

## COMPLAINT FOR CUSTODY INSTRUCTIONS FOR COMPLETING FORM CC-DR-004

If there is no court order granting custody of a child, you may initiate a case to obtain custody of that child, filing either through an attorney or by yourself. Domestic Relations forms were developed to assist persons deciding to proceed alone, but you are urged to consider carefully the importance of getting an attorney to help you. Custody, if contested, is one of the most difficult types of cases and you should seriously consider using an attorney. **Use this form only if there is no previous custody order. See *General Instructions (CC-DRIN) - Dictionary* for an explanation of custody.**

**There are six (6) steps you must follow in order to proceed with the case yourself:**

### >STEP 1 - Completion of Form CC-DR-004.

#### **Page 1 of CC-DR-004:**

*Court:* Fill in the name of the county (or Baltimore City) where you intend to file your case. See *General Instructions (CC-DRIN)*.

*Case No.:* **DO NOT** write anything where it says "Case No." The clerk of court will fill in this blank and, at that time, you should make note of the number for future reference.

*Plaintiff:* Fill in your name, as "Plaintiff," and your current address and telephone number.

*Defendant(s):* Fill in the other person's name, as "Defendant No. 1," **or**, if you are not a parent of the child(ren), fill in the name of one parent, as "Defendant No. 1," and the ***other parent***, as "Defendant No. 2."

List the **current** address and telephone number for each defendant. If you do not have an address for a defendant and you have done everything you can to find the address, call the Legal Forms Helpline (1-800-818-9888) to see whether resources are available in your county to help you.

*Item 1:* Print your name in the space provided and state your relationship to the child(ren) by checking "mother" or "father" or naming your relationship in the blank.

List the child(ren)'s full name(s) and date(s) of birth.

*Item 2:* Fill in the name of Defendant No. 1 and state his/her relationship to the child(ren) by checking "mother" or "father" or naming the relationship in the blank. If there is a Defendant No. 2, check "mother" or "father" as appropriate.

*Item 3:* Enter the full address where the children are currently living. Enter the name of the person with whom the child(ren) is(are) living at this time.

*Item 4:* List all other places the child(ren) have lived in the last five (5) years. Include the time period, place lived, person with whom they lived and that person's current address.

#### **Page 2 of CC-DR-004:**

*Item 5:* List all other cases in any court that have involved any of the child(ren). Attach the most recent court order for the listed cases.

*Item 6:* List all other cases you have participated in as a party, witness, or in any other way, that concern the custody of the same child(ren). Include the state in which the case took place, the court, case number, year filed and results. Attach the most recent court order for the listed cases.

*Item 7:* List any person, not a party to this case, who has physical custody of the child(ren) or claims to have custody or visitation rights with respect to the child(ren).

*Item 8:* Explain fully why you believe it would be best for the child(ren) to be in your custody.

**Page 2 and 3 of CC-DR-004:**

**FOR THESE REASONS:** Check off everything you want the court to order, but **remember that the court need not give you what you asked for.**

*Visitation:* You can ask the court to allow the defendant(s) unrestricted visitation with the child(ren) **or** to allow the defendant(s) visitation on a certain schedule **or** with supervision **or** to deny visitation by the defendant(s). You should have a good reason for asking to deny visitation, and the reason(s) should be stated after the word "because."

*Health Insurance:* You can ask the court to order the parent(s)/other parent to include the child(ren) on his/her/their health insurance.

*Child Support:* You can ask the court to order the parent(s)/other parent to pay child support. If you want child support, you must complete a financial statement (CC-DR-030) and file it along with form CC-DR-004. See Step 6 below also.

*Other Requests:* If you wish the court to order anything else that relates to the child(ren), you should list it here.

*Date and sign form CC-DR-004.*

**>STEP 2 - Filing Forms and Paying Filing Fee.**

Take your completed form(s) to the clerk of court. Payment of a filing fee generally is required at this time. See *General Instructions (CC-DRIN)*. Make sure to note the case number assigned by the clerk, as you will need the number as the case progresses.

**>STEP 3 - Service.**

You will need to have the other party(ies) properly served with a copy of all the papers you are filing **AND** with a Writ of Summons which is provided by the civil clerk of this court. See *General Instructions (CC-DRIN)*.

**>STEP 4 - Request for default if No Answer Filed.**

If a defendant is served:	The defendant should answer within:
in Maryland	30 days after service
in another state	60 days after service
in another country	90 days after service

If a defendant does not file an answer by the required time, file a Request for Order of Default (CC-DR-054).

**>STEP 5 - Request for Hearing or Proceeding.**

The Complaint for Custody alone will not get you into court. You **MUST** file a Request for Hearing or Proceeding (CC-DR-059), so that a court date will be set. See *General Instructions (CC-DRIN)*.

**>STEP 6 - Scheduling Conference, Hearing or Trial.**

See page 7 of *General Instructions (CC-DRIN) - What Happens in Court?*

If you have asked for child support/alimony, you must bring to the scheduling conference, hearing or trial, copies of any financial statements that you have completed (CC-DR-030 or CC-DR-031) and copies of your last three paystubs or other income verification.

Custody is one of the most difficult types of cases. **IF CUSTODY IS CONTESTED, YOU SHOULD CONSULT AN ATTORNEY.**