



LYCOMING COUNTY

**MODIFICATION OF
EXISTING CUSTODY ORDER
SELF-HELP KIT**

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not to give you specific legal advice.

MODIFICATION OF EXISTING ORDER

Sometimes it is necessary to change or modify your Custody Order. You should only go to Court to change your Order if it is important and necessary. For example, a change in residence, employment, or transportation might require a change in your Order. You can use this if you are asking to relocate with the child(ren).

To modify your existing order, file the attached forms in the Prothonotary's Office at the courthouse.

YOU MUST FILL OUT THE CAPTION EXACTLY AS IT APPEARS ON YOUR CURRENT CUSTODY ORDER, USING THE SAME CAPTION AS YOUR CURRENT ORDER. THIS IS AN EXAMPLE OF A BLANK CAPTION:

	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	CUSTODY
	:	
Defendant	:	NO. _____
	:	

Completing each of the forms:

1. **Motion Cover Sheet:** Complete caption (heading) by printing clearly. (Do not write).
2. **Order and Notice:** Fill out the caption at the top. Then fill in the name of the other parent or party. Then list the names of the children. **STOP WRITING AT THIS POINT. THE COURT WILL FILL IN THE REMAINDER OF THIS PAGE.**
3. **Petition for Modification of Existing Order:** You are the Petitioner, because you are bringing this action in Court. The Respondent is the other person in this action. Fill in the rest of the paragraphs with a short description of the reason you want your order changed.
4. **Attach your Current Order to the Petition:** If you do not do this, the Court may return your Petition to you.

5. **Copies:** After you have completed the forms, clip them together in order, the Motion Cover Sheet on the front. You will then need to get copies made. You need a copy for yourself, one for the Defendant, one for any additional Defendant, and one for the Prothonotary. After you have copies made, staple them in order.

BE SURE TO FILL ALL SECTIONS OF THE PETITION.

LYCOMING COUNTY COURT OF COMMON PLEAS
MOTION COVER SHEET

	:	Docket No. _____
Plaintiff	:	
	:	Case Assigned to Judge _____
vs.	:	<input type="checkbox"/> None
	:	<input type="checkbox"/> Family Court Hearing Officer
Defendant	:	

1. Name of Filing Party: _____
2. Filing Party's Attorney: _____
3. Type of Filing: _____

<p>4. The following is/are required:</p> <p><input type="checkbox"/> Argument</p> <p><input type="checkbox"/> Evidentiary Hearing</p> <p><input type="checkbox"/> Court Conference</p> <p><input type="checkbox"/> Rule To Show Cause</p> <p><input type="checkbox"/> Entry of Uncontested Order (attach supporting documentation)</p> <p><input type="checkbox"/> Expedited consideration. State the basis: _____</p> <p><input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p>	<p>6. Name and address of all counsel of record and unrepresented parties.</p>
<p>5. Time required: _____</p>	

ORDER

1. An _____ argument _____ factual hearing _____ court conference is scheduled for
 _____ at _____ o'clock ____ M., in Courtroom No. _____, Lycoming County
 Courthouse, Williamsport, PA.

2. _____ Briefs are to be filed by the following dates:

Filing party _____.

Responding party (ies) _____.

3. _____ A rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.

4. _____ A response to the Motion/Petition shall be filed within _____ days.

5. _____ Other: _____.

_____ Judge _____ Date

c: ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.

_____,
 Plaintiff
 vs.
 _____,
 Defendant

: IN THE COURT OF COMMON PLEAS
 : LYCOMING COUNTY, PENNSYLVANIA
 :
 : CIVIL ACTION - LAW
 : CUSTODY
 :
 : NO.
 :

ORDER AND NOTICE

You, _____, (Defendant)(Respondent), have been sued
 (Chose one)
 in Court to (obtain)(modify) custody, partial custody, or visitation of the child(ren): _____
 (Chose one)

You are ordered to appear in person at the Lycoming County Courthouse, 48 West Third Street, Williamsport, Pennsylvania, on the _____ day of _____, 20____, at _____ o'clock ____M., in Room _____, for a

conference/mediation
 pretrial conference
 hearing before the Court.

