

PRO SE COMPLAINT FOR VISITATION PACKET

Updated: April 1, 2007

INSTRUCTIONS FOR PRO SE VISITATION FORMS

1. Summons

- (1) WRITE THE NAME OF COUNTY YOU ARE FILING ACTION IN.
YOU SHOULD FILE IN THE COUNTY WHERE YOUR CHILD RESIDES
- (2) WRITE THE NUMBER OF THE CIRCUIT. FOR EXAMPLE:
CHARLESTON IS THE NINTH JUDICIAL CIRCUIT
 - CALL LOCAL FAMILY COURT TO ASK CIRCUIT NUMBER IF NOT KNOWN
- (3) THE CLERK WILL WRITE THE CASE NUMBER IN THESE BLANKS
WHEN THE PAPERS ARE FILED.
- (4) THE FATHER IS THE PLAINTIFF
- (5) THE MOTHER IS THE DEFENDANT
- (6) THE CITY WHERE YOU ARE FILING
- (7) THE DATE YOU SIGNED THE SUMMONS
- (8) YOUR FULL NAME (HANDWRITTEN)
- (9) YOUR COMPLETE MAILING ADDRESS
(No PO Boxes, must be street address)

2. Complaint for Visitation

- (1) – (5) IDENTICAL TO ABOVE
- (6) WRITE THE CITY AND COUNTY YOU LIVE IN
- (7) WRITE THE CITY AND COUNTY THE DEFENDANT LIVES IN
- (8) WRITE THE FULL DATE OF YOUR LAST CHILD SUPPORT ORDER
- (9) WRITE THE NAMES OF ALL OF THE MINOR CHILDREN INVOLVED IN
THE ACTION AND THEIR DATE OF BIRTH.
- (10) WRITE THE DATE YOU SIGNED THE COMPLAINT
- (11) YOUR FULL NAME (HANDWRITTEN)
- (12) DEFENDANT'S COMPLETE MAILING ADDRESS
- (13) PLAINTIFF'S COMPLETE MAILING ADDRESS

3. Verification (Must sign in the presence of a Notary)

COUNTY OF _____)
(1)

_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)

VS.)

_____,)
(5) DEFENDANT.)

SUMMONS

TO THE DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint for Visitation herein, a copy of which is hereby served upon you, and to serve a copy of your Answer to this Complaint upon the subscriber, at the address shown below, within thirty days (30) after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint, judgment by default will be rendered against you for the relief demanded in the Complaint.

(6) _____, S.C.

(8) _____
PLAINTIFF

(7) _____.

(9)Address of Plaintiff:

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT

COUNTY OF _____)
(1)

_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)

VS.)
)

COMPLAINT FOR VISITATION

_____,)
(5) DEFENDANT.)

1. Plaintiff is a resident of (6)_____
2. Defendant is a resident of (7)_____
3. Plaintiff has established legal paternity and is currently paying child support pursuant to an Order dated (8)_____ to financially support his minor child(ren); however, Plaintiff currently has no legal visitation rights to visit those minor child(ren).
4. Plaintiff is informed and believes that as the legal parent of the minor child(ren) he is entitled to reasonable scheduled visitation rights with his minor child(ren) and is requesting that the Court award said visitation rights for his minor children who are:
(9)_____

WHEREFORE, the Plaintiff respectfully prays that the Court will award him reasonable scheduled visitation rights with his minor children and for such other relief as the Court deems just and proper.

Dated (10)_____

Defendant's Address (12):

PLAINTIFF (11)
Plaintiff's Address (13):

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

VERIFICATION

(2) _____, being duly sworn deposes and says that he is the Plaintiff herein and has read the foregoing **Complaint for Visitation** and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein alleged on information and belief; and to those matters he believes them to be true.

SWORN to and subscribed before me, this)
_____ day of _____, 200_)

Notary Public for the State of South Carolina

(3) PLAINTIFF

My Commission Expires: _____

PROCEDURES: AFTER THE LEGAL PAPERWORK IS FILED

How do I serve my legal papers on the Defendant?

The father must know the several ways that he can serve the legal papers on the Custodial Parent. Remember that he must serve the Summons, Complaint, and Verification Form on the Custodial Parent at least 30 days prior to any hearing on the case.

- The Sheriff's Department may be able to serve the papers on the custodial parent for a charge of approximately \$30.00. Ask your local clerk of the Family Court in your County if the Sheriff's Department can serve the papers for you and ask about the process to get the papers to the Sheriff's Department. Once the Sheriff's Department serves the papers, the deputy who served the paperwork will prepare an Affidavit attesting to the fact that the papers were served. **This original affidavit must be filed with the Clerk of Court so that it can be put into your Court file. Also, you should bring your copy of this affidavit with you to your first hearing. Please know that the Court cannot proceed without proof that the Custodial Parent was served.**
- A local process server (listed in yellow pages) can also serve the legal papers on the Custodial Parent. Process Servers are often faster and more efficient than the Sheriff's Department but they cost a good bit more (approximately \$50.00). Like the Sheriff's Department, the Process Server will also prepare an Affidavit of Service which shows the Court that the Defendant has been served. Once you receive the Affidavit of Service, immediately file it with the Court. Again keep a copy of this Affidavit for your court file and bring it to court with you.
- Finally, if the Defendant is out of State or you can not afford a Process Server, the only means to accomplish service may be by registered mail, return receipt requested (Green Card). This is an inexpensive way to accomplish service. However, please know that the Green Card must be signed by the Defendant to be valid service. Once you receive the Green Card back in the mail, File an Affidavit of Service, attaching the signed Green Card to this Affidavit. File this Affidavit along with the attached Green Card in the Court as soon as possible. Again, make a copy of your affidavit and Green Card and keep in your court file. **(Copy of Sample Affidavit of Service Attached)**

I have already filed the paperwork and served the Defendant and have still not received a hearing date from the Court, what do I do?

You must request the hearing from the court. Do not request a hearing date if the Defendant still is within her thirty (30) days required to answer your complaint. As soon as thirty days (30) after service of the paperwork on the Defendant has elapsed, you should request a hearing from the Court.

In order to request a hearing, you must file a **Request for Hearing Form**. These forms are available at every local family court. Simply ask for a copy of this form when you go to the Family Court to request the hearing. Fill out the form completely. And file with the clerk.

****The clerk will notify both you and the Defendant of the upcoming hearing**

I have court tomorrow, what do I need to know?

- You should bring your entire court file which includes: the Legal Papers that were filed and the Affidavit of Service.
- Dress appropriately (no shorts), be polite, and be honest.
- Address the Judge as “Your Honor” and never speak out of turn or interrupt.
- General Rule: Only speak when the Judge asks you to speak

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
(1)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT
(2)
CASE NO: _____-DR-____-_____
(3)

_____,)
(4) PLAINTIFF,)
)
VS.)
)
_____,)
(5) DEFENDANT.)

AFFIDAVIT OF SERVICE

PERSONALLY APPEARED BEFORE ME, _____,
a person over the age of 18 years of age, who being duly sworn deposes and says that
he/she mailed a certified Copy of the Summons and Complaint, by registered mail return
receipt requested on _____ to the Defendant's last known address.
That the Defendant acknowledged receipt of the said Summons and Complaint by
personally signing the Receipt Card on _____. The original Receipt Card
was returned and is attached to this affidavit.

Sworn to and subscribed before me this
_____ day of _____, 200_.

AFFIANT

Notary Public for the State of South Carolina
My Commission Expires: _____ 200_.