRIBED BEFORE ME this **CURRENT DATE** day of **CURRENT MONTH, CURRENT YEAR.**

NOTARY'S SIGNATURE

NOTARY PUBLIC

My Commission Expires:

NOTARY'S STAMP AND SEAL

(DO NOT SIGN UNLESS YOU ARE STANDING BEFORE THE NOTARY)

7. THEREFORE, Petitioner respectfully requests and moves the Court to name the ***father/mother*** of the minor child(ren) and grant Petition general and generous rights of visitation with the minor child(ren).

Respectfully submitted,

SIGNATURE

_____, Pro Se Petitioner

PRINT

Petitioner Pro Se

Telephone: _____

STATE OF _____

COUNTY OF _____

This day personally appeared before me, the undersigned authority in and for the county and state aforesaid, within my jurisdiction, and above and within named _____, who being before me duly sworn, on oath states that he signed executed and delivered the above and foregoing Petition to Establish Visitation Rights on the day and date mentioned therein and for the purposes contained therein, as his free and voluntary act and deed and the facts, things, and matters contained therein are true and correct therein stated.

SWORN TO THE SUBSCRIBED BEFORE ME this the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires:

SAMPLE GUIDE FOR PAGE 3

IN THE CHANCERY COURT OF CHILD SUPPORT COUNTY , MISSISSIPPI
FIRST/SECOND JUDICIAL DISTRICT

YOUR NAME _____

PETITIONER

VS

OTHER PARENT'S NAME _____

RESPONDENT

SUMMONS

THE STATE OF MISSISSIPPI

TO: OTHER PARENT
HOME ADDRESS
CITY, STATE ZIP

TO: OTHER PARENT
WORK ADDRESS
CITY, STATE ZIP

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

YOU ARE SUMMONED TO APPEAR AT TIME O'CLOCK AM/PM ON DAY OF WEEK THE DATE OF MONTH DAY OF MONTH, YEAR, IN THE COUNTY NAME COUNTY CHANCERY/COUNTY COURTHOUSE, BEFORE HONORABLE NAME OF JUDGE LOCATED AT ADDRESS OF COURTHOUSE, IN THE CITY OF NAME OF CITY, MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A JUDGEMENT WILL BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF DEMANDED IN THE PLEADINGS ATTACHED HERETO.

ISSUED UNDER MY HAND AND SEAL OR COURT, THIS DATE DAY, OF MONTH, YEAR .

CLERK OF THE _____ COURT
OF _____ COUNTY MS.

IN THE _____ COURT OF _____, COUNTY MISSISSIPPI
_____ JUDICIAL DISTRICT

PETITIONER

VS

RESPONDENT

SUMMONS

THE STATE OF MISSISSIPPI

TO: _____

TO: _____

THE LEGAL PLEADINGS WHICH ARE ATTACHED TO THIS SUMMONS ARE
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR
RIGHTS.

YOU ARE SUMMONED TO APPEAR AT _____ O'CLOCK _____ ON _____

THE _____ DAY OF _____, IN THE _____ COUNTY

_____, BEFORE HONORABLE _____

LOCATED AT _____, IN THE CITY OF _____,

MISSISSIPPI. IF YOU FAIL TO APPEAR AND DEFEND YOURSELF A JUDGEMENT WILL
BE ENTERED AGAINST YOU OR THE MONEY OR OTHER RELIEF DEMANDED IN THE
PLEADINGS ATTACHED HERETO.

ISSUED UNDER MY HAND AND SEAL OR COURT, THIS _____ DAY,

OF _____.

CLERK OF THE _____ COURT
OF _____ COUNTY MS.

SHERIFF'S RETURN – TO BE FILLED OUT BY THE SHERIFF

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY DELIVERED COPIES OF THE SUMMONS AND PETITION OF THE _____ DAY OF _____, TO _____ IN THE _____ COUNTY OF _____.

AFTER EXERCISING REASONABLE DILIGENCE I WAS ABLE TO DELIVER COPIES OF THE SUMMONS AND PETITION TO _____ WITHIN _____ COUNTY, MISSISSIPPI, I SERVED THE SUMMONS AND PETITION OF THE _____ DAY OF _____, _____ AT THE USUAL PLACE OF THE ABOVE OR EMPLOYMENT OF SAID, BY LEAVING A TRUE COPY OF THE SUMMONS AND COMPLAINT WITH _____ WHO IS THE _____ (FAMILY MEMBER OR EMPLOYMENT SUPERVISOR), AS THE CASE MAY BE ABOVE THE AGE OF SIXTEEN (16) YEARS AND WILLING TO RECEIVE THE SUMMONS AND COMPLAINT. THEREAFTER ON THE _____ DAY OF _____, _____, I MAILED (BY FIRST CLASS MAIL POSTAGE PREPAID) COPIES TO THE PERSON SERVED AT THE DEFENDANT'S USUAL PLACE OF ABOVE OR EMPLOYMENT WHERE THE COPIES WERE LEFT.