If you fail to appear as provided by this Order, an Order for custody, partial custody or visitation may be entered against you, or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE ONE OF THE OFFICES SET FORTH BELOW. THESE OFFICES CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THESE OFFICES MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

<p>If you do not have a lawyer contact: Pennsylvania Bar Association Lawyer Referral Service 100 South Bend Street, P.O. Box 186 Harrisburg, PA 17108-0186 (800) 692-7375</p>	<p>If you cannot afford a lawyer, you may be eligible for legal aid through: Legal Services Office 329 Market Street Williamsport, PA 17701 (570) 323-8741</p>
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BY THE COURT,

Date: _____ J.

AMERICANS WITH DISABILITIES
 ACT OF 1990

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court Administrator's office, telephone number (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the court.

_____,
 Plaintiff
 vs.
 _____,
 Defendant

: IN THE COURT OF COMMON PLEAS OF
 : LYCOMING COUNTY, PENNSYLVANIA
 :
 : CIVIL ACTION - LAW
 : CUSTODY
 : NO. _____
 :

PETITION FOR MODIFICATION OF EXISTING ORDER

TO THE HONORABLE, THE JUDGES OF SAID COURT:

1. The Petitioner is _____, whose
 (your name)
 address and phone number is _____,
 (address)
 _____.
 (phone no.)

2. The Respondent is the _____, whose address
 (other parent or party)
 and phone number is _____,
 (address)
 _____.
 (phone no.)

3. The children involved in this case are:

Name: _____	Born: _____	Age: _____
Name: _____	Born: _____	Age: _____
Name: _____	Born: _____	Age: _____
Name: _____	Born: _____	Age: _____

4. The existing Order of Court is dated _____, a copy of
 which is attached.

5. This Order should be modified (changed) because: _____

 _____.

HOW TO SERVE THE PETITION FOR MODIFICATION

Wait until you get your papers back from the court with the date and time of your conference. Then, it is your responsibility to serve the other party with them. The court will not change your order unless the other party is served with the notice and petition. It is important to serve as soon as possible. The other party must receive them at least ten (10) days before the conference date. The documents may be served in one of the following 3 ways. It is highly recommended that you serve the papers by **certified mail**, so that you can prove that they were sent and received. You must serve the papers within 30 days of the date you filed your Petition for Modification. If over 30 days, you will need to have Petition reinstated at the Prothonotary's Office.

A. CERTIFIED MAIL: When you go to the post office, someone at the window can help you to prepare and send the certified mail. You should request a “**return receipt,**” which is a green card that you get back showing that it was delivered, and request “**restricted delivery,**” which means only the person you are serving can accept it, and that person has to sign the green card that you get back. You have to pay for certified mail. As of January 2009, the fees were:

Certified: \$2.70

Return Receipt: \$2.20

Restricted Delivery: \$4.30

When you mail it, you will get a "sender's receipt" (white). A few days later, you will get the green card in the mail signed by the other party. Keep these receipts to include with your Affidavit of Service.

B. REGULAR MAIL: The law allows you to serve a Petition to Modify by regular mail to the last known address of the person being served, but **it is far better to use certified mail**, as instructed above. If you cannot afford all the fees above, you should, at the very least, ask for a “certificate of mailing” to prove you mailed it. A certificate of mailing cost \$1.10 (as of 2009). Keep this certificate to include with your Affidavit of Service. Try to make sure that you have the correct address for the other party. If the court is concerned that the other parent/party did not receive the notice and petition, your order will not be changed.

C. PERSONAL SERVICE: You can have a person who is 18 years of age or older serve the papers in person. You should not serve the papers yourself. The person who serves the legal papers on the other parent or party must do it in one of the following ways:

- (a) by handing a copy to the other parent/party;
- (b) by handing a copy to an adult member of the family with whom the other parent/party resides;
- (c) by handing a copy of the papers to an adult person in charge of the parent/party's residence at the time (example: babysitter, etc.);
- (d) going to the other parent/party's place of employment and handing a copy to the person in charge.

