

How to Change or Enforce an Existing Parenting Time (Visitation) Order



How do I change parenting time (visitation) after the court has issued an order?

To change parenting time, you should file a Motion with the court requesting the change. To be successful, you must show two things:

1. The existing schedule is no longer in the child's best interest.
2. A different schedule is needed to meet the child's best interest.



What are some examples of circumstances that might justify a change in parenting time (visitation)?

- You have a new job that requires you to work during hours you are scheduled to visit your child.
- Your child is enrolled in a new activity that is scheduled during the time you are supposed to visit with them.
- Either parent has moved, and you now live farther apart or closer together.



What does the judge look for when changing parenting time (visitation)?

The court will consider multiple factors, including:

- The distance between each parent's residence
- The health and safety of the child
- The amount of time the child will spend with siblings
- The mental and physical health of all parties
- Each parents willingness to reschedule missed visitation and to help the other parent easily exercise visitation rights
- The age of the child
- The child's adjustment to home, school, and the community



How do I enforce a parenting time (visitation) order?

If you have a parenting time (visitation) order and are being denied visitation with your child as told in the order, you should file a *Motion for Contempt* in the same court that issued your parenting time order.

To enforce an existing parenting time order from a court, you need to show that the other parent or custodian either did not follow some part of the order or interfered with a right of yours under the order. NOTE: You *cannot* force a parent to exercise parenting time (visitation) rights if they choose not to do so. A court will not grant a contempt motion for failure to use parenting time (visitation).



What happens at the court hearing?

What to bring to court:

- The court's earlier parenting time (visitation) order
- Witnesses who can testify about what they have personally seen and heard
- Physical evidence to support your claims

During a modification hearing:

1. **Explain the situation:** First, you should generally explain to the court multiple things:
 - What has changed since the first order? For example, you might say that you got a new job with a new work schedule.
 - How the change has interfered with the current parenting time schedule. For example, you might say that you work Wednesday evenings and cannot make your Wednesday evening visit any longer.
 - How a change in the schedule will improve the situation. For example, you might say that moving the visit to Thursday would allow you to see your child and not interrupt your child's schedule.
2. **Tell the court what you want:** Finally, you should tell the court what you want it to do. For example, you might ask the court to change the parenting time order for Thursday visits, instead of Wednesday.

During a contempt hearing:

1. **Show the part of the order violated:** Show the exact part of the current court order that you think has been violated. For example, you might point out that your current parenting time order gives you visits each Thursday from 5:00PM to 7:00PM, with exchanges at the local Sheriff's department.
2. **Explain the violation:** Explain to the court when and how the order was violated. Be specific and supply exact dates and times for each act that violated the order. For example, you might say that the other parent did not bring the child for Thursday visits on 12/9/21, 12/16/21 and 12/23/21.
3. **Present evidence:** Present evidence and witnesses. Show the court any evidence you may have to prove that a violation occurred. For example, you may present evidence of a visitation log you have kept and have your sister testify because she was with you when the other parent did not meet for an exchange.
4. **Tell the court what you want:** Say what you want the court to do. For example, you may ask the court to hold the other parent in contempt of court and ask the court to award make-up visits with your child.

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