

FAMILY ACCESS INFORMATION

Missouri's Family Access Act provides relief for parties who have been denied their visitation rights as specified by a judgment of dissolution or other order of the court. However, to receive relief under this act, you must file a family access motion with the court. This act does not apply to adult abuse cases. The information below is important for you to know. PLEASE READ IT CAREFULLY!

WHEN CAN YOU FILE?

Under Missouri's Family Access Act, you can file an action for relief in regard to your custody or visitation rights at any time. You do not need the help of an attorney to file this action, however you must meet the following requirements:

1. COUNTY

You and the person you are filing against must have a **court order from Jackson County** which establishes custody or visitation.

The Jackson County Court order must specifically address custody and visitation. **This motion cannot be used to change or modify the existing terms of the court order.**

2. RELATIONSHIP

The person you are filing against must be a party (e.g. parent of the child(ren))

3. VIOLATION

The person you are filing against must have violated the specific terms of the Jackson County court order by denying or interfering with your visitation rights without good cause. (i.e. the court order states you are to have the children every other weekend and you have been denied this visitation for the last month.)

WHERE DO YOU FILE?

1. You may file an action in the county and courthouse where the divorce decree or court order for custody or visitation was entered.
2. Assistance in the filing of your family access motion is available at two courthouses in Jackson County. If the divorce decree or court order for custody or visitation was entered in Kansas City, file your motion at the Jackson County Courthouse in downtown Kansas City, located at 415 E. 12th Street. If the divorce decree or court order was entered in Independence, file your motion at the Jackson County Courthouse in Independence, located at 308 W. Kansas Street.

WHAT IS THE PROCEDURE FOR FILING A FAMILY ACCESS MOTION?

First you file a "FAMILY ACCESS MOTION". The motion tells the judge why you believe the visitation order has been violated. The following information will assist you in the completion of this form.

NOTE THE FOLLOWING BEFORE COMPLETING THE MOTION:

1. You may be the "petitioner" or "respondent". Look at the original judgment or order which establishes custody or visitation to determine your party designation;
2. The party filing the motion must complete all forms and present their own evidence in court. All forms necessary for the filing of a family access motion are provided by the Court. They must be legible, printed in black or blue ink or typed.
3. When writing out your claim, please be brief and to the point. Use exact dates and times; do not stray off the subject. Be sure and sign the motion at the bottom in front of the clerk or a notary public.
4. When you file your petition, you must also complete a "**Family Court Information Sheet.**" This provides the Court with the most current information on all parties so that service and notice to all parties occurs.

HOW MUCH DOES IT COST TO FILE?

1. Filing Fees:
\$137.00 + service fee
2. Service Fees:
 - a) Out of County Service You must call the sheriff of the county where the defendant will be served to inquire about service fees.
 - b) Personal Service \$22.00 (Jackson County only)
 - c) Private Process Server No Fee to the Court
(A service return must be filed with the Court.)
3. All cashier checks or money orders should be made payable to the Department of Civil Records.
4. Service by Civil Process, the Sheriff's Office or Private Process Server is required in all cases.

5. The other party must receive a copy of the summons and your motion or make an appearance in court before the case will be heard. **Check case.net on the court website at www.16thcircuit.org approximately at least one week before your court date to see if service has been accomplished.**
6. If the other party has not received the summons and motion, you may have to provide our clerk with another address at which to attempt service, and request an "alias summons". You will need to complete form #1699 for this request and pay an additional service fee.
7. You will receive a copy of your motion at the time your case is filed. The court date, time, and division in which your case will be heard is listed in the upper right hand corner.

MAIL-INS

The Court Administrator's Office suggests that you not mail your family access motion. However, if you do mail in your motion, please mail all copies back to the court, along with a stamped, self-addressed envelope so we can return a copy to you with a case number, court date, time of hearing and division assignment. The Family Access Motion must be signed in front of a notary public if not signed in front of the court clerk.

WHAT HAPPENS WHEN YOU GO TO THE COURT HEARING?

1. Mark the court date on a calendar which you look at often. **IF YOU MISS YOUR COURT DATE, YOUR CASE MAY BE DISMISSED.**
2. Show up on time and do not bring food or drink into the courtroom.
3. Dress Appropriately

Some practical tips for your appearance in court:
 - wear shoes
 - do not wear shorts
 - do not chew gum in the courtroom
4. Be courteous to both the judge and the Respondent/Petitioner.
5. Have all your evidence (pictures, papers, witnesses, etc.) available to the judge.
6. Once the judge/commissioner announces the decision, he/she cannot help you any further. If you have any questions, please direct them to the Domestic Relations clerk who helped you file this claim.

FAMILY ACCESS MOTION FILINGS

Western Jackson County
(Kansas City, Grandview)

Jackson County Courthouse
3rd Floor - Department of Civil Records
415 E. 12th Street
Kansas City, Missouri 64106
(816) 881-3654

Eastern Jackson County
(Blue Springs, Independence, Lee's Summit, Raytown, etc.)

Jackson County Courthouse Annex
2nd Floor - Department of Civil Records
308 W. Kansas Avenue
Independence, Missouri 64050
(816) 881-4559

NOTICE TO THOSE WISHING TO FILE A FAMILY ACCESS MOTION

The clerks in these offices will explain and provide all forms necessary for the presentation of your motion to the court Monday through Friday from 8:00 a.m. to 5:00 p.m. or on the court website at

www.16thcircuit.org