

importance of providing the child contact with both parents;

- (b) can be assessed a fine of up to \$500;
  - (c) can be required to post a bond to ensure future visitation; and/or
  - (d) can be ordered to pay for counseling to re-establish the parent-child relationship.
- (3) The person denied his/her court ordered custody or visitation can receive a judgment for the reasonable expenses incurred, to include attorney fees and court costs.

**REMEMBER: IF YOU HAVE ANY QUESTION, IT IS ALWAYS BEST TO SEEK THE ADVICE OF AN ATTORNEY.**

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# ARE YOU BEING DENIED COURT ORDERED CUSTODY OR VISITATION



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**Are you being denied your court ordered custody or visitation?** If so, there may be remedies available to you.

One method is the **Family Access Motion**, created to assist people when their court ordered custody or visitation is being denied. The following are common questions and their answers.

• **Where do I file a Family Access Motion?**

You file the motion with the court where the original dissolution, legal separation, was entered. If your court ordered custody or visitation was awarded to you as part of a paternity or custody case, you are not eligible to file a Family Access motion.

• **Do I have to have an attorney to file the motion?**

No. You may file the motion yourself; an attorney is not required.

• **Without an attorney, how will I know what forms to file?**

The forms and procedure for filing may be obtained at the circuit clerk's office in the county where you obtained your original dissolution, legal separation.

The circuit clerk's office is required to explain the proper procedure for filling out the forms. You may also find free forms to help you at [www.selfrepresent.mo.gov](http://www.selfrepresent.mo.gov).

• **Will it cost me anything to file the Family Access Motion?**

Yes. There will be a filing fee and an access fee you will have to pay to the circuit clerk's office when you are ready to file your motion. You will need to check with the circuit clerk's office in the county in which you are filing your motion for the exact amount. If you cannot afford to pay a filing fee, you can request that it be waived by the judge. You will need to take proof of your income to the clerk's office and be prepared to fill out an income and expense statement for the judge to review.

• **What do I need to take to the circuit clerk's office?**

To file your motion, you must have the following available:

- (1) The correct filing fee.
- (2) The correct caption (names of petitioner and respondent and case number for your case. This information can be found at the top of your judgment or other legal documents in your case.)

The circuit clerk's office may be

able to assist you in obtaining the correct information.

- (3) You must have a current valid address for the party you wish to serve.

• **What happens after I file the motion?**

- (1) The sheriff will serve the Family Access Motion on the person you filed against.
- (2) Once the person is served, he/she has 10 days in which to file a response.
- (3) The motion must be set for hearing by the court within 60 days of service.

The 60 days can be:

- (1) longer, if both parties agree to a longer period of time;
- (2) shorter, if the best interest of the child(ren) require a shorter period of time.

• **What could happen at the hearing?**

If the judge decides you were denied custody or visitation without a good reason, the following remedies are available:

- (1) You might be given additional visitation, at your convenience, to make up for the visitation lost.
- (2) The person wrongfully denying custody or visitation:
  - (a) can be required to participate in counseling to educate him/her about the