If you have the money, you can pay the Sheriff, Constable, or process server to serve the papers and file an Affidavit of Service for you.

HOW TO FILL OUT AND FILE THE AFFIDAVIT OF SERVICE

_____ Choose ONE of the three Affidavit of Service forms that follow these instructions. There is one for service by certified mail, one for regular mail and one for personal service. You have to fill out and file one of these forms with the Prothonotary after you serve the other parent/party, unless you paid a sheriff or constable to do it for you. If you are serving more than one person, you have to complete and file a separate Affidavit for each one.

BY CERTIFIED MAIL:

- Fill in the caption.
- Fill in the blanks.
- Staple your sender's receipt (the white receipt) and the green card you got back in the mail to the Affidavit.
- Sign and date at the bottom and make one copy of everything.
- File at the Prothonotary's Office before the conference and keep a time-stamped copy for your records.

BE SURE TO BRING IT WITH YOU TO THE CONFERENCE. _____

BY REGULAR MAIL:

- Fill in the caption.
- Fill in the blanks
- Staple your sender's receipt (certificate of mailing) to the Affidavit.
- Sign and date at the bottom and make one copy of everything.
- File at the Prothonotary's Office before the conference and keep a time-stamped copy for your records.

BE SURE TO BRING IT WITH YOU TO THE CONFERENCE. _____

BY PERSONAL SERVICE:

This form is completed by someone else who serves the papers for you, and then you file it with the Prothonotary before the conference.

- Fill in the caption.
- Fill in the blank spaces.
- Check the paragraph that best describes how the papers were served.
- Have the person who served the papers sign and date and write his/her address and telephone number at the bottom.
- Make one copy and file at the Prothonotary's Office before the conference. Keep a time-stamped copy for your records.
- Remember to fill out an Affidavit for each person who has been served.

BE SURE TO BRING IT WITH YOU TO THE CONFERENCE. _____

_____, : IN THE COURT OF COMMON PLEAS OF
 Plaintiff : LYCOMING COUNTY, PENNSYLVANIA
 :
 vs. : CIVIL ACTION - LAW
 : CUSTODY
 _____, : NO. _____
 Defendant :

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, certify that on _____, I
 (your name) (date mailed)
 mailed a true and correct copy of the Motion Cover Sheet, Order/Notice, and Petition for
 Modification of an existing Order by certified mail, restricted delivery, return receipt
 requested, to:

 (Other parent/party's name and address)

Defendant received the Petition on _____. Sender's receipt
 (date received)
 and return receipt are attached.

I verify that the foregoing is true and correct. I understand that false statements herein are
 made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to
 authorities.

 Date

 Petitioner

_____, : IN THE COURT OF COMMON PLEAS OF
 Plaintiff : LYCOMING COUNTY, PENNSYLVANIA
 :
 vs. : CIVIL ACTION - LAW
 : CUSTODY
 _____, : NO. _____
 Defendant :

AFFIDAVIT OF PERSONAL SERVICE

I, _____, certify that I am a competent adult who is 18 years
 (Person serving other parent/party)
 of age or older, and I am not a party to this action or an employee or relative of a party to
 this action. On _____, I served a true and correct copy of the
 (date)
 Motion Cover Sheet, Notice/Order, and Petition for Modification of Existing Order upon
 _____ by:
 (other parent/party)

- handing a copy to him/her;
- handing a copy to an adult family member at his/her residence by the name of
 _____;
- handing a copy to an adult in charge of his/her residence by the name of
 _____;
- handing a copy to an adult in charge at his/her place of employment by the name of
 _____.

at this address/location: _____
 (Place served)
 at approximately _____.
 (Time of day)

I verify that the foregoing is true and correct. I understand that false statements herein
 are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to
 authorities.

 Date (server's signature)
 Name: _____
 Address: _____
 Phone: _____

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