

INSTRUCTIONS FOR FILING A MOTION FOR VISITATION

1. Complete and sign the Motion for Visitation.
2. Have a copy of the completed and signed motion served on the parents of the child(ren) and any other person having custody of the child(ren) involved.
 - a. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**
 - b. The person serving the motion must complete an Affidavit of Service which is included in this packet. The Affidavit of Service must be filed with the Clerk's office along with your original motion.
3. If personal service is not possible, you may mail the motion to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk along with your original motion.
4. If personal service and mail service are not possible, you may ask the Court to permit service by publication.
5. File the original motion form, your proof of service, and pay the \$25.00 filing fee with the Clerk (or request a fee waiver). **PLEASE NOTE: The Court will not accept your motion without the proof of service and the filing fee.**
6. The other parties have 14 days to respond to your motion.
7. A hearing will be scheduled after 14 days have passed from the date of your filing. Most hearings are scheduled within a month of filing.

Any questions, call the Clerk of Court at 920-496-7200.

ONEIDA FAMILY COURT

In re the matter of: _____, **d.o.b.** _____

_____,
Petitioner(s)

Case No: _____

v.

_____,
and

_____,
Respondents

MOTION FOR VISITATION RIGHTS

Pursuant to Oneida Code of Laws Chapter 79, Petitioner seeks to be awarded reasonable visitation rights to the above named child(ren).

1. Petitioner is interested as:
 - Maternal grandparent(s).
 - Paternal grandparent(s).
 - Great-grandparent(s).
 - Stepparent(s).
 - Person(s) who has/have maintained a relationship similar to parent-child relationship.
2. Petitioner's current address is (city, state, zip): _____
_____.
3. Petitioner's date of birth: _____.
4. Petitioner is:
 - Oneida tribal member.
 - Tribal member at another tribe (_____).
 - Non-Indian.
5. The Petitioner(s) believes that it is in the child(ren)'s best interest that the Court grant the Petitioner(s) reasonable visitation with the above child(ren) for the following reasons:

6. The Petitioner(s) request the following visitation schedule with the above named child(ren):

_____.

7. The child(ren) is/are currently residing with: _____.

8. The name and address of the child(ren)'s mother is: _____.

a. The child(ren)'s mother is:

Oneida tribal member.

Tribal member at another tribe (_____).

Non-Indian.

9. The name and address of the child(ren)'s father is: _____.

b. The child(ren)'s father is:

Oneida tribal member.

Tribal member at another tribe (_____).

Non-Indian.

10. Does anyone else have legal rights to custody of the child(ren)?

Yes. If yes, who: _____.

No.

The Petitioner(s) asks the Court to set a hearing to determine the Petitioner(s)'s rights to visitation with the above named child(ren) as provided by law.

Dated this ____ day of _____, 20__

Petitioner(s) Signature

AFFIDAVIT OF SERVICE

Case No. _____

In re the matter of:

Petitioner

and

Respondent

I, _____, swear that on _____, I personally
served the Motion for Visitation Rights on the following person:
Date

_____.

Date:

Time:

Location:

To the best of my knowledge, _____, is present in
the community and is not a member of the armed forces.

I swear the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

Signature of Person serving other party

PLEASE NOTE: Only use this form if you are having the other person personally served. If you are serving the other person by certified mail, simply give the return receipt (green card) to the Clerk of Court.