



PROCESS TO FILE FOR CUSTODY OR VISITATION

Child custody, visitation, and child support cases can be complex. It's advisable to have an attorney for these matters. In Tennessee, custody and visitation laws differ for married and unmarried parents.

For married parents, the husband is automatically recognized as the child's father, and both parents share rights and obligations. If they divorce, the court order should outline custody and visitation arrangements.

For unmarried parents, the mother usually has sole legal rights unless the father is named on the birth certificate or has filed a voluntary acknowledgment of paternity. If neither is true, the father must establish paternity, which can be done by filing a petition with the Juvenile Court if necessary.

If paternity is established but there's a dispute over custody or visitation, follow these steps:

1. **File a Petition:** Go to the Juvenile Court to request custody or visitation rights. The filing fee varies based on income; low-income individuals may complete an Indigency Form to potentially file for free. Otherwise, fees can start around \$100.
2. **Attend Court:** After filing, you'll receive a court date. Keep track of it, as failing to appear may lead to dismissal of your case. Stay organized throughout the process.
3. **During your first court appearance, several outcomes are possible:**
 1. **Resolution:** Both parties may reach an agreement.
 2. **Reset:** If no agreement is made, the case will be scheduled for another review date.
 3. **Support Services:** The court might order parents to complete support services, such as:
 - Mediation
 - Parenting classes
 - Co-parenting classes
4. **If parents cannot resolve their issues after completing these services, the case may proceed to trial.**

5. If mediation leads to a mutually agreed-upon parenting plan, it can be presented to the court at the next hearing.
6. A Guardian ad Litem may be appointed to represent the child's best interests in more complex cases involving neglect or abuse. The Tennessee Department of Children's Services might also get involved.

NOTICE: This document is not legal advice. It's best to have an attorney for court matters. Consider contacting a Legal Aid Office for assistance or to inquire about reduced-fee Pro Bono representation.

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