WAS UNABLE TO SERVE THE SUMMONS AND PETITION BECAUSE:

THIS THE _____ DAY OF _____, _____ SHERIFF OF _____, COUNTY, MISSISSIPPI.

BY: _____
DEPUTY SHERIFF

IF COPY OF SUMMONS AND PETITION ARE NOT DELIVERED TO RESPONDENT, THIS CASE CANNOT BE HEARD ON THAT DAY.

SAMPLE GUIDE FOR PAGE 5, PAGE 6, AND PAGE 7

INSTRUCTIONS FOR A JUDGEMENT GRANTING VISITATION PAGE 5

If you are able to properly serve the custodial parent and the Court hears your case an order will likely be given by the Courts. This document is what must be completed for the order to be entered and enforceable.

You MUST FILL OUT the “Heading of the “**JUDGMENT GRANTING VISITATION**” on page 6; exactly the same on PAGE 1 of the Petition to Establish visitation Rights.

You MUST SIGN the Judgement at the bottom under where it says.

“PREPARED BY”

YOUR NAME _____

Pro SE PETITIONER

PRINT YOUR NAME _____

On the line under that, please print your name exactly as it appears in the heading.

THE JUDGE WILL BE ABLE TO COMPLETE THE REST OF THIS ORDER FOR YOU.

Once the judge signs the order, have it filed with the court clerk.

INSTRUCTIONS FOR FILLING OUT THE FIAT PAGE 6

Some Chancery Courts require a FIAT page (aka an Order of Setting Page).

The Petitioner fills out the top part only and the Court will fill out the hearing date and time when it is set and have the appropriate signatures from the Court.

INSTRUCTIONS FOR FILLING OUT THE PAUPER’S OATH PAGE 7

Only fill out PAGE 7 if you are unemployed, destitute, or unable to pay the petition filing fee. The Court may or may not waive this fee.

IN THE _____ COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS

PETITIONER

RESPONDENT

JUDGMENT GRANTING VISITATION

This cause came to be heard on the _____ day of _____, _____. The Court having jurisdiction over the parties and subject matter, FINDS, RULES AND ADJUDGES.

1. The Court finds that the Petitioner is the parent of the following named child(ren).

_____ born _____
_____ born _____
_____ born _____

The Petitioner is a fit and proper person to have visitation rights with the minor child(ren) and it is in the best interest of the child(ren) that visitation be granted.

2. Therefore, the Court grants the Petitioner general and reasonable visitation rights as follows:

3. The Respondent is ordered to comply with the provisions of this Judgment and allow the visitation as set forth herein.

SO ORDERED AND ADJUGED THIS THE _____ DAY OF _____, _____.

CHANCELLOR

PREPARED BY:

PRO SE PETITIONER

IN THE CHANCERY COURT OF _____ COUNTY, MISSISSIPPI
_____ JUDICIAL DISTRICT

VS PETITIONER(S)/PLAINTIFF(S)
CIVIL ACTION NO. _____

RESPONDENT(S)/DEFENDANT(S)

FIAT

This civil action is set for hearing in accordance with MRCP Rule 81(d) on the Complaint or Petition for _____ on the ____ Day of _____, 20 __, at _____ o'clock, a.m., in the Chancery Courtroom of the _____ County Courthouse/Chancery Building in _____, Mississippi.

Respondent(s)/Defendant(s) (is/are) not required to file an Answer to responsive pleading but may do so if (he/she/they) desire(s). Any financial documents required by Rule 8.05 of the Uniform Chancery Court Rules shall be mailed to counsel the opposing party no later than three days before the hearing.

Process accordance with this FIAT shall issue for the Respondent(s)/Defendant(s).

SO ORDERED AND ADJUDGED, this the _____ day of _____, 20__.

CHANCELLOR

OR

Names of ANY Attorneys Involved

BY: _____
Chancery Court Administrator

OR

BY: _____
Deputy Court Administrator

PAUPER'S OATH

STATE OF MISSISSIPPI
COUNTY OF _____

I, _____ do solemnly swear that I am a citizen of the State of Mississippi, and because of poverty (destitute), I am not able to pay the costs or give security for the same in the suit _____ which I have this day Filed, and that to the best of my belief, I am entitled to the redress which I seek by such suit.

WITNESS MY SIGNATURE this the _____ day of _____, _____.

Petitioner

Pursuant of Section 6906-03 as amended by Senate Bill NO. 1519, laws of 1971.

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the aforesaid county and state, _____, who acknowledged that she/he signed and delivered the foregoing instruction on the day and year shown and for the purposes therein expressed.

GIVEN UNDER MY HAND AND SEAL the